

CORRUPTION UNMASKED: YÜAN CHEN'S INVESTIGATIONS IN SZECHWAN

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"Virtue and riches seldom settle on one man."

- attributed to Machiavelli

"Virtue is its own reward, and a poor consolation it is."

- an anonymous cynic

I

Few of the several evils which beset human society have drawn the attention of writers and readers of history so strongly as the abuse of power. This evil has been with us a long time - as old as power itself and certainly predating in deed any conception of it in ethical terms. In its more spectacular forms it is easily discerned, as are its effects: the repressions of a tyrant, for example. Less visible but oftentimes comparable harm is wrought by another, more subtle kind, namely, the corruption and malfeasance in office of members of a ruling group. Where the incidence of such covert abuse of power is small, the effects are merely local. Where high, beyond signifying a breakdown of moral values, they may well play a role in shaping the larger course of events as such.

Corruption is an issue of especial interest to the historian of China. China's unparalleled record of effective government was very largely achieved through the creation and maintenance of bureaucratic institutions whose proper functioning obviously depended upon the individual performances of their responsible members. Lapses in this record - temporary or total collapses of dynasties - tend, with few exceptions, to issue from internal causes. Necessarily, then, attention is drawn to the conduct - or misconduct - of the bureaucratic class and the extent to which it might be among these causes.

For its part traditional Chinese historiography, with its fundamental moral preoccupations, has never hesitated to lay the blame for misfortune at the doors of culpable rulers and officials whether their guilt was real or presumed. It is true that this practice has led to oversimplification, biased treatment, and the suppression of otherwise relevant facts. Nevertheless, it has had the not inconsiderable merit of recognizing and delineating crises as they rose and attributing them, not to accident or the heavens, but to the actions of men. Again, it is true that the narrow political focus of the traditional historians is misleading. The Chinese State was not identical with Chinese society, and forces at work within the society were seldom

subject to facile manipulation by the State. Still, since the politically dominant group, about which we are best informed, tended likewise to be socially and economically dominant, the information we receive bears on leadership in society in the broad sense and on a range of activities quite beyond the political. Similarly, although crises arose which were more particularly the State's than those of the society at large, the government's attempted solutions often had far-reaching effects.

Max Weber was the first Western scholar to attempt a systematic analysis of Chinese bureaucracy. Although hampered at times by his own theoretical framework and given to generalizing on information drawn largely from the most recent period which was not always reliable in the first place, there is no doubt that Weber put his finger on several key features in the Chinese situation. Most important for our purposes, he perceived quite clearly that the average Chinese official was at least as interested in his own security and financial position as anything else and that the official class formed a distinct interest group by no means identifiable with the throne and its immediate satellites of the moment.¹ Weber surely exaggerated the degree of antagonism between the throne and officialdom; but he did provide a sociological explanation in some respects quite sound for the familiar phenomenon of the State's enfeeblement at the hands of its self-seeking servants.² Others have touched on the problem. K. A. Wittfogel and Wang Yü-ch'uan have stressed the fundamental economic conflict between the State and its agents over land revenues (or "rents").³ Étienne Balázs has attributed very significant consequences to

¹ See *The Religion of China* (New York: The Free Press, 1964), esp. pp. 47 ff. and 55-62. Cf. also the summary in the very useful R. Bendix, *Max Weber: an Intellectual Portrait* (Garden City: Anchor-Doubleday, 1962), pp. 109-116 and 348-54.

² For an illuminating critique of Weber's treatment of China see O. van der Sprenkel, "Max Weber on China", *History and Theory*, 3 (1964), 348-70. The present study, I think it is safe to say, tends to contradict rather than support Weber's thesis on the tendency in the "patrimonial" Chinese Empire for officials to make their salaries ("prebends") hereditary and thus to develop independent positions *vis-à-vis* the ruler.

³ See Wittfogel, "The Foundation and Stages of Chinese Economic History", *Zeitschrift für Sozialforschung*, 4 (1935), esp. pp. 52-8, and Wang, "The Rise of Land Tax and the Fall of Dynasties in Chinese History", *Pacific Affairs*, 9 (1936), 201-20. Later Wittfogel, *i.e.*, *Oriental Despotism* (New Haven: Yale, 1956), is most curious in this respect. It is not unfair to say that he now refuses to allow even his own recognition of the potential for private appropriation of state revenue to put the slightest dent in his imposing "Oriental" system of despotism. For example, he acknowledges that service in the State may provide enormous opportunities for personal enrichment (p. 313) but not that this can have deleterious effects for the State. Again, he recognizes that decay of the all-important water works "may be accelerated by the expansion of large proprietary forces, whose members arrogate to themselves an increasing part of the national surplus." (p. 171). However, this potentially significant assertion is at no point developed. One is inclined to think that Wittfogel's views were rather closer to the mark some decades ago, when they were still much suffused with dialectical materialism, than in recent years when they have been dominated by the effort to find a model which will "explain" the histories of "Oriental" societies.

official corruption in general.⁴ And work on local government in recent times such as Hsiao Kung-ch'uan's imposing study of nineteenth-century China amply demonstrates what pressures were present to deflect the best energies of the local official and facilitate his departure from the path of the straight and narrow.⁵

To be sure, there is no *single* problem here. The modes of conduct whereby the official sacrifices duty for private interest are innumerable, and they range in scale from the negligible to the ruinous. Moreover, since they are by nature secretive, we can hardly hope to find more than a relative sprinkling of documented cases. This is not, in short, an area which lends itself to systematic study. As a consequence, the dominant question in each of the individual cases we find must be: how representative, or on the contrary how atypical, is it? Our goal is of course not simply to muckrake, satisfying pastime though that be. It is rather to obtain some solid notion of how well or how badly officials performed in their function as servants of the State and, when badly, to gauge the impact which this had on contemporary conditions and subsequent events. As possible consequences, one can well imagine finding a decline in State power and at the same time a worsening of the lot of the populace, which could itself have major repercussions. The relevance of such questions to considerations of the so-called dynastic cycle is obvious.⁶

On the surface, late T'ang history should be rich ground for exploration along these lines. Certainly one of the distinguishing characteristics of this period is the power and authority enjoyed by the provinces at the expense of the central government. Although it is difficult to generalize on all parts of the empire for the entire period following the crucial An Lu-shan rebellion, it is safe to say that the structure which emerged with the creation of provincial governorships (*chieh-tu-shih* 節度使) led to a serious, indeed

⁴ See, for example, his remarks in "Significant Aspects of Chinese Society" and "The Birth of Capitalism in China", both reprinted in *Chinese Bureaucracy and Civilization* (New Haven: Yale, 1964), pp. 10 and 42, respectively.

