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# “Ordinances on Merit” and the Selection and Appointment of Officials in Early Western Han: a Perspective from Han-Tang Legal History

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## Abstract

The “ordinances on merit” (*gongling*) are a group of texts that regulated the selection and appointment of officials during the early Western Han period. Dated 196–186 BCE, the ordinances were unearthed from Tomb M336 at Zhangjiashan in 1983 by archaeologists in Jiangling County, Hubei province, near modern-day Jingzhou, China. The texts supplement the “Statute on Appointment of Officials,” and should not be equated with the “selection and appointment ordinances” of the Tang dynasty. Given the divergent nature and status of these Han and Tang legal instruments, it is clear that Tang scholars had become unfamiliar with the Han legal system. In terms of their structure, function, and classification, the overall corpus of Han statutes closely parallels the Tang statutes in the sectors of criminal law, administrative regulations, and specialized procedural guidelines. The evolution of the Chinese legal system from the Han to Tang period mirrors similar developmental patterns in imperial edict systems across these dynasties. Unlike the recommendation system and grace-bestowal system, the Qin-Han civil service operated fundamentally as a merit-based system. The ordinances on merit introduced innovative mechanisms for promotion that foreshadowed certain features of the later observation and recommendation system.

## Keywords

ordinances on merit – Han-Tang legal systems – merit registers – selection and appointment of officials – merit-based system

The selection, appointment, and management of officials constitute one of the most important areas of research into premodern Chinese political institutions. As a crucial era for the foundation and development of the ancient Chinese bureaucratic system, the Qin (221–206 BCE) and Han (202 BCE–220 CE) dynasties have long attracted scholarly attention. Discoveries of Han bamboo and wooden slips from Northwest China,<sup>1</sup> particularly those from Yinwan 尹灣,<sup>2</sup> have demonstrated that official selection and appointment during the Qin-Han period operated primarily through promotion based on merit (*gonglao* 功勞).

The Qin-Han system for selecting and appointing officials was stipulated not only in the “statutes” (*lü* 律) component of “statutes and ordinances” (*lüling* 律令), but was also refined and supplemented by the “ordinances” (*ling* 令) component. These ordinances refer primarily to the “ordinances on merit” (*gongling* 功令). The bamboo slips from Tomb 336 at Zhangjiashan 張家山 represent the first discovery of relatively complete ordinances on merit. They demonstrate that ordinances on merit refer specifically to legal provisions for “appointing officials based on merit” 以功勞置吏, and they provide concrete regulations governing how central and local governments in the early Western Han (206 BCE–8 CE) selected and appointed officials (particularly basic clerical personnel) according to merit.<sup>3</sup> Research in this area not only helps refine our understanding of early Western Han official selection and appointment systems, but also promises to shed new light on the evolution of legal systems

1 In the following sections, Oba Osamu 大庭脩, “Kandai in okeru kouji ni yoru shoushin ni tsuite” 漢代における功次による昇進について, *Toyo-shi kenkyu* 東洋史研究 12, no. 3 (1953): 206–20; Hu Pingsheng 胡平生, “Juyan Hanjian zhong de ‘gong’ yu ‘lao’” 居延漢簡中的“功”與“勞”, in *Hu Pingsheng jiandu wenwu lungao* 胡平生簡牘文物論稿 (Shanghai: Zhongxi shuju, 2012), 164–70; etc.

2 Liao Boyuan 廖伯源, *Jiandu yu zhidu: Yinwan Han mu jiandu guan wenshu kaozheng* 簡牘與制度：尹灣漢墓簡牘官文書考證 rev. ed. (Guilin: Guangxi shifan daxue chubanshe, 2005), 1: 1–46; Sato Tatsuro 佐藤達郎, “Koji ni yoru shoshin seido no keisei” 功次による昇進制度の形成, *Toyo-shi kenkyu* 東洋史研究 58, no. 4 (2003): 673–96; etc.

3 Jingzhou bowuguan 荊州博物館, ed., *Zhangjiashan Han mu zhujian, sansan liu hao mu* 張家山漢墓竹簡（三三六號墓）, edited by Peng Hao 彭浩 (Beijing: Wenwu chubanshe, 2022), 1: 1–18, 95–125; 2: 3–46. All citations below are indicated by abbreviations and are not page-numbered separately.

from the Han to Tang (618–907), as well as on the achievements and contributions of Chinese political civilization.

## 1 Ordinances on Merit and the Han-Tang Legal Systems

The ordinances on merit unearthed from Tomb M336 at Zhangjiashan were compiled between the second year and seventh year of the reign of Emperor Wen of Han 漢文帝 (r. 180–157 BCE). In received textual sources, these ordinances appear relatively early in the “Rulin liezhuan” 儒林列傳 chapter contained in volume 121 of the *Shiji* 史記. One passage reads, “The Grand Scribe remarks: I read the ordinances on merit and came to the sections on broadly promoting and encouraging the advancement of academicians”; another reads, “[Gongsun Hong] thereupon memorialized, saying: ‘... I request that these be inscribed in the ordinances on merit. Other matters are to follow the statutes and ordinances.’”<sup>4</sup>

Portions of this content are also found in the *Hanshu* 漢書. Consequently, Tang scholars provided their own explanations regarding ordinances on merit. For example, in his *Shiji suoyin* 史記索隱 Sima Zhen 司馬貞 (679–732) noted: “This refers to recording the academic achievements of scholars in official ordinances, which is equivalent to today’s ‘academic ordinances.’” Moreover, in his commentary on the *Hanshu*, Yan Shigu 顏師古 (581–645) explained, “This newly establishes a provision, requesting that it be recorded in the ordinances on merit. ‘Merit ordinance’ is the title of a legal text, analogous to the present-day ‘selection and appointment ordinances.’”<sup>5</sup> The so-called “academic ordinances” (*xueling* 學令) and “selection and appointment ordinances” (*xuanju ling* 選舉令) both refer to Tang ordinances.<sup>6</sup> However, to determine whether these claims are credible requires a fundamental understanding of the nature of ordinances on merit, as well as the respective statute-and-ordinance systems of the Han and Tang periods.

The Qin statutes in the “Miscellaneous Excerpts from Qin Statutes” (*Qin li zhaocao* 秦律雜抄) of Shuihudi 睡虎地 contain the “Statute on Dismissal of Officials” (*Chuli li* 除吏律) and the “Statute on Service Merit” (*Zhonglao li* 中勞律), while the “Eighteen Types of Qin Statutes” (*Qin li shibazhong* 秦律十八种) contains the “Statute on Appointment of Officials” (*Zhili li* 置吏律).

4 *Shiji* 史記 (Beijing: Zhonghua shuju, 1982), 121.3115, 3118–19.

5 *Ibid.*, 121.3115; *Hanshu* 漢書 (Beijing: Zhonghua shuju, 1962), 88.3594.