⁵ I refer of course to *Rural China: Imperial Control in the Nineteenth Century* (Seattle: University of Washington Press, 1957). The present study was initially, in fact, intended to play a part in honouring Professor Hsiao upon his retirement. It has inconveniently outgrown its original design, but I trust that it can still here, if only informally, fulfil its initial purpose.

⁶ Recent studies of the role of the gentry in local affairs and government, including Professor Hsiao's, have shown what opportunities the gentry had to exploit their powers and privileges contrary to the long-term interests of the State. See also Ch'ü T'ung-tsu, *Local Government in China under the Ch'ing* (Cambridge: Harvard University Press, 1962), esp. pp. 185-92, and Chang Chung-li, *The Chinese Gentry* (Seattle: University of Washington Press, 1955), esp. pp. 43-51. In studying the Ch'ing period it is possible to discern a more or less well defined elite group and ample material on local conditions is available. One can thus profitably take up such a conflict of interest between the State and the pre-eminent social group as a whole. This can be done only in a very fragmentary way for any of the earlier periods, and our concern here will be considerably narrower, that is, with the conduct of the individual official.

nearly fatal, drain of authority and revenue away from the central government. Even after the governorship had lost its strong military coloration, had come to be manned by regular civil officials, and had suffered major administrative revision, it still gave very wide scope to individual governors. It remained without challenge as the highest post in the provinces and for those governorships in certain key areas of the empire it was exceeded in importance only by the few very highest of offices at the capital.⁷

Any careful discussion of this provincial system must distinguish between circumstances obtaining before and those obtaining after the reign of Hsien-tsung (r. 805-820).⁸ For our purposes, however, it will be adequate to characterize the situation in the earlier phase, before the policies of this monarch began to take effect. From the beginning - that is, for most of the empire from the time of the An Lu-shan rebellion - the governors had enjoyed a large measure of *de facto* fiscal autonomy. This fiscal power was eventually recognized, and in effect institutionalized, in the two-tax reform of 780.⁹ Under the quota system comprehended by this reform, the governors were given complete responsibility for collecting and disposing of local revenue in return for surrendering fixed amounts to the central government. The latter naturally remained the ultimate authority on this, as on other matters, and it continued to legislate on the subject. No doubt, too, it was able to supervise affairs much more directly in some provinces than in others.

Such qualifications aside, it is also clear that officials occupying the governorships had ample opportunity to fill their purses and that by and large they did not neglect to do so. They were in fact the nabobs of their day.¹⁰ Staggering fortunes were built up through the control of a province, and, where the highest authorities set such an example, we can only guess how far their subordinates followed. The problem facing the central government was at the same time a complex one. Obviously it wanted to receive a greater share of the revenue and to enforce stricter standards of fiscal management on its provincial officials. But this required full and

⁷ No study of the T'ang provincial order for the eighth and ninth centuries has yet displaced Hino Kaizaburō's 日野開三郎 *Shina chūsei no gunbatsu* 支那中世の軍閥 (Tokyo: Sanseidō, 1942), though a number of articles by Hino and others have supplemented it in important ways.

⁸ See my paper "The Restoration Completed: The Provincial Policy of Hsien-tsung" in the forthcoming *Perspectives on the T'ang* (ed. A. F. Wright and D. C. Twitchett, in press).

⁹ On which see D. C. Twitchett, *Financial Administration under the T'ang Dynasty* (Cambridge: Cambridge University Press, 1963), pp. 39 ff.

¹⁰ See, for example, S. Balazs, "Beiträge zur Wirtschaftsgeschichte der T'ang-Zeit", *Mitteilungen des Seminars für Orientalischen Sprachen*, 34 (1931), p. 91, and 35 (1932), pp. 123-24, which includes translation of a very revealing passage in *Chiu T'ang-shu* (hereafter *CTS*), 48, 12b. The classic case is that of Han Hung 韓弘 who has biographies in *CTS*, 156 and *Hsin T'ang-shu* (hereafter *HTS*), 158. For both of these works the Po-na edition has been used.

accurate information, a substantial corps of dedicated servants, and ultimately political strength. The single case we shall examine will not reveal all facets of the general problem, but it will establish the kind of specific context with which one can begin to approach it.

II

Our protagonist was not a particularly distinguished figure. Had he not come of age in the troubled period ushered in by the An Lu-shan rebellion, he would in all likelihood have remained nameless to contemporaries and posterity alike. This is not to suggest that he lacked talent but rather to recall that under the T'ang before 755 men of his background, even when they had been able to enter officialdom, seldom rose to high office. Furthermore, though known to Chinese history as an extortionate official, he was probably no worse than many of his fellows and surely better than some. In short, he holds interest for us as neither hero nor villain but as rather a typical provincial official who just happened to get caught. In truth, if not in charity, his bad luck is our good luck.

Little specific information is available regarding the family background of our "anti-hero" Yen Li 嚴礪.¹¹ This most probably means that his forebears were undistinguished and we find him, in fact, labelled "plebeian" by his eventual accuser.¹² On the other hand, a collateral branch of the family, from which issued Yen's sometime superior and patron, Yen Chen 震, is described as well-to-do local gentry.¹³ Possibly this was true of the clan as a whole. In any event, the fact that Yen could, in preparation for the priesthood, acquire an education implies an economic condition above the average, one which at the very least could dispense with his services at home.

Yen was born in the early 740s in Tzu prefecture 梓州, located at Sant'ai 三台 in present-day Szechwan. This place will reappear soon and in prominent fashion in our account. He was from early on trained in the

¹¹ The main sources for Yen's life are (1) his official biographies, *CTS*, 117, and *HTS*, 144, and (2) Ch'üan Te-yü's 權德輿 epitaph "T'ang ku Chien-nan tung-ch'uan chieh-tu fu-ta-shih . . . Yen kung shen-tao pei-ming" 唐故劍南東川節度副大使 . . . 嚴公神道碑銘, in Ch'üan's collected works, *Ch'üan Tsai-chih wen-chi*, 15 (hereafter *CTCWC* with references made to *Ssu-pu ts'ung-k'an* edition; also found in *Ch'üan T'ang-wen* [CTW] 497). Unless otherwise indicated the following account of Yen's career is drawn from these items. The impeachment memorial submitted against Yen by Yüan Chen in 809 contains a few bits of biographical information of a general nature in addition to the very substantial description of Yen's conduct of affairs in Szechwan. Entitled "T'an-tso Chien-nan tung-ch'uan chieh-tu-shih chuang 彈奏劍南東川節度使狀", this document can be found in Yüan's collected works *Yüan-shih ch'ang-ch'ing chi* 37, in *CTW*, 651, and in *Wen-yüan ying-hua*, 649. References will be to the *Ssu-pu ts'ung-k'an* edition of Yüan's works under the abbreviation *YSCCC*.

¹² *YSCCC*, 37, 5a: "pai-hsing 百姓".

¹³ Yen Chen has biographies in *CTS*, 117 and *HTS*, 158.

Ch'an sect of Buddhism, pursuing, it is said, a particularly ascetic path. For some time at least he lived and was active as a cleric. He was then an individual of some education – his private biographer described him as well-read – but not a member of the Confucian scholarly élite. It was probably his education, together with some measure of native ability, that gave him access to government service. About the time the An Lu-shan rebellion was coming to an end, in any event in the early 760s, he impressed a local official and was recruited by him as clerical head (*wei* 尉) in one of the counties of Tzu-chou. This office held the lowest rank in the entire official hierarchy, but the vital point is that it occupied a place within it. Such recruiting was altogether characteristic of the times. While unstable conditions reduced the pool of regularly qualified men available for government service, the decentralization of power which accompanied these conditions – that is, the emergence of a very strong provincial system – created new administrative demands.¹⁴ Men of comparatively obscure social origins thus received new opportunities for official employment, though it is true that they seldom penetrated the inner corridors of power and influence at Ch'ang-an.

We cannot, and here need not, trace Yen's career in detail up to the point where it interests us. His rise was by no means meteoric: it took some 25 years for him to reach a key provincial post. During these years he seems to have had varied experience. We find him, for instance, at one point holding a frontier military post and at another holding a position with mainly legal responsibilities. Most of the time, however, he was active in military administration, logistics in particular becoming his speciality. It was, in fact, in this connexion that he achieved one of what his official biographers regard as the two moments of glory in his life. This came in early 784 during the nigh-fatal revolt of several provincial governors – not all, fortunately for the T'ang house, acting in harmony – which sent the emperor (Te-tsung) in flight towards Szechwan. At this time Yen Li was serving under his cousin Yen Chen who was governor of Shan-nan West (roughly, portions of eastern Szechwan and southern Shensi). With the emperor sojourning temporarily at the head prefecture of this province, Yen was put in charge of supplying the sovereign and his refugee court. This he did so effectively – at whose cost we can perhaps surmise – that further withdrawal to Ch'engtu, the

¹⁴ See Tonami Mamoru 瀧波護 "Chüsei kizokusei no hōkai to hekishosei 中世貴族制の崩壊と辟召制", *Tōyōshi kenkyū*, 21 (1962), pp. 10–15; also E. G. Pulleyblank, "Neo-Confucianism and Neo-Legalism in T'ang Intellectual Life", in A. F. Wright, ed., *The Confucian Persuasion* (Stanford: Stanford University Press, 1960), p. 83; and D. C. Twitchett in his recent article "Tunhuang Evidence on the Composition of the T'ang Ruling Class", to appear in the *Perspectives on the T'ang* (in press). The significance for social mobility of a dissemination of power in the provinces has been well established for the Wu-tai period. See Wang Gungwu, *The Structure of Power in North China during the Five Dynasties* (Kuala Lumpur, 1963) and his references.

wealthy capital of western Szechwan, became unnecessary. A worthy deed which undoubtedly stood to his advantage in his future career.¹⁵

Yen held posts elsewhere for a few years, but in time he returned to his cousin's service and in consequence gained the opportunity to ascend to the highest of provincial appointments. From the time of his return, late in the 780s or early in the 790s, he developed into Yen Chen's right-hand man, holding the posts of prefect of Hsing-chou 興州 and provost marshal (*tu-yü-hou* 都虞候). Their blood relationship must have been important here, for the latter was the key security post at provincial headquarters, confided only to the most loyal of followers.¹⁶ Again, no doubt, this blood relationship was a factor when in 799 Yen Chen, from his deathbed, petitioned the throne to name his cousin his successor in Shan-nan West. Throughout this period of weak central direction it was normal procedure to appoint the new governor of a province from among local personnel. As against installing someone from the outside, this eased the transition to new leadership, though obviously at the cost of close central control. In due course Yen was appointed governor, but, interestingly enough, not without serious objections being raised at court. Disagreement over his qualifications reached the point where two officials were sent out to the provinces in disgrace for having falsely reported deliberations on the matter. One might speculate whether this demonstrates a general suspicion of Yen's improbity or whether there might even have been factional opposition to his elevation to a high post. However, no corroboratory evidence is available to support either conjecture.¹⁷

We know virtually nothing about Yen's administration during his tenure as governor of Shan-nan West. Remarks on the subject in his official biographies are obvious clichés, most likely selected on the basis of what was disclosed about his later conduct. In their context they serve the useful

¹⁵ Yen's *CTS* biography ignores this achievement altogether and that in the *HTS* makes the briefest of references to it. But see *CTCWC*, 15, 7b, and *Tzu-chih t'ung-chien* (hereafter *TCTC*; Ku-chi ed. of 1956) 230, p. 7419. The latter as well as Yen Chen's official biographies claim that, whereas the area had been suffering economic hardships, provisioning of the court was nevertheless carried out without distress to the populace.