6 Li Linfu 李林甫 et al., *Tang liu dian* 唐六典, coll. Chen Zhongfu 陳仲夫 (Beijing: Zhonghua shuju, 1992), 183–84.

Compared to the “Statute on Dismissal of Officials,” the “Statute on Appointment of Officials” appears somewhat later. In volume 30 of the *Jinshu* 晉書, the “Xingfa zhi” 刑法志 chapter records the following preface to the Wei “New Statutes” (*Xin lü* 新律): “In total, thirteen new chapters were established, [and] five old ones were retained, combined into eighteen chapters. This represented an increase relative to the nine chapters of principal statutes, while the subsidiary chapters, stipulations, and ordinances were reduced.”<sup>7</sup> This reveals that Han statutes preserved into the Cao-Wei period (220–266) were organized into “principal statutes” (*zheng lü* 正律) and “subsidiary chapters” (*pang zhang* 旁章). However, this remains subject to scholarly debate because transmitted Han sources scarcely mention this division.<sup>8</sup>

In recent years, excavated documents have provided direct evidence. The statute title slips from Tuzishan 兔子山, Yiyang 益陽, record “Prison Statutes in Seventeen Chapters” (*Yülü shiqi zhang* 獄律十七章) and “Subsidiary Statutes in Twenty-seven Chapters” (*Panglü nianqi zhang* 旁律廿七章), dating to the reign of Emperor Hui of Han 漢惠帝 (r. 195–188 BCE).<sup>9</sup> The Han statutes from Tomb M77 at Shuihudi record “□Statutes” □律 in fifteen chapters and “Subsidiary Statutes” in twenty-four chapters, dating between the first year and thirteenth year of Emperor Wen’s reign.<sup>10</sup> The Han statutes from Hujia Caochang 胡家草場 record “fourteen statutes in total,” “Subsidiary Statutes A” (*Panglü jia* 旁律甲) comprising “eighteen statutes in total,” and “Subsidiary Statutes B” (*Panglü yi* 旁律乙) comprising “thirteen statutes in total,” dating to before the first year of the Houyuan 後元 era (163–157 BCE) of Emperor Wen.<sup>11</sup>

Additional materials provide further support. The “Han Statutes in Sixteen Chapters” (*Hanlü shiliu zhang* 漢律十六章) from Zhangjiashan Tomb M336 date to the early years of Emperor Wen’s reign, after the abolition of “statutes and ordinances concerning the seizure of relatives and various forms of collective punishment.” They correspond exactly to the “Prison Statutes in Seventeen

7 *Jinshu* 晉書 (Beijing: Zhonghua shuju, 1974), 925.

8 Xu Shihong 徐世虹, “Shuo ‘zhenglü’ yu ‘pangzhang’” 說“正律”與“旁章”, in *Chutu wenxian yanjiu* 出土文獻研究 (Shanghai: Shanghai guji chubanshe, 2007), 8: 74–85; etc.

9 Zhang Zhongwei 張忠偉 and Zhang Chunlong 張春龍, “Han lü tixi xinlun: yi Yiyang Tuzishan yizhi suo chu Han lü lüming mudu wei zhongxin” 漢律體系新論—以益陽兔子山遺址所出漢律律名木牘為中心, in *Qin-Han lüling faxi yanjiu xubian* 秦漢律令法系研究續編 (Shanghai: Zhongxi shuju, 2021), 77–112.

10 Chen Wei 陳偉, “Qin-Han jian du suo jian de lü dian tixi” 秦漢簡牘所見的律典體系, *Zhongguo shehui kexue* 中國社會科學, no. 1 (2021): 104–21.

11 Li Zhifang 李志芳 and Jiang Lujing 蔣魯敬, “Hubei Jingzhou shi Hujia caochang Xi Han mu M12 chutu jian du gaishu” 湖北荊州市胡家草場西漢墓 M12 出土簡牘概述, *Kaogu* 考古, no. 2 (2020): 2–33.

Chapters” from the Yiyang Tuzishan Statute Slips – that is, after removal of the “Statute on Confiscation” (*Shou lü* 收律) which concerned confiscation of criminals’ wives, property, fields, and residences. They also contain one additional chapter beyond the fifteen chapters of “□ Statutes” in the Shuihudi M77 Han statutes, namely, the “Statute on Court Audiences” (*Chao lü* 朝律) which governed the annual court audience ceremony system. All content preceding the “Statute on Court Audiences” belongs to the prison statutes category.

The “Statutes and Ordinances of the Second Year” (*Ernian lüling* 二年律令) from Zhangjiashan Tomb M247 were in use during the second year of Empress Lü’s 呂后 reign (r. 188–180 BCE). Further analysis made possible by manuscript peeling diagrams reveals that the arrangement of statute and ordinance chapters differs somewhat from the editorial team’s earlier reconstruction. Wang Wei 王偉 notes that the opening and closing sections are fairly clear, while the detailed sequence of middle statutes remains difficult to determine.<sup>12</sup> Our research suggests that the “Statute on Equitable Distribution” (*Junshu lü* 均輸律) should be positioned after the “Statute on Money” (*Qian lü* 錢律) and before the “Statute on Establishing Heirs” (*Zhihou lü* 置後律).<sup>13</sup> This would place it relatively close to the “Statute on Appointment of Officials.” The statute and ordinance chapters in both the M247 and M336 tombs at Zhangjiashan likely follow the arrangement of prison statutes first, then subsidiary statutes, exhibiting a bipartite structure (see Table 1).

Based on the above five batches of excavated legal documents, the statute chapter titles of the two categories of statutes are generally quite stable, and the boundaries between them are relatively clear. The chapters at the beginning of the prison statutes are primarily “Treason” (*zei* 賊), “Theft” (*dao* 盜), “General Provisions” (*ju* 具),<sup>14</sup> “Apprehension” (*bu* 捕), and others, including “Absconding” (*wang* 亡), “Accusations” (*gao* 告), “Confiscation” (*shou* 收), belonging to the “system of crime designations” (*zuiming zhi zhi* 罪名之制).<sup>15</sup>

12 Wang Wei 王偉, “Zhangjiashan Hanjian ‘Ernian lüling’ bianlian chutan” 張家山漢簡“二年律令”編聯初探, *Jianbo* 簡帛, no. 1 (2006): 353–67.

13 The “Statute on Equitable Distribution” primarily concerns material transport and allocation, as well as government trade management, while the “Statute on Establishing Heirs” governs household heads, property, and rank inheritance sequences, including special cases.

14 That is, containing various regulations on increasing, reducing, and substituting punishments and prison administration, as well as defining crimes of illegal adjudication.

15 That is, the enumeration and regulation of specific criminal acts and their conviction and sentencing in legal provisions.

TABLE 1 Arrangement of statute chapters in Zhangjiashan M247 and M336

	Prison statutes	Subsidiary statutes and ordinances
Zhangjiashan M247, “Statutes and Ordinances of the Second Year” ( <i>Ernian lüling</i> 二年律令)	Statute on Treason ( <i>Zei lü</i> 賊律); Statute on General Provisions ( <i>Ju lü</i> 具律); Statute on Theft ( <i>Dao lü</i> 盜律); Statute on Detention ( <i>Qiu lü</i> 囚律); Statute on Absconding ( <i>Wang lü</i> 亡律); Statute on Accusations ( <i>Gao lü</i> 告律); Statute on Mobilization ( <i>Xing lü</i> 興律); Statute on Apprehension ( <i>Bu lü</i> 捕律); Statute on Confiscation ( <i>Shou lü</i> 收律); Statute on [Passes and] Markets ([ <i>Guan</i> ] <i>shi lü</i> [關]市律); Statute on Verification ( <i>Xiao lü</i> 效律); Miscellaneous Statutes ( <i>Za lü</i> 雜律); Statute on Restoration ( <i>Fu lü</i> 復律); Statute on Money ( <i>Qian lü</i> 錢律)	Statute on Equitable Distribution ( <i>Junshu lü</i> 均輸律); Statute on Establishing Heirs ( <i>Zhihou lü</i> 置後律); Statute on Attachment ( <i>Fu lü</i> 傅律); Statute on Appointment of Officials ( <i>Zhili lü</i> 置吏律); Statute on Ranks ( <i>Jue lü</i> 爵律); Statute on Transmission of Documents ( <i>Xingshu lü</i> 行書律); Statute on Relay Provisions ( <i>Chuanshi lü</i> 傳食律); Statute on Corvée ( <i>Yao lü</i> 徭律); Statute on Clerks ( <i>Shi lü</i> 史律); Statute on Salaries ( <i>Zhi lü</i> 秩律); Statute on Bestowal ( <i>Ci lü</i> 賜律); Ordinances on Ferries and Passes ( <i>Jinguan ling</i> 津關令); Statute on Households ( <i>Hu lü</i> 戶律); Statute on Fields ( <i>Tian lü</i> 田律); Statute on Metal and Cloth ( <i>Jinbu lü</i> 金布律)
Zhangjiashan M336, “Han Statutes in Sixteen Chapters” ( <i>Han lü shiliu zhang</i> 漢律十六章)	Statute on Treason ( <i>Zei lü</i> 賊律); Statute on Theft ( <i>Dao lü</i> 盜律); Statute on Accusations ( <i>Gao lü</i> 告律); Statute on General Provisions ( <i>Ju lü</i> 具律);	Statute on Court Audiences ( <i>Chao lü</i> 朝律)

TABLE 1 Arrangement of statute chapters in Zhangjiashan M247 and M336 (cont.)

Prison statutes	Subsidiary statutes and ordinances
Statute on Detention ( <i>Qiu lü</i> 囚律);	
Statute on Apprehension ( <i>Bu lü</i> 捕律);	
Statute on Absconding ( <i>Wang lü</i> 亡律);	
Statute on Money ( <i>Qian lü</i> 錢律);	
Statute on Verification ( <i>Xiao lü</i> 效律);	
Statute on Stables ( <i>Jiu lü</i> 厩律);	
Statute on Mobilization ( <i>Xing lü</i> 興律);	
Miscellaneous Statutes ( <i>Za lü</i> 雜律);	
Statute on Restoration ( <i>Fu lü</i> 復律);	
Statute on Relocation ( <i>Qian lü</i> 遷律);	
Statute on Passes and Markets ( <i>Guanshi lü</i> 關市律)	

Meanwhile, “Mobilization” (*xing* 興),<sup>16</sup> “Stables” (*jiu* 厩),<sup>17</sup> “Passes and Markets” (*guanshi* 關市), “Verification” (*xiao* 效),<sup>18</sup> “Money” (*qian* 錢), and others are mostly arranged after the system of crime designations, and belong to “administrative statutes” (*shi lü* 事律).<sup>19</sup> All these statute chapters belong to

16 This mainly included pursuit of bandits from beyond the frontier, failure to guard beacon fires, delays in conscription and transmission, and failure to report for garrison duty or emergency service.

17 That is, laws concerning the feeding and management of government livestock and parks.

18 Interchangeable with *jiao* 校, “counting and checking.”

19 In volume 30 of the *Jinshu*, the “Xingfa zhi” chapter records: “Therefore only six chapters were composed, yet they all constitute the system of crime designations ... adding the

prison statutes because they primarily comprise penal provisions governing punishment and conviction, emphasizing criminal sanctions and constituting fundamental law. Based on their chapter titles and emphasis on administrative and institutional regulations, the subsidiary statutes can also be classified as administrative statutes, but they are not primarily penal in nature and do not focus on punishment. Rather, they functioned as administrative regulations and civil law provisions. Scholars have observed that certain ordinance texts also contain penal elements, indicating that ordinances could serve to modify, supplement, and adapt both prison statutes and subsidiary statutes.

Qing (1616–1911) politician and jurist Shen Jiaben 沈家本 (1840–1913) argued that “if one seeks the origins of the ‘Tang Statutes,’ one must not fail to study the ‘Han Statutes.’”<sup>20</sup> While his analysis focused on chapters and statute texts, the structural parallels between Han and Tang statutes and ordinances also warrant examination. The legal systems of the early Western Han and early Tang dynasties offer instructive comparisons. Within Han law, the prison statutes correspond to Tang statutes: both emphasized penal matters and consisted largely of criminal law. The subsidiary statutes within Han law correspond more closely to Tang ordinances, as both emphasized routine administration and provided legal frameworks for various institutions. Han ordinances, meanwhile, align more closely with Tang “administrative regulations” (*ge* 格). These served to modify, supplement, and adapt the prison statutes, subsidiary statutes, as well as “stipulations” (*ke* 科) and “grades” (*pin* 品),<sup>21</sup> and were derived primarily from imperial edicts which were termed *zhichi* 制敕 during the Tang period. Finally, Han stipulations and grades, which provided concrete and detailed regulations that could not contradict the prison statutes or subsidiary statutes, correspond most closely to Tang procedural rules.<sup>22</sup>

Interestingly, the systems of imperial edicts in the Han and Tang also underwent historical changes, with related evolutionary patterns exhibiting similarities. In the Han, “the emperor’s written communications had four forms”: “proclamations” (*ceshu* 冊書), “writs” (*zhishu* 制書), “edicts” (*zhaoshu*

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three chapters of administrative statutes: ‘Mobilization,’ ‘Stables,’ and ‘Households.’” (Beijing: Zhonghua shuju, 1974), 922.

20 Shen Jiaben 沈家本, “Han lü zhi yi xu” 漢律摭遺序, in *Lidai xingfa kao* 歷代刑法考, punct. Deng Jingyuan 鄧經元 and Pian Yuqian 駢宇騫 (Beijing: Zhonghua shuju, 1985), 1365–66.

21 Corresponding to Tang statutes, ordinances, and “procedural rules” (*shi* 式).

22 In the Qin and Han dynasties, *shi* 式 referred to documentary procedures, as well as the procedures for determining administrative and judicial activities. The former usage persists in later ages, such as the *shi* in the Tang ordinance “Public Forms Ordinance” (*Gongshi ling* 公式令). The latter has some connection with the *shi* in Tang law.

TABLE 2 Schematic of the evolution of edict and legal systems from Han to Tang

Han edict system	Proclamations	Writs	Edicts	Admonitions
Tang edict system	Proclamations	Writs (originally called edicts), writs of consolation	Daily directives, directive instructions, directive writs on affairs, directive documents	
	Criminal legal provisions	Administrative and institutional regulations (Non-criminal)	Supplements to the preceding two categories	Specialized detailed regulations
Han legal system	Prison statutes	Subsidiary statutes	Ordinances	Stipulations, grades
Tang legal system	Statutes	Ordinances	Administrative regulations	Procedural rules

詔書), and “admonitions” (*jieshu* 戒書). In the Tang, “all forms of imperial pronouncements numbered seven.” This included the two major categories of “writs” (made up of “proclamations” [*ceshu* 冊書], “writs,” and “writs of consolation” [*weilao zhishu* 慰勞制書]) and “directives” (*chishu* 敕書) (made up of “daily directives” [*fari chi* 發日敕], “directive instructions” [*chizhi* 敕旨], “directive writs on affairs” [*lunshi chishu* 論事敕書], and “directive documents” [*chidie* 敕牒]).

Han writs and edicts evolved considerably both during and following the Wei, Jin, and Northern and Southern dynasties (420–589). Edicts<sup>23</sup> gradually assumed the roles, functions, and elevated status of the original writs, which in turn elevated the status of what had been directives.<sup>24</sup> This is detailed in Table 2.

23 During the reign of Wu Zetian 武則天 (r. 690–705) edicts were renamed “writs” to observe naming taboos.

24 Sun Wenbo 孫聞博, *Chu bing tianxia: Qin junzhu jiquan yanjiu* 初并天下：秦君主集權研究 (Shaanxi: Xibei daxue chubanshe, 2021), 208–9, 214–15.

These parallels demonstrate that the Han and Tang legal systems were structurally comparable in both their classification schemes and functions. Consequently, rather than the term “statute and ordinance system” (*liling tixi* 律令體系), we consider the broader expression “legal system” (*falü tixi* 法律體系) to be more appropriate. Indeed, if we accept the characterization by Japanese scholars that the Tang was a “statute-and-ordinance state” (*ritsuryō kokka* 律令國家), then the Han dynasty can equally be described as such.

The ordinances on merit record: “Item One: the Chancellor, acting in the capacity of Censor-in-Chief, submitted a memorial proposing to appoint officials based on merit” 一丞相行御史事言，議以功勞置吏 (Slip 2). Apart from general-principle provisions, each article primarily concerns appointing officials based on merit. The Han ordinances on merit served as a supplement to the Statute on Appointment of Officials among the subsidiary statutes. In the Qin, local administration established the Bureau of Clerks (*li cao* 吏曹); in the Han, this was renamed the Bureau of Merit (*gong cao* 功曹). The successive use of “clerks” and “merit” as names can be correlated respectively with the terminology used in the titles “Statute on Appointment of Officials” and “ordinances on merit.”<sup>25</sup> The so-called “analogous to the present-day ‘selection and appointment ordinances’” actually means that the selection and appointment ordinances specifically correspond to the Han Statute on Appointment of Officials, not to ordinances on merit. Both Sima Zhen and Yan Shigu had inaccurate understandings here. This demonstrates that Tang scholars had become relatively unfamiliar with Han statutes and ordinances, especially with the structure of the statute and ordinance system.