¹⁶ We are also told that Yen served at the head prefecture of the province, Hsing-yüan (previously named Liang-chou), and that his appointment at Hsing-chou was simply a device for keeping that prefecture more firmly under the control of the governor. (*CTS*, 117 erroneously makes him *tu-yü-hou* of Shan-nan East.)

¹⁷ *HTS*, 144 mentions the opposition but see especially *CTS*, 117, 8a-b, for a somewhat detailed account. Also see *CTS*, 13, 16b. Only one of the officials involved has official biographies (Hsü Meng-jung 許孟容 in *CTS*, 154 and *HTS*, 162), but these reveal nothing on the episode. The objections raised against Yen were twofold, that he was simply unqualified to hold such a high post and that the provincial garrison held him in low esteem. The fact that this latter point was raised is particularly ironic in that in his epitaph Ch'üan Te-yü praises Yen precisely for restoring the army's morale once he took over (*fu-hsiu chün-chih* 復修軍志) (*CTCWC*, 15, 8b).

purpose of establishing the consistency of character and behaviour of which the traditional historians are so fond. Moreover, not only is there a total lack of any hard information on irregularities in his administration but two general facts argue in his favour as an administrator. First, he was sufficiently effective to remain in his post for seven years, and, secondly, when he left it was to take up what must be regarded as a still more vital one.

The other noteworthy deed in Yen's career, and one which would otherwise have been taken as its hallmark, was his role in the suppression of Liu P'i's 劉關 revolt. This is not the place to relate the history of that event, but a few points are immediately relevant. Liu P'i was initially a subordinate and eventually the successor of the long-term governor of Chien-nan West (*i.e.*, western Szechwan), Wei Kao 韋臬.¹⁸ Wei, himself an effective defender of the frontier and a generally loyal official during his 21 years in command, had created a powerful machine in this province to which Liu now, despite strong hesitations by the court, fell heir.¹⁹ Not without reason, for Liu's ambitions extended beyond control of the province, and, when his demands for more territory and power were denied, he went into open revolt. One wonders whether the court's initiative in forcing a break were not greater than the sources pretend. If, however, Liu embarked on his rebellion with his eyes open, he would surely have been encouraged by the example of the successful resistance to loyalist forces put up by the recalcitrant leadership of Huai-hsi (*i.e.*, southeastern Honan) in the years 798-9.²⁰ Where that revolt succeeded, and so protected the autonomy of the province, however, this one failed. Hostilities commenced at the outset of *yüan-ho* 1 (806), and were brought to a close by fall. Liu, together with his family and closest associates, were executed soon afterwards.²¹

Although, in a departure from previous policy, the bulk of the fighting was done by units of the Palace Army (*Shen-ts'e chün* 神策軍), Yen's army of Shan-nan West also fought effectively.²² It was indeed the only provincial army employed in the campaign. The pattern in the several internal conflicts over the four decades since the An Lu-shan rebellion had been one of cannibalistic suppression of wayward provinces by others often only slightly less wayward which then emerged all the stronger. From this point onward the court undertook to break this vicious circle. Yen's participation,

¹⁸ Biographies in *CTS*, 140 and *HTS*, 158.

¹⁹ See Wei's biographies and also *TCTC*, 236, p. 7620.

²⁰ See account in *TCTC* 235 and also the biographies of the governors of this province in *CTS*, 145 and *HTS*, 214.

²¹ For principal coverage of this rebellion see Liu's biographies in *CTS*, 140 and *HTS*, 158 as well as *TCTC*, 236-7, *passim*.

²² *TCTC*, 237, pp. 7627 and 7633, record Shan-nan West's successes. Ch'üan (*CTCWC*, 15, 8a) and Liu Tsung-yüan in his eulogy on Yen (*Liu Ho-tung chi*, 20) both stress the importance of Yen's capture of Chien-chou which seems to have opened up the way for the final suppression of the revolt.

since his territory lay adjacent to the area of conflict, was probably unavoidable. Moreover, having been consistently loyal throughout his career and now proving to be an unaggressive governor, he would not have struck anyone at court as a potential threat.

Some of these same considerations must have played a part in his transfer to Chien-nan East (*i.e.*, central Szechwan) at the close of the rebellion.²³ It is important at this juncture to recognize that positive reasons were surely behind this shift. Since this province had been largely overrun by rebels and lay now in a spent, unsettled condition, it no doubt presented a more difficult challenge than administering the tranquil one Yen was now leaving. His contribution to the victory, his presence on the spot with his forces, and his familiarity with the southwest in general all made his installation here as governor altogether suitable.²⁴ We are perhaps surprised to find that this reassignment took him to a province whose head prefecture was Tzu-chou, his home town. However, the systematic prohibition against officials serving in their native areas dates only from Ming times²⁵ and, in this instance, the official's personal connexion may even have been taken as a favourable factor.²⁶ Up until this point Yen's career has been no more than typical of the new breed of leadership which emerged in the provinces at this stage in T'ang history - typical though, unfortunately for this account, a good deal less colourful than many others. Henceforth, however, it becomes significant and revealing in ways in which they are not.

Chien-nan East was normally the lesser of the two provinces into which the Szechwan basin was split. Now in a move to weaken the rebellious one, six prefectures were lopped off the western province and placed under the eastern.²⁷ It was thus over a significantly expanded territory that Yen assumed control, a fertile area drained north-south by the Fu River 涪江 as well as by the Yangtze on the south and comprising at this time a population perhaps in excess of 2,000,000 souls.²⁸ This province would not have

²³ That is, in the tenth month (*CTS*, 14, 9b; cf. *TCTC*, 237, p. 7637).

²⁴ The far more crucial appointment was to head the rebel province itself, Chien-nan West. The victorious commander-in-chief Kao Ch'ung-wen 高崇文 received this assignment (see below, p. 44 and n. 33).