According to the commentary by Li Xian 李賢 (655–684) on the “Guangwudi ji xia” 光武帝紀下 chapter in the *Hou Hanshu* 後漢書: “The Han statutes are now lost”; and, in volume 5 of the same work, the “Andi ji” 安帝紀 chapter, it is written: “The Han ordinances are now lost.” It is also recorded in the *Suishu* 隋書 in the “Jingji zhi” 經籍志 chapter that “The Han Statutes have long been lost; past precedents and refutations are also mostly scattered and missing.”<sup>26</sup>

25 Xu Shihong notes: “Agencies such as the Minister of Works, Granary, Household, Metal and Cloth, and Commandant all had pre-existing statute titles corresponding to them in Qin and early Han statutes; thus the relationship between these bureaus and these statutes is quite worthy of attention.” The present author points out that these actually correspond to the “arrayed bureaus” (*lie cao* 列曹) of the county. See also Xu Shihong 徐世虹, “Wenxian jiedu yu Qin-Han lü benti renshi” 文獻解讀與秦漢律本體認識, in “Zhongyang yanjiu yuan” *Lishi yuyan yanjiusuo jikan* “中央研究院” 歷史語言研究所集刊 86.2 (2015): 250.

26 *Hou Hanshu* 後漢書 (Beijing: Zhonghua shuju, 1965), 47, 97, 228; *Suishu* 隋書 (Beijing: Zhonghua shuju, 1973), 974. See also Cheng Shude 程樹德, “Han lü kao xu” 漢律考序, in *Jiu chao lü kao* 九朝律考 (Beijing: Zhonghua shuju, 2003), 1: 1; the “Han statutes” in

These quotations merit comparative analysis. Tang scholars' accounts of Qin-Han institutions contain frequent errors that extend beyond legal institutions to encompass even fundamental concepts such as imperial titles and village officials.<sup>27</sup> This pattern constitutes an important and revealing phenomenon and indicates that, when Tang sources are used to study Qin-Han-Wei-Jin history, a cautious approach is required, together with more rigorous source analysis and critical evaluation.

From this perspective, one must reconsider the famous passage in the “Xingfa zhi” chapter located in volume 30 of the *Jinshu*: “The Han inherited the Qin system; Xiao He 蕭何 fixed the statutes ... adding three chapters of administrative statutes—*Xing*, *Jiu*, and *Hu*—combining them into nine chapters. Shusun Tong 叔孫通 supplemented what the statutes did not cover, [composing] eighteen chapters of subsidiary chapters.”<sup>28</sup> It should be noted that the *Jinshu* was compiled by Tang scholars, who were already relatively unfamiliar with the Han legal system. The three chapters that Xiao He (d. 193 BCE) purportedly “added” in fact already existed under the Qin. Moreover, when statutes were later bifurcated into prison statutes and subsidiary statutes, these three chapters fell into different categories: *Xing* and *Jiu* were classified as prison statutes, whereas *Hu* belonged to the subsidiary statutes. Nevertheless, all three chapters fall within the broader category of administrative statutes, indicating that Xiao He's reorganization of statutes and ordinances primarily involved expanding and supplementing administrative provisions beyond the existing system of crime designations. Since the statement “Shusun Tong supplemented what the statutes did not cover with eighteen chapters of subsidiary provisions” appears later in the passage, it suggests that by the Qin and early Western Han dynasties,

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the statement, “the ‘Andi ji’ chapter of the *Hou Hanshu*, commentary states that the Han statutes are now lost” should be an error for “Han ordinances” (*Hanling* 漢令).

27 Regarding imperial titles, see *Difan* 帝範 by Emperor Taizong of Tang 唐太宗 (r. 626–649). In Chapter Five, “Najian” 納諫 it is recorded: “Considering his virtue to surpass the Three Sovereigns and his talents to exceed the Five Emperors.” The commentary states: “The *Shiji* [records that] when the First Emperor of Qin initially unified the realm, he considered himself to possess virtue combining [that of] the Three Sovereigns and achievements surpassing [those of] the Five Emperors” (Edition from the First Compilation of the *Congshu jicheng* 叢書集成 [Beijing: Shangwu yinshuguan, 1937], 21). As for village officials, refer to the commentary by Li Xian 李賢 on the *Hou Hanshu* where it is written: “The Three Elders, Filial and Fraternal [Officials], and Diligent Farmers – these three are all names of village offices” and “The Three Elders were village officials established by Gaozu” (*Hou Hanshu*, 97, 11). Note also that vol. 33 of *Tongdian* 通典, chapters “Zhiguan” 職官 and “Xiangguan” 鄉官, records that in the Han these included “officials who manage the people” (*minguan* 民官) such as “Ward Officials” (*tingli* 亭吏), “Village Officials” (*lili* 里吏), and “Three Elders” (*sanlao* 三老) ([Beijing: Zhonghua shuju, 1988], 922–24). These interpretations are in fact problematic.

28 *Jinshu*, 922.

the sequential arrangement of crime designations followed by administrative statutes had already been established, while the formal bifurcation into prison statutes and subsidiary statutes took shape gradually at a later stage.

## 2 Documentary Formats of Reports of Merit and Merit Registers, and Their Relationship to Service Dossiers and Merit Rankings

Ordinances on merit contain basic regulations concerning reports of merit and the formats of merit documents. In the following passages, the original wording and sequence are preserved without additional parenthetical annotations.

All reports of merit shall record merit since [the establishment of] the Han, following the prescribed format using two-*chi* documents, each made into a register. Using one *chi* and three columns, all triple-folded and well written, arranged sequentially with those having more merit on the right, and submitted to the Two Thousand Bushel official to whom [the official] is attached. The Two Thousand Bushel official shall carefully verify them according to the prescribed format and submit them to the Censor and Chancellor, regularly assembling on the first day of the tenth month. When there are deaths or those who should not be promoted, immediately report and remove their merit documents. (Slips 3–4)

·諸上功勞皆上爲漢以來功勞，放（仿）式以二尺牒各爲將（狀），以尺三行皆參（三）折好書，以功多者爲右次編，上屬所二千石官，二千石官謹以 庚式案致，上御史、丞相，常會十月朔日。有物故不當遷者，輒言除功牒。已<sup>29</sup>（三、四）

Format for Left Section Report of Merit: Such-and-such office, such-and-such official, such-and-such rank, such-and-such merit. Served as such-and-such official for so many years and months, of which so many handling legal cases. Served in the military as such-and-such official for so many years and months. Total service as official: so many years and months, of which so many in military service. Total military merit: so many. Total civil service merit: so many. Age: so many. Such-and-such county, such-and-such ward. Surname: such-and-such clan.