²⁵ I. Miyazaki, "Kaihi", *Ajia rekishi jiten*, 10 vols. (Tokyo, 1959), II, p. 107.

²⁶ Yüan Chen treats it as an "unparalleled" privilege (*YSCCC*, 37, 5a), but in the context one is inclined to take this as rhetorical overstatement.

²⁷ Prior to the transfer, Chien-nan East consisted of the following prefectures: Tzu 梓, Mien 綿, Sui 遂, Chien 劍, P'u 普, Ho 合, Yü 渝, and Lung 龍. According to *TCTC*, 237, p. 7637, the prefectures of Tzu* 資, Chien* 簡, Ling 陵, Jung 榮, Lu 澗, and Ch'ang 昌 were placed under its jurisdiction as well. [The asterisks distinguish these prefectures from the Tzu and Chien above.] *HTS*, 67, 10a, inexplicably fails to take notice of this changeover.

²⁸ This estimate is based on the pre-An Lu-shan rebellion figures contained in *CTS*, 39 and *HTS*, 42, for which see n. 47 below, and includes the recently added prefectures. (There are, of course, no post-rebellion figures available.) The precise

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possessed the wealth, especially that derived from trade, of several of the eastern ones, but of itself it was clearly a productive region. Whether or not any of this productivity was directly benefiting the central government at this time is difficult to say. The single piece of explicit information we have from this period on provincial tax contributions is altogether inexplicit when it comes to Chien-nan East (as well as several others).²⁹ It is probably fair to say that, while the central government regarded the province as within its effective fiscal sphere, it did not regard it as a serious source of revenue. Such a status was by no means uncommon at the time. However, through suppression of the rebellion and new appointments in this region, the government probably hoped to strengthen its fiscal position here.

In two ways the court attempted to facilitate readjustment and a return to stability in the area. Firstly, save for those captured and later condemned with Liu P'i, participants on the rebel side from both Chien-nan provinces were pardoned and exonerated of any responsibility for the revolt.³⁰ Secondly, a partial remission of taxes for 807 was granted, the court's giving up its share altogether and ordering that revenue collected for local purposes be cut to a minimum.³¹ As the event would show, such gracious wishes on high were not always held sacred in practice below. Indeed, the inhabitants of Chien-nan East, were they to judge by Yen Li's local administration, might not have held a very indulgent view of their sovereign in Ch'ang-an at all.

In truth, it is not easy to evaluate Yen's administration as a whole. We are fully informed on three of his irregularities in office and on very little else. It is unlikely, in view of his long experience and moderately successful career, that his conduct of affairs was uniformly corrupt. By the same token, however, there is no assurance, to say the least, that the sum total of his misdeeds was limited to those for which evidence against him could be procured. These acts, which we shall examine with some care, fall into two

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totals are 358,188 households and 1,362,742 individuals. Since (1) it is generally assumed that most areas were seriously under-registered and since (2) this particular area would surely have benefited from the large-scale north-to-south emigration of the eighth and ninth centuries, I feel that these figures could even be doubled in order to arrive at more nearly approximate ones.

²⁹ This is the *Yüan-ho kuo-chi-pu* 元和國計簿 of 807, found (among other places) in *T'ang hui-yao* [*THY*] 84, pp. 1552-3 [of the Kuo-hsüeh chi-pen ts'ung-shu edition]. This states specifically which provinces regularly did and which regularly did not contribute revenue to the court, but it leaves unclear the status of a number of others. One can assume, with D. C. Twitchett, that this intermediate group paid in revenue on an irregular basis. See map in his *Financial Administration under the T'ang Dynasty*, p. 117.

³⁰ Yüan (*YSCCC*, 37, 1b-2a) cites a decree of *yüan-ho* 1, 5, 10 and an act of grace of *yüan-ho* 2, 3, 1. Part of the former, though here dated the ninth month, is in *TFYK*, 89, 22b [of 1642 edition]. The latter is probably that undated document contained in the *T'ang Ta-chao-ling chi*, 124, p. 665 (reprint of 1959).

³¹ *T'ang Ta-chao-ling-chi*, 124, p. 665. The year given for the tax remission, *yüan-ho* 3, must be a misprint for *yüan-ho* 2.

categories, the direct appropriation of private property and the imposition of supplementary taxes. At the very least, they demonstrate in clear and blunt fashion the kinds of opportunities open to officials out in the provinces to line their pockets. However, they also suggest, if only obliquely, some of the restrictions to which such conduct was subject.

Yen undertook his appropriation of property shortly after the beginning of *yüan-ho* 2 (807),³² and he was quite possibly stimulated by the example of the victorious commander of the loyalist forces in the recent campaign and new governor of Chien-nan West, Kao Ts'ung-wen 高崇文, who expropriated the wealth of local Ch'eng-tu residents in most appalling fashion.³³ It was now some three months after Yen's appointment to head the province, and the interval probably represents the amount of time he needed fully to establish his own administration and to settle into office. Common sense tells us that the direct seizure of property, save at a time when government breaks down altogether, is a potentially dangerous affair, surely one which a veteran administrator such as Yen would hardly have undertaken without a pretext. At this time, therefore, he issued a directive, presumably in execution of central policy, affecting all local personnel who had collaborated with the rebels.³⁴ The directive stated that, though pardoned for their offences, such personnel were subject to a confiscation of property. Thereupon, a thoroughgoing inventory of this property was undertaken which spared neither persons nor objects. In the first respect it was directed, so it is said, against anyone who bore an official title regardless of his conduct during the rebellion. In the second the property which came within purview included land, houses, slaves, mulberry groves, shops, mills, grain stocks, and individual objects of value.^{34a} Yen thereupon confiscated the lot, despoiling in all some 88 households.

³² See below, p. 55, on the character of Yüan Chen's impeachment memorial which provides virtually all the information used in the following reconstruction. E. Feifel, *Po Chü-i as a Censor* (The Hague, 1961), p. 157, has a few remarks on this case which, unfortunately, are not free from error (particularly with respect to "the enslavement of free citizens" of which there was no question).

³³ See Kao's biographies, esp. *CTS*, 150, 2a, and *HTS*, 170, 1b. Naturally, since the western province had rebelled, Kao was in an excellent position to take advantage of it.