Format for Left Section Merit Register: Such-and-such office, such-and-such official, such-and-such rank, such-and-such merit register. Total

29 Compiler's note: This character *yí* 已 is a collation mark, similar to those seen in north-western Han Slips, and generally served a proofreading function.

merit: so many. Military merit: so many. Such-and-such county, such-and-such ward. Civil service merit: so many. Surname: such-and-such clan. Total merit: so many. Rank: so many bushels. Currently serves as such-and-such office for so many years. Skilled in such-and-such. Age: so many. Such-and-such county, such-and-such ward. Surname: such-and-such clan. (Slips 5–11)

·左方上功勞式		·左方功將（狀）式	
某官某吏某爵		某官某吏某爵某功	大凡功
某功勞		將（狀）	若干
爲某吏若干歲	今爲某官若干歲	軍功勞若干	某縣某里
月其若干治獄			
從軍爲某吏若	能某物	中功勞若干	姓某氏
干歲月			
·凡爲吏若干歲	年若干	·凡功若干	秩若干石
月其若干從軍			
·凡軍功勞若干	某縣某里	今爲某官若干歲	
·凡中功勞若干	姓某氏	能某物（五至一一）	

Officials from Assistant Clerks and above shall each calculate their service merit based on their confirmed days in office. When merit reaches one full year, it becomes one service merit; four service merits equal one achievement merit. Two years of military service also equals one merit. Personally beheading two enemy [soldiers] or capturing two prisoners each equals one merit. Two ranks awarded for military [achievement] equals half a merit. (Slips 12–13)

吏自佐史以上，各以定視事日自占勞，勞盈歲爲中勞，中勞四歲爲一功。從軍勞二歲亦爲一功。王身斬首二級、若捕虜二人各爲一功。軍論之爵二級爲半功。（一二、一三）

Further research has revealed that the revision and promulgation of the ordinances on merit occurred before the second month of the second year of Emperor Wen's reign.<sup>30</sup> Merit-related documents followed fixed official documentary formats and were divided into two types: the “Format for Reports of Merit” (*shang gonglao shi* 上功勞式) and the “Format for Merit Registers”

30 Wang Hualong 汪華龍, “Zhangjiashan M336 Han lüling niandai wenti chutan” 張家山 M336 漢律令年代問題初探, *Zhongguo renmin daxue xuebao* 中國人民大學學報, no. 1 (2024): 50–60.

(*gongjiang shi* 功將式). The two formats were not transcribed separately but were concentrated and transcribed one above the other. The information in each format was divided into two columns. This description is only approximate, for the actual dimensions and layout of the documents were not exactly as described: “following the prescribed format using two-*chi* documents, each made into a register, using one *chi* and three columns, all triple-folded and well written.” The punctuation adopted by the collators fails to make clear the relationship between “two *chi*” and “one *chi*.” Some discoveries have been made of self-reported merit format and merit register documents from the late Western Han. Two such examples are presented below:

Dunhuang County Grain-paid Scribe [Prefectural Scribe], Wansheng Ward, Grandee Wang Jia’s self-reported merit document. Skilled in writing, accounting, managing officials and people, fairly knowledgeable in statutes and ordinances. No unauthorized absence. Year such-and-such. Served as Dunhuang Minor Treasurer Revenue Manager for ten months. Year such-and-such, month such-and-such, promoted by procedural ranking to assistant of certain office for so many years, months, and days. Served as Dunhuang Grain-paid Scribe [Prefectural Scribe] for one year. Age: so many years, month such-and-such. Month such-and-such, day such-and-such, promoted by merit ranking to Minor Treasurer Revenue Manager for ten months in year such-and-such, month such-and-such.

Total service as official: one year and ten months. Complies with ordinances. Using a two-*chi* tablet. Day such-and-such, Magistrate Jia appointed Jia as Prefectural Scribe based on ability. Native of certain commandery, certain county. Total merit: one year and ten months. Length: so many. Listed and submitted, each verified. Currently serves as Dunhuang County Grain Dole Prefectural Scribe for one year and ten months. Dunhuang Wansheng Ward. Self-report of merit for the fourth year of Benshi completed on the last day of the tenth month, day such-and-such. (IT0309③:49A)

敦煌縣斗食令史	能書會計治官民頗知	不告歸 某年
萬乘里大夫王甲	律令	
自占書功勞		
爲敦煌少內畜夫		某年某月以修行書次除
十月		爲某官佐若干歲月日
爲敦煌斗食令史	年若干歲	某月某日以功次遷爲少
一歲		內畜夫十月某年某月

凡爲吏一歲十 月·應令		用二尺牘	某日令甲以能授甲爲令 史·產某郡某縣
大凡勞一歲十月	長若干		列上各案
今爲敦煌縣斗食	敦煌萬乘里		占本始四年功勞訖十月
令史一歲十月			晦某日

(IT0309③:49A)<sup>31</sup>

Juyan Jiaqu Marquis's Office, Tenth [in rank], Xu Tan's merit register. Skilled in writing, accounting, managing officials and people, fairly knowledgeable in statutes and ordinances. Juyan Mingsha Ward, home is 1,063 *li* from the Commandery Administrator's office. Native of Juyan County. Civil service merit: one achievement merit, two years of service merit. Service as official: five years, three months, fifteen days. Of which, fifteen days in the sixth month of the second, third, and fourth years of Heping. Autumn archery examination. Rewarded with merit by ordinance. Promoted by ordinance. Of which, fifteen days in the first year of Heping and first year of Yangshuo, illness prevented merit accumulation. Person of Juyan County. (EPT50:10)

居延甲渠候官第十隧 長公乘徐譚功將 中功一勞二歲 其六月十五日河平二 年三年四年秋試射以 令賜勞	能書會計治官民頗知 律令文 遷令	居延鳴沙里家去大守府 千六十三里產居延縣 爲吏五歲三月十五日 其十五日河平元年陽朔 元年病不爲勞居延縣人
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(EPT50:10)<sup>32</sup>

Slip IT0309③:49A is divided into three columns. Apart from the place name “Wansheng Village” 萬乘里, the content and format of the first two columns are basically consistent with the items and sequence of explanation in the “Format for Reports of Merit” in the ordinances on merit. One difference is that before the entry “Listed and submitted, each verified,” additional information is recorded specifying when and on the basis of what abilities the individual had been promoted or removed since first serving as an official assistant. The calligraphy of “Complies with ordinances” and “using a two-*chi* tablet” in the middle

31 Gansu jian du bowuguan 甘肅簡牘博物館, ed., *Xuanquan Hanjian* 懸泉漢簡 (Shanghai: Zhongxi shuju, 2021), 2: 56, 358.

32 Yang Mei 楊眉, *Juyan xinjian jishi* 居延新簡集釋 (Lanzhou: Gansu wenhua chubanshe, 2016), 2: 241.

column differs, indicating a second writing. The ordinances being complied with refers to the ordinances on merit, while the use of two-*chi* wooden tablets corresponds with “following the prescribed format using two-*chi* documents.”

Slip EPT50:10 is likewise divided into three columns. The first line of one column corresponds exactly to “Such-and-such office, such-and-such official, such-and-such rank, such-and-such merit register” in the “Format for Merit Registers” in the ordinances on merit. The subsequent content ordering differs slightly. “Rank: so many bushels” does not appear, but the distance from home to the Commandery Administrator’s office is recorded. According to the print, the phrase 口令 should be read as “complies with ordinances” 應令. As an actual merit register document, the document’s length is one *chi*. Thus, the punctuation of the ordinance text quoted above can be rendered: “All reports of merit shall record merit since [the establishment of] the Han, following the prescribed format using two-*chi* documents; each merit register uses one *chi*, three columns, all triple-folded and well written.”

Beyond format, the content of merit documents is also clearer. Conceptually speaking, merit in the early Western Han included two major categories: “civil service merit” (*zhong gonglao* 中功勞) and “military merit” (*jun gonglao* 軍功勞). From the time officials began serving as assistants or clerks, civil service merit could be calculated, with actual days in office as the basic unit. The terminology and system derive from the Qin. “When merit reaches one full year, it becomes one service merit” indicates that the merit commonly seen in merit documents refers to service merit. “Four service merits equals one achievement merit” represents the first clear stipulation in law that the conversion ratio between service merit and achievement merit was 4:1, confirming the famous early judgment of Hu Pingsheng 胡平生. In contrast, “military merit” refers to the calculation of years and months serving in the military as a military official, rather than directly corresponding to battlefield achievements such as beheading enemies. “Two years of military service also equals one merit” shows that merit conversion for military officials received preferential treatment, with a ratio of 2:1. Thus, merit conversion should not be summarized with the general statement “accumulating four service merits equals one achievement merit.” This only applies to the civil service merit portion. At the same time, military merit also included “personally beheading” (2 ranks = 1 achievement merit = 2 years as military official), “capturing prisoners” (2 persons = 1 achievement merit = 2 years as military official), and “military awarded ranks” (2 ranks = 0.5 service merit = 1 year as military official).