³⁴ Yüan (*YSCCC*, 37, 1a) was able to determine the precise date for the issuance of the directive, *yüan-ho* 2, 18, 2 which applied in fact not only to active civil and military officials but also to persons of official status resident here (*ch'ien-tzu ch'i-chu* 前資寄住), officials out of office or in retirement, and to some common subjects (*pai-hsing*) as well. On the term *ch'i-chu*, which also specifically indicates possession of land at a place other than that of official registration, see Katō Shigeshi 加藤繁, "Tō-Sō jidai no shōen no soshiki narabi ni sono shūroku to shite no hattatsu ni tsuite 唐宋時代の荘園の組織並に其聚落としての發達に就いて," *Shina keizaishi kōshō* 支那經濟史考證, 2 vols. (Tokyo, 1952 and 1954), I, pp. 242-3.

^{34a} I translate the specific categories of property as indicated, but it should be noted that a set phrase such as *ti-tien nien-ai* 邸店碾磨 refers generally to whatever facilities were to be found on a given piece of real estate.

The landed property, scattered over four prefectures, consisted of 63 estates (*chuang* 莊) and 58 residences (*chai* 宅).³⁵ The largest concentration was in Tzu where Yen himself seized 29 estates and 41 residences, but in one other prefecture, Mien, the figures were also sizable at 20 and 13 respectively. It appears that the property so confiscated was to go to the personal enrichment of Yen,³⁶ a point which the apparent lack of confiscations in prefectures other than these four would support. Nonetheless, it is reasonable to assume that at least the other three prefects - Yen himself was concurrently prefect of Tzu - received their "cut" one way or the other.

One intriguing aspect of this flagrant violation of the government's policy of clemency is Yen's apparent confidence in getting away with it. Surely, the delicate position in which the collapse of the rebellion had left local elements is central here; they were simply not very well placed to protest their treatment. Over and beyond this, one may well wonder whether the local populace in an outlying region such as this had any real opportunity to learn what central policy and wishes were. Effectively, such information would have to come through the governor and his officials, in view of which it seems likely that the full pardons were never published in Chien-nan East.

A second point to note with respect to the confiscation bears on Yen Li's personal situation. Recalling the traditional conception in China of land as pre-eminent in the production of wealth, we need hardly be surprised at the desire of an *arriviste* such as Yen to make acquisitions in land when the opportunity presented itself. This was, incidentally, also a period when the large-scale acquisition of land by military leaders and provincial officials was particularly common.³⁷ Nor should it be overlooked that Yen had just assumed a new post. Whatever might have happened to any property he held in Shan-nan West, he would surely have wished to establish a new economic base here, all the more so since Tzu-chou was his home district.

³⁵ Yüan not only gives distinct figures for the two, *chuang* and *chai*, but in his global figure he adds the two together. Thus it is logical to assume that 121 separate pieces of property were involved. Though this seems here clearly to be the case, *chuang-chai* appears otherwise as a compound designating large estates (see Katō Shigeshi, "Tō no shōen no seishitsu oyobi sono yurai ni tsuite 唐の荘園の性質及び其の由來に就いて," *Shina Keizaishi kōshō*, II, pp. 214 and 217). *Chai* should probably be understood as a domicile - or villa? - which naturally brought with it a greater or lesser plot of land. There are two arithmetical inconsistencies in Yüan's statement with regard to these properties: (1) the figure in the heading to his first charge, 122 (*YSCCC*, 37, 1a), does not match the sum derived from adding the individual figures; and (2) the figure of 48 dwellings given later (3b) has to be an error for 58.

³⁶ *YSCCC*, 37, 2a, specifically states that these properties had been taken into the hands of the provincial administration (*shih-ssu* 使司).

³⁷ See Sudō Yoshiyuki 周藤吉之, *Chūgoku tochi seidoshi kenkyū* 中國土地制度史研究 (Tokyo, 1954), pp. 18-23.

The other means Yen employed in the pursuit of additional income was the imposition of supplementary taxes, on two kinds of which we are informed.³⁸ Though these produced but moderate sums, their specific features are of distinct interest, particularly in providing texture for the general charges we encounter in this period regarding arbitrary taxation by provincial officials. It is essential to bear in mind that under the two-tax system (*liang-shui-fa*) direct taxes were, save for local service obligations, entirely contained in the two regular, semi-annual levies.³⁹ Though the central government, usually under duress, itself backslid on this principle, it repeatedly forbade its provincial officials from doing the same.⁴⁰ How well it was able to back up its prohibitions was quite another matter, but the principle of no additional levies outside the two-tax framework was clear-cut.

One kind of levy imposed by Yen was, operationally, simplicity itself. Imposed uniformly in all prefectures in both 807 and 808, it called for a supplementary contribution of fodder upon payment of the regular autumn levy. The grounds given were that additional fodder was needed to supply the postal-relay stations in the province. The rate for the supplement was established in relation to regular quotas: for each string of cash one bale of fodder was to be added (*mei-kuan chia-p'ei i-shu* 每貫加配一束).⁴¹ Fodder was evidently a standard tax commodity in this region so that this would have struck the average taxpayer as merely an increase in rates. He would also certainly not have known that the increase had no other than local authorization. Since, moreover, the levy was carried out in two successive years, it was unquestionably on its way to becoming a regular source of revenue for the governor. Indeed, such a special levy had been imposed for many years in Yen's old province of Shan-nan West, so that Yen had simply resorted to a tried and true device once he settled down to administering

³⁸ In both this memorial and the one cited below, n. 41, Yüan uses several different terms to designate a special or supplementary tax levy, by definition illegal. They are as follows: *p'ei-shuai* 配率, *chia-p'ei* 加配, *k'o-p'ei* 科配, *chia-shuai* 加率, *ts'ui-shuai* 權率, and *chia-cheng* 加徵. Though he appears to use them interchangeably, it may be possible and desirable to determine distinctions among them.