The matters recorded in reports of merit and merit register documents exhibit some differences. Reports of merit documents record specific employment history and corresponding time periods; “served as such-and-such

official” and “served in the military as such-and-such official” are recorded separately, and the total years and months of “service as official” are tallied. The 84th merit ordinance states:

Officials who should submit reports of merit shall only submit merit for the office they currently hold. Those who transferred from another office where the rank was equal to their current office, or those who were dismissed or removed from office and subsequently reappointed to a position with rank equal to their former office, may all combine and submit their former office merit totaled as final merit, and are each evaluated for merit and promotion together with others of the same office rank. (Slips 139–140)

吏當上功勞者獨上今所爲官功勞，其從它官來徙而與今官秩等及免罷復用如故官秩者，皆并上故官口爲功勞，即各以官秩通相與課功勞、遷（一三九至一四〇）

This stipulates that when officials submit reports of merit, they only provide merit for the period serving in their current position. Only those who transferred from another office to the current office with equal office rank, or those dismissed or removed from office and reappointed with rank equal to their former office, may combine and calculate merit. In Slip IT0309③:49A, both “Served as Dunhuang Minor Treasurer Revenue Manager” and “Served as Dunhuang Grain-paid Scribe (Prefectural Scribe) for one year” are at the grain-paid rank. The information appended before “Listed and submitted, each verified” actually supplements the appointment time, reason, and term of service when first serving as an official assistant. Merit register documents likewise distinguish the numbers of military merit and civil service merit. Furthermore, they do not use the term “total” (*fan* 凡) and in tallying pay more attention to the total number of merits. The merit register of Xu Tan 徐譚 (dates unknown) from the time of Emperor Cheng of Han 漢成帝 (r. 33–7 BCE) in Slip EPT50:10 also provides detailed explanation of days of bestowed merit, reasons, years and months as official, and days when illness prevented merit accumulation.

The content and format of reports of merit documents recall the chronological records found in the Shuihudi Qin Slips concerning Xi 喜, the tomb occupant, and his official and military service. It is formatted thus: “Xi served as clerk of Anlu township” 喜爲安陸卿（鄉）史, “served as Anlu Prefectural Scribe” 爲安陸令史, “Yan Prefectural Scribe” 鄆令史, “Xi handled legal cases in Yan” 喜治獄鄆, “served in the military” 從軍, “served with Pingyang army”

從平陽軍, “served as a clerk” 爲屬.<sup>33</sup> After Xi was promoted to serve as a clerk, recording began from the point he served as an assistant clerk,<sup>34</sup> using the verb “served as” (*wei* 爲). Rather than being described as “Yan Prison Clerk” 鄆獄史, the record instead uses the expression “handled legal cases” 治獄. As for the expressions “served in military” 從軍 and “served with *x* army” 從○軍, both correspond exactly to the terminology used in the report of merit format. In this respect, the similarity is even closer to the “service dossier” (*fayue* 伐閱) documents from the Liye 里耶 Qin Slips:

Service Dossier for Clerk Kou of Zizhong, Yang Village:

In the ninth month of the eleventh year, promoted to serve as clerk.

Served as township clerk for nine years and one day.

Served as Fields Section clerk for four years, three months, and eleven days.

Served as Prefectural Scribe for two months. (First column)

Money accounting [evaluation]. Household accounting [evaluation].  
(Second column)

Age: thirty-six. (Third column)

Assigned to serve in the Minister of Works Bureau.  
(excavation registration number 8–266)

資中令史陽里釦伐閱：

十一年九月隄爲史。

爲鄉史九歲一日。

爲田部史四歲三月十一日

爲令史二月（第一欄）

錢計 戶計

年卅六（第二欄）

可直司空曹（第三欄）

（出土登記號 8–266）<sup>35</sup>

33 Shuihudi Qinjian zhujian zhengli xiaozu 睡虎地秦簡竹簡整理小組, ed. *Shuihudi Qin mu zhujian* 睡虎地秦墓竹簡 (Beijing: Wenwu chubanshe, 1990), 6–7; Chen Kanli 陳侃理, “Shuihudi Qinjian ‘Biannian ji’ zhong ‘Xi’ de huanli” 睡虎地秦簡 “編年記” 中 “喜” 的宦歷, *Guoxue xuekan* 國學學刊, no. 4 (2015): 47–50.

34 This mainly involved undertaking documentary affairs. It was a fairly low-ranking official title.

35 Liye Qinjian bowuguan 里耶秦簡博物館 et al., eds., *Liye Qinjian bowuguan cang Qinjian* 里耶秦簡博物館藏秦簡 (Shanghai: Zhongxi shuju, 2016), 167. “Household accounting”

The document title format is: such-and-such office, such-and-such official, such-and-such ward, such-and-such service dossier. Below it records “in such-and-such year, such-and-such month, ‘promoted to serve as clerk’” the same as in chronological records; “served as such-and-such official for so many years and months” and “age: so many” are the same as in the report of merit format. “Money accounting, household accounting” and “Assigned to serve in the Minister of Works Bureau” can be connected to “in charge of a bureau” (*zhang cao* 長曹) and “accounting [evaluation]” (*ji* 計) in the merits ordinances: “Those who should be promoted to Prefectural Scribe must have been in charge of a bureau for two years, [and completed] the annual accounting evaluation at least once” 其當補〈補〉令史者，必嘗長曹二歲、一計以上 (Slip 25). The information recorded in merit documents such as “served as such-and-such official for so many years and months” may have been based on the service dossier register, selected and extracted for reference. The Liye Qin Slips also record:

☐☐ total ☐☐☐☐

☐☐ served as official assistant for six years.

Served as county magistrate assistant for one year and twelve days.

Served as county Grain-paid Scribe for four years, five months, and twenty-four days.

Served as county Minister of Works Carriage-Entitled Salaried [official] for three years [eight] months and twenty-two days.

Acting Assistant Magistrate of Qianling for six months and twenty-seven days.

Total [ten] five years nine months twenty-five days. [Total] achievement merit three $\angle$ , three years nine months twenty-five days.

☐☐☐ township, twenty-second year ☐☐ ☐ achievement merit two ☐ service merit (achievement merit) four $\angle$ , three [years] nine months twenty-five [days] ☐ Total achievement merit six, three years nine months twenty-five days. ☐☐ Qianling six months twenty-seven days, determined ☐☐ eight months twenty days ☐☐ can ☐ Clerk of Dongting ☐ fifty years old, residing in the metropolitan area for ten years and ☐ (Excavation registration number 10-15)

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(*huji* 戶計) and “money accounting” (*qianji* 錢計) as transcribed in one column have been adjusted by the present author according to the plates.

□□ 凡□□□□	□□□鄉廿二年□□
□□ 爲官佐六歲。	□功二
爲縣令佐一歲十二日。	□勞〈功〉四，三
	【歲】九月廿五【日】
爲縣斗食四歲五月廿四日。	·□凡功六，三歲九月廿五
/	日。
爲縣司空有秩乘車三歲【八】月廿二日。	□□遷陵六月廿七日，定□□八月廿日
	□□可□屬洞庭
守遷陵丞六月廿七日。	□五十歲居內史十歲又□
凡【十】五歲九月廿五日。【凡】功三	
，三歲九月廿五日。	
(出土登記號 <sub>10-15</sub> ) <sup>36</sup>	

This tablet may be classified as a merit-category register of the Qin period. The tally recorded both “total service as official: so many years and months” and “total merit: so many,” demonstrating through actual conversion the 1:4 merit ratio. These features suggest that the documentary format, content, and conversion ratio for merit all originated in the Qin system. However, Qin dynasty merit registers differ in two respects from later practices. First, in terminology, they use simply “merit” rather than “civil service merit,” and the character *lao* 勞 does not appear. Second, in calculation method, “merit” encompasses all years and months of official service rather than only the current position or years served in offices of the same rank.