³⁹ On this point in particular see Hino Kaizaburō, "Ryōzeihō no kihonteki yon-gensoku 兩稅法の基本的四原則", *Hōseishi kenkyū* 11 (1961), pp. 42-50.

⁴⁰ For example, see the edict issued to this effect upon Shun-tsung's accession in 805 (in *TFYK*, 488, 3b) and the confirmation of this policy late in 809 (*CTS*, 14, 16b).

⁴¹ The use of the string, or 1,000 cash, as the unit on which to apply a supplement or surtax was common. Cf. *THY*, 83, p. 1537. It is not to be imagined, nevertheless, that such large sums as suggested by calculations in terms of strings were necessarily demanded from the individual taxpayer. Rather, quotas reckoned in strings were assessed by the prefecture on the localities (*hsiang*) and villages (*li*) where they were broken down into individual assessments.

his new province.⁴² Thus too one finds a good illustration of how relatively tolerable taxes could gradually become onerous and intolerable.

The amount of fodder collected from all 13 prefectures totalled 194,000 bales the first year and 225,000 the second.⁴³ These are superficially impressive figures, but of course fodder is not a commodity that goes very far. Using contemporary information for rough comparative purposes, we discover that fodder in these quantities would support no more than a few hundred horses per year.⁴⁴ Since there must have been a number of postal-relay stations in the province, each of which stabled anywhere from 8 to 60 mounts, the amount of fodder collected is by no means necessarily in disproportion to their probable requirements.⁴⁵ Was the need then bona fide, forcing Yen to have recourse to illegal means? Probably not, for

⁴² See Yüan Chen's memorial impeaching the governor of Shan-nan West which dates from the same time as his Szechwan investigation. Entitled "T'an-tsou Shan-nan hsi-tao liang-shui wai-ts'ao chuang", 彈奏山南西道兩稅外草狀 it is found in *YSCCC*, 37, 6a-7a, as well as *CTW*, 651. According to this document, the tax had been levied there since 780, the year when the two-tax reform was adopted. In other words, it predates the reform and was simply never removed as it legally should have been. It is worth remarking that Yen's cousin, Chen, was governor here from 782.

⁴³ I have rounded off these figures. Note that Yüan specifies the weight for a bale to be 11 *chin*, i.e., 16½ lb. (7.48 kg.), suggesting that there were regional variations in this unit. Again the over-all total given for both years, 414,867 bales, does not agree with the global sum of all figures given under the individual prefectures, 419,258.

⁴⁴ This kind of calculation offers terrain where only fools would dare to tread, but it is important to obtain some idea of the value of these sums. One can make reference to *THY*, 91, pp. 1660-1, where a decree of 786 sets out a new scale of emoluments for commanding officers of the Palace Army, including fodder allowances for their personal mounts. It is, however, disturbing to find that the allotment of bales (the same weight as in Szechwan?) per horse per month varies from 53 to 60. Was the lower figure adequate and the remainder, in effect, additional income, or was 60 closer to the requirement, forcing the others to support their horses out of another pocket? Taking in any event a median of the upper and lower limits, we arrive at an average annual consumption of 690 bales per horse. (By comparison, under Wang An-shih's *pao-ma fa*, tax relief for participating households was calculated on a rate of only 250 bales, which raises all sorts of questions. See *Sung-shih* 198 and *Huang-ch'ao pien-nien kang-mu pei-yao*, 19.) At this rate the quantities of fodder involved would support something like 281 mounts the first year and 324 the second. These figures, however, might be altogether too conservative. If, for instance, we look at averages of consumption for horses today and assume that, like we, the T'ang Chinese fed their horses grains of some sort as well as fodder, it is quite possible that those horses consumed no more than one bale daily. At this rate the respective figures would be 538 and 622, a significant difference.

⁴⁵ Such stations were indeed numerous, totalling 1,639 in the empire as a whole, and were classified according to size. Unfortunately, though we have a fairly exact idea of the system as it had evolved by the mid-eighth century, we would have to speculate rather considerably to arrive at any idea of the size and shape of the network in any particular region by our period. In general, see Aoyama Sadao 青山定雄, "Tōdai no eki to yū oyobi shinsōin 唐代の驛と郵及び進奏院, *Tō-Sō-Jidai no Kōtsū to Chūshi-Chizu no Kenkyū* 唐宋時代の交通と地誌地圖の研究 (Tokyo, 1963), pp. 51-126, and Ch'en Yuan-yuan 陳沅遠, "T'ang-tai i-chih k'ao 唐代驛制考," *Shih-hsueh nien-pao* 1 (1933), 61-92.

support for the postal-relay system was evidently provided within the two-tax structure.⁴⁶ One can rather suggest, though this is only speculation, that Yen, like most of his fellow governors, maintained military forces larger than those officially sanctioned and that he had to find additional sources of revenue to support them.⁴⁷ He and his subordinates could also, to be sure, have simply marketed the fodder and used the profits for more personal purposes.

The figures on this supplementary levy in fodder are interesting in another respect as well, though not directly related to the issue of Yen's malfeasance. Broken down as they are by prefecture and by year, they provide something of an index to provincial revenue for this time and place. If, that is, a bale of fodder was *literally* and *uniformly* levied for each string of cash called for by local quotas, then we discover a very valuable set of figures – the size of the autumn levy in these Szechwan prefectures early in the ninth century. There are three main considerations which argue that this levy in fact conveys such information. First of all figures are available for all 13 prefectures, showing that the levy was carried out throughout the province. Secondly, a comparison between these figures and the last meaningful T'ang population statistics reveals an unmistakable correlation in terms of size.⁴⁸ Thirdly, the sums suggested as revenue are entirely

⁴⁶ At least according to Yüan's unequivocal statement (YSCCC, 37, 2a). There is, however, considerable question as to the precise means of support for the system in this later period. See Aoyama "Tōdai no eki to yū oyobi shinsōin", *loc. cit.*, pp. 72 ff., who shows also that the central government itself resorted to a variety of methods to keep the system operative.

⁴⁷ We have no specific information on the size of Yen's army at Chien-nan East. Although it would not have been among the largest of the provincial armies, it would in all likelihood have been larger than the 10,000-man standing force he commanded at Shan-nan West (as reported in TFYK, 413, 28a).