Unlike reports of merit, early Western Han merit register documents did not emphasize service as an official, but instead primarily preserved the total number of merits. As a result, they were more closely associated with “merit ranking” (*gongci* 功次) documents. Four merit-ranking documents written on wooden tablets were excavated from Shuihudi M77, dating between the fifteenth year of the Former Reign of Emperor Wen (165 BCE) and the third year of the Latter Reign (161 BCE). One of these is titled “Merit Rankings of Official Assistants in the Second Year [of Emperor Wen’s reign]” (*Ernian guan zuo gongci* 二年官佐功次).<sup>37</sup> Slips 73EJT30:29 and 30 from *Jianshui Jinguan* 肩水金關 are merit-ranking documents for twenty-nine officials with Grain-paid Scribe rank in Zhangye Commandery 張掖郡. They involve three categories – Clerks, Prefectural Scribes, and Revenue Managers – and date to the late

36 Ibid., 196, with slight adjustments.

37 Chen Wei 陳偉 and Xiong Beisheng 熊北生, “Shuihudi Hanjian zhong de gongci wenshu” 睡虎地漢簡中的功次文書, *Wenwu* 文物, no. 3 (2018): 65–70, 66.

Western Han.<sup>38</sup> The content of the former type of document is, for example, “Ding Yi: two merits, three months and one day of service” 定邑功二勞三月一日, with the format “[such-and-such office] such-and-such: achievement merit so many, service merit so many months and days.” By contrast, the content of the latter type of document is, for example, “Clerk Ma Yang of the Office of the Commander of One Thousand Cavalry of the Left of the Dependent States: three civil service merits, four months and twenty days of service” 屬國左騎千人令史馬陽中功三勞四月廿日, with the format “such-and-such office, such-and-such: civil service merit so many, service merit so many months and days” 某官某中功若干勞若干月日. The merit register format primarily records “total merit: so many” 凡功若干 and also records information on “rank: so many bushels” 秩若干石. This would have facilitated the selection of those with higher merit among officials of the same rank within the stipulated scope, subsequently ranking and comparing “total merit: so many.” The ordinances on merit state, “When there are official vacancies, carefully fill them in sequential order according to merit” 吏有缺，謹以功勞次補之 (Slip 20) and, “When there are many official vacancies but few who should fill them, additionally select from the next ranking” 吏缺多而當補者少，益取其次 (Slip 21). These provisions concerning appointment by merit ranking should be understood as relying primarily on merit-ranking documents produced on the basis of merit register documents.

### 3 Official Selection, Appointment, and Pathways of Promotion in the Ordinances on Merit

Having explored the nature of the ordinances on merit and merit register documents, we now turn to the specific regulations concerning official selection and appointment. The ordinances on merit record:

- (1) When there is a vacancy among the Fully Two Thousand Bushel officials in the metropolitan area, evaluated Commandery Administrators are used to fill it. Commandery Commandants fill vacancies for Commandery Administrators, and other Thousand Bushel officials fill Two

38 Cao Tianjiang 曹天江, “Gansu sheng Jinta xian A32 yizhi chutu liang fang gongci mudu shitan” 甘肅省金塔縣 A32 遺址出土兩方功次木牘試探, *Jianbo yanjiu* 簡帛研究, no. 1 (2020), 194–213; Huang Yijun 黃怡君, “Handai gongci shengqian zhidu kao” 漢代功次升遷制度考, *Zhongyang yanjiu yuan* “Lishi yuyan yanjiusuo jikan” “中央研究院” 歷史語言研究所集刊, 93.2 (2022): 337–39.

Thousand Bushel vacancies. Eight Hundred Bushel officials fill Thousand Bushel vacancies, Six Hundred Bushel officials fill Eight Hundred Bushel vacancies. Five Hundred Bushel officials fill Six Hundred Bushel vacancies. Four Hundred Bushel officials fill Five Hundred Bushel vacancies. Three Hundred Bushel officials fill Four Hundred Bushel vacancies. Two Hundred Bushel officials fill Three Hundred Bushel vacancies. (2) Grain-paid Scribes and Student Attendants are evaluated together to fill vacancies for Salaried Officials; Salaried Officials are evaluated together to fill vacancies for Carriage-Entitled Salaried Officials; Carriage-Entitled Salaried Officials are evaluated together to fill vacancies for Assistant Magistrates and Commandants. (3) Prefectural Scribes are evaluated together to fill [vacancies for] Commandery Clerks and Commandant Assistants; Commandery Clerks and Commandant Assistants are evaluated together to fill vacancies for Chief Clerks; Chief Clerks fill vacancies for Assistant Magistrates and Commandants, and Clerks of the Chancellor and Grand Commandant. Clerks of the Chancellor and Grand Commandant who are under fifty years of age and handle legal cases fill vacancies for Censors; Censors fill Six Hundred Bushel vacancies; those who should not fill Censor vacancies are evaluated together with those of comparable rank. (4) Court Attendants and Palace Gentlemen also submit records of merit; Court Attendants are each evaluated for merit according to their rank together with outer officials of the same rank. Palace Gentlemen are treated comparably to Court Attendants. Those who do not wish to become officials have their merit documents noted. (Slips 15–18, 37)

(1) 中二千石有缺，課郡守以補之。郡尉補郡守，它吏千石補二千石。八百石補千石，六百石補八百石。五百石補六百石。四百石補五百石。三百石補四百石。二百石補三百石。(2) 斗食、學俱通課補有秩，有秩通課補有秩乘車，有秩乘車通課補丞尉。(3) 令史通課補屬尉佐，屬尉佐通課補卒史，卒[史]補丞尉、丞相大尉史。丞相大尉史年五十以下治獄者補御史，御史補六百石，不當補御史者與秩比通課。(4) 謁者、郎中亦上功勞，謁者各以其秩與外吏課功勞，郎中比謁者，不欲爲吏，署功牒。(一五至一八、三七)<sup>39</sup>

39 For the serial arrangement of Slip 37, see Huang Haobo 黃浩波, “Zhangjiashan 336 hao Han mu zhujian ‘Gongling’ bianlian chuyi” 張家山三三六號漢墓竹簡《功令》編連芻議, *Jianbo wang* 簡帛網, March 20, 2023, <http://www.bsm.org.cn/?hanjian/8932.html>.

This passage can be divided into four parts. The first part concerns the filling of vacancies from Fully Two Thousand Bushels down to Two Hundred Bushels for senior officials. Vacancies are filled through evaluation and comparison of merit among officials of neighboring ranks, with progressive promotion by grade: Two Hundred Bushels → Three Hundred Bushels → Four Hundred Bushels → Five Hundred Bushels → Six Hundred Bushels → Eight Hundred Bushels → other Thousand Bushel officials → Commandery Commandants → Commandery Administrators → Fully Two Thousand Bushels.

The second and third parts concern minor officials, divided into two pathways distinguished by the category of clerk. One pathway of promotion is: Revenue Managers, Student Attendants → Salaried (Revenue Managers) → Carriage-Entitled Salaried (Revenue Managers) → (County or Metropolitan Office) Assistant Magistrates, Commandants. As minor officials, some salaried officials once held ranks equal to or even higher than the lowest Assistant Magistrates and Commandants. At this stage, Carriage-Entitled Salaried officials may already have fallen below Two Hundred Bushels, possibly to One Hundred Sixty Bushels. Minor officials who emphasized practical affairs could be promoted to senior officials such as Assistant Magistrates and Commandants. Assistant Magistrates and Commandants could then, according to their ranks from Five Hundred to Two Hundred Bushels, continue to advance following the first group's pathway for filling senior official vacancies.

Prefectural Scribes and Grain-paid Scribes both belonged to the grain-paid rank, but as clerk-category minor officials, promotion followed another pathway: (Prefectural) Scribes → (Commandery) Clerks, Commandant Assistants → (Commandery) Chief Clerks → (County) Assistant Magistrates and Commandants, (Central) Clerks of the Chancellor and Grand Commandant (< 50 years old, those handling legal cases) → Censors (or evaluated together with those of comparable rank) → Six Hundred Bushels. According to the ordinances on merit:

County and district officials themselves rank the merit of their subordinate clerks and assistants to fill vacancies for Grain-paid Scribes and Prefectural Scribes; this need not be reported upward. Those who should be promoted to Prefectural Scribes must have been in charge of a bureau for two years, completed the annual evaluation at least once, and be under forty-eight years of age before they may be appointed. (Slip 25)

縣道官自次官史、佐勞，補斗食、令史，勿上。其當補〈補〉令史者，必嘗長曹二歲、壹計以上，年冊八以下，乃用之。王（二五）

Although both Grain-paid Scribes (Revenue Managers) and Prefectural Scribes could be promoted from county clerks and assistants, promotion to Prefectural Scribe entailed stricter requirements. Candidates had to satisfy three conditions: having managed bureau affairs for two years, having completed annual accounting work once, and being under forty-eight years of age. Similarly, the promotion of Prefectural Scribes to Commandery Clerks and Commandant Assistants imposed requirements regarding the distance between the official's home and office. Nevertheless, clerk-category personnel enjoyed considerable mobility between central and local administrative levels, and were likewise able to advance to senior official positions.

The *Shiji* state that Xiao He served in his county as a Prefectural Scribe directly under the Bureau of Clerks—roughly equivalent to the Principal Clerk (*zhuli yuan* 主吏掾) of the mid-Western Han—and served as Chief Clerk in the commandery, thereafter gaining the opportunity to be summoned to the central government as a Censor.<sup>40</sup> This indicates that the Qin had already established well-defined promotion pathways for clerk-category personnel.

The separate promotion pathway for Prefectural Scribes may relate to the originally hereditary nature of clerical offices, which were held by officials with specialized skills passed down through generations. These individuals, who possessed specific technical knowledge, enjoyed substantial mobility within the same administrative system, and talented officials were more readily noticed by superiors. Scholars have previously argued that the Two Hundred Bushel boundary between senior and minor officials in the Han dynasty represented a significant barrier to advancement. The present evidence suggests, however, that this boundary was not particularly pronounced in the early Western Han.

The fourth group concerns those serving the emperor who submitted reports and had their merit evaluated. The corresponding category was termed “outer officials” (*waili* 外吏). Those serving the emperor and regular officials thus formed a paired distinction of “inner attendants” (*huan* 宦) and “outer officials” (*li* 吏). The ordinance text indicates that promotion among those serving the emperor likewise focused on the assessment of merit. They could also have their merit evaluated and compared with that of outer officials, and be dispatched outward to serve as officials. The transition of those serving the emperor from attendants to officials may thus be understood as a form of “inner-outer” mobility, which, like other pathways of advancement, was based

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<sup>40</sup> *Shiji*, 53:2013–14.

primarily on merit.<sup>41</sup> As for the authority to select and appoint officials, the ordinances on merit record the following passages:

The Censor and Chancellor jointly fill vacancies for Commandery Clerks, Commandant Assistants, and above; Two Thousand Bushel officials fill [vacancies for] Salaried Revenue Managers; for those Salaried and Carriage-Entitled Salaried Revenue Managers whose appropriate promotion has no vacancy, Two Thousand Bushel officials and Censors each report to the capital the office and rank appropriate for promotion of those under their jurisdiction, and have them transfer to the corresponding office according to edict. (Slips 22–23)

御史、丞相祿補屬尉、佐以上，二千石官補有秩嗇夫，其有秩、有秩乘車嗇夫其所當遷未有缺，二千石官、御史各以其所當遷補官秩聞，令自遷其官如詔。（二二至二三）

County and district officials themselves rank the merit of their subordinate clerks and assistants to fill vacancies for Grain-paid Scribes and Prefectural Scribes; this need not be reported upward. ... (Slip 25)

縣道官自次官史、佐勞，補斗食、令史，勿上。……（二五）

In the Qin and early Han period, commandery subordinate officials included Chief Clerks, Commandery Clerks, and Commandant Assistants; Commandery Clerks and Commandant Assistants were lower than Chief Clerks and could be promoted from Prefectural Scribes, but vacancies were filled by Two Thousand Bushel officials through evaluation. This further stipulates that officials at the level of Commandery Clerks and Commandant Assistants and above were jointly appointed by the central Censor-in-Chief and Chancellor; Salaried Revenue Managers were promoted not by the county but by the superior Two Thousand Bushel officials. Carriage-Entitled Salaried Revenue Managers, who were higher than Salaried officials, were promoted by the Censor-in-Chief. The previously unmentioned promotion of assistants and clerks was handled by county and district officials who themselves ranked merit registers and made promotions, without requiring the upward submission of merit records. In its own commentary on the “Baiguan zhi wu” 百官志五 chapter in the *Xu*

41 Regulations concerning the selection and appointment of officials in the ordinances on merit are quite complex. The details of the various supplementary rules that lay outside the framework will be discussed in another article.

*Hanshu* 續漢書 it is noted that: “Salaried [officials] were appointed by the commandery, with a rank of One Hundred Bushels, in charge of the people of one township. For smaller townships, the county appointed one [grain-paid] Revenue Manager.”<sup>42</sup> In the Eastern Han period (25–220), township Salaried Revenue Managers and township Grain-paid Scribes (Revenue Managers) were respectively appointed by commanderies and counties. From the current perspective, this system was already basically established in the early Western Han.

#### 4 Conclusion

The Han ordinances on merit supplemented the “Statute on Appointment of Officials,” which was of the nature of subsidiary statutes, and thus cannot be equated with the selection and appointment ordinances of the Tang dynasty. The ordinances on merit explicitly stipulated a 4:1 conversion ratio between service merit and achievement merit. Merit comprised both civil service merit and military merit. The provisions and legislative principles of the ordinances on merit can be traced to the Qin period. Merit documents existed in two forms: reports of merit and merit registers. Local officials were differentiated by clerical category, creating two promotion pathways that both allowed advancement from minor to senior officials, with the Prefectural Scribe pathway exhibiting particularly strong vertical mobility.

According to the “Statute on Clerks” in the *Statutes and Ordinances of the Second Year*, which regulated the selection, training, and evaluation systems for clerks at central, commandery, and county levels, clerks as well as diviners and invocators were all selected through examinations. In general, the selection of officials required basic competence in documentary work, computation, and legal knowledge. Simultaneously, official management operated under a strict evaluation system, with transfer and promotion determined on the basis of merit. Beyond actual achievement (*gong* 功), Qin and Han authorities also emphasized ability (*neng* 能), with explicit stipulations regarding skill requirements for various positions. When selecting and appointing officials, the Qin and Han dynasties gave equal weight to tasks (*shi* 事) and persons (*ren* 人), attaching great importance to professional integrity and personal moral character.

<sup>42</sup> *Hou Hanshu*, 3623.

Article Nine of the ordinances on merit records: “Officials who are incorrupt and impartial, I greatly desire to obtain them and promote them exceptionally as well as reward them with generous stipends ... Order Two Thousand Bushel officials and Commandery Administrators are to carefully examine officials who are incorrupt, impartial, and without defects, record [their] office, rank, and exceptional qualities, and report directly, with the first day of the tenth month as the deadline” (Slips 51–53). This provision reflects innovative mechanisms for exceptional promotion, which can be viewed to some extent as a precursor to certain elements of the later “observation and selection system” (*chaju zhidu* 察舉制度).

Unlike the recommendation system and the grace-bestowal system (*encizhi* 恩賜制), the Qin and Han system for selecting and appointing officials exhibited distinctly prominent characteristics of a “merit-based system,” and enabled smooth vertical mobility both between minor and senior officials, as well as between central and local levels. The Qin and Han dynasties established a relatively well-developed civil service system grounded fundamentally in merit-based principles, thereby demonstrating the early achievements and institutional contributions of Chinese political civilization.

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