⁴⁸ For sources of population statistics see *supra*, n. 28. Following is a list of the prefectures in Chien-nan East in Yen's time together with (1) population figures, by household, (2) amounts of fodder collected in 807 (*i.e.*, number of strings collected under autumn levy) and (3) amounts collected in 808 (ditto). The prefectures are listed by size, at least according to registration dating from the 742-55 period.

Mien	65,066 (<i>hu</i>)	38,093 (<i>shu</i>)	50,595 (<i>shu</i>)
Tzu	61,824	31,792	44,160
Sui	35,632	24,503	25,482
Ling	34,728	24,606	23,861
Tzu*	29,635	15,798	16,225
Ho	26,814*	3,462	5,605
P'u	25,693	6,000	9,450
Chien	23,510	24,104	23,118
Chien*	23,066	9,039	12,778
Lu	16,594	3,853	3,851
Yü	6,995	2,614	3,727
Jung	5,639	9,403	5,427
Lung	2,992	891	811

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credible when set beside the few others we have from other prefectures in the ninth century.⁴⁹

As a result, it would appear that the income from the autumn levy in Chien-nan East in 807 was on the order of 194,000 strings, and in 808 224,000 strings. The sums ranged from a high of 50,000 in Mien-chou in 808 to the abysmal low of 811 in underdeveloped Lung-chou the same year. Presumably, the figures given represent the revenue received by the prefectures prior to any allocation for local needs. Under the threefold division of revenue then in effect, a portion should have been retained by the prefecture, with other portions being dispatched to the province and to the capital.⁵⁰ There is no way of knowing precisely what occurred in this case, though of course the central government had renounced its share for 807. Finally, we need no more than mention that under the two-tax system the autumn levy would have brought in only one of the two major shares of the year's revenue, the remainder coming in under the summer levy.

The second of Yen's special and unauthorized levies on which we are informed was one imposed on the two prefectures of Tzu and Sui in 807. Under the circumstances justification for the levy was not altogether lacking, but it nevertheless emerges clearly that Yen was exploiting the

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* The figure of 66,814 given in both CTS, 39 and HTS, 42 is obviously defective. On the strength of (1) figures from the 713-41 period reported in *Yüan-ho chün-hsien t'u-chih*, 33 and *T'ai-p'ing huan-yü-chi*, 136 (20,067 and 26,800 respectively) and (2) of the household: individual ratio resulting from the figures given for individuals in CTS, 39 and HTS, 42 (respectively 107,220 and 77,220, of which only one can be correct), it is most likely that the first digit in that figure has simply been corrupted.

The correlation is clearly close enough to use the figures in the latter two columns as indicators of revenue. On the other hand, the correlation is far from perfect. The low revenue from Ho and P'u and, to a lesser extent, from Chien* and Lu is probably to be accounted for by differing administrative performance, though some figures may be inaccurate as well. Administrative tightening-up must also account for the increases achieved in all but a few prefectures in 808 over 807. One must finally allow for population shifts, perhaps not insignificant in scale.

⁴⁹ Reporting on the 870s approximately, the *Wu-ti-chi* gives a total annual revenue for Su-chou from monopoly as well as direct taxes of 692,885 strings (see Twitchett, *Financial Administration under the T'ang Dynasty*, pp. 163-4). That this represents an immensely higher return than we have suggested for the prefectures of Chien-nan East can be explained by the following considerations: the denser population of Su-chou (143,261 households reported by the *Wu-ti-chi*); the greater productivity of the Lower Yangtze region; and the much tighter administrative control exerted in this region. Income from the monopolies on salt, tea and wine was also significant in this area and would have been very much less so in central Szechwan. Note too that the Su-chou figure embraces both summer and autumn levies.

To take one other figure, total taxes paid in annually to the central treasury of 150,000 strings in cash and 50,000 *shih* in grain is reported in 832 by T'ien-p'ing, a three-prefecture province in western Shantung (THY, 84, p. 1542). Presumably, revenue for local purposes has already been deducted, and here again the role of indirect taxes would have been major.

⁵⁰ See Twitchett, *Financial Administration under the T'ang Dynasty*, pp. 41-2.

occasion in his own interests. In the course of military operations the year before, when units of the Palace Army were present in the area, supply depots and communication stations (*t'un-ti* 頓遞) had been set up to service them.⁵¹ These were supported partly, if not wholly, out of local sources.⁵² By mid-807 Yen was raising the claim that two of the prefectures, Chien and Min, had contributed double their share toward the support. Presumably in order to equalize the burden, he ordered a special levy in Tzu and Sui, both of which had hitherto got off lightly. This levy brought in 7,000 strings in cash and 5,000 *shih* (c. 8,750 bushels) in grain, over and beyond the normal tax quota for the year. Clearly, either this cash and grain should have been handed over to Chien and Mien directly or some adjustment downward have been made in their tax quotas for the following year. In the event Chien obtained some measure of relief, but Mien was called upon to contribute its usual quota to the province for 807.⁵³

Some illuminating detail emerges from the case of Chien. During the operations of 806, although it possessed grain stocks adequate to meet the special demands made upon it, it did not have the cash called for. Therefore, it imposed its own special demand – “into the bowels of the people”, as the expression goes – which called for payment not only of the current year's summer tax but of the *following year's* as well.⁵⁴ This netted some 4,000 strings which Yen subsequently did in fact deduct from that prefecture's provincial quota for 807. Chien's lesser size, and thus resources, might have made Yen indulgent on this occasion. Or perhaps he was less avaricious than we are led to believe. It is in any case clear that lower administrative levels were themselves subject to sudden heavy demands from their superiors and could do no more than pass on the burden to the local populace under them.

Yen's net gain, therefore, was of the order of 3,000 strings of cash and 5,000 *shih* of grain. How significant was this? In the first instance, reference to the pay scale for officials adopted in 777 shows us that only a handful of the highest officials at court enjoyed monthly salaries of a hundred strings

⁵¹ Hu San-hsing has a note on *t'un-ti* in *TCTC*, 254, p. 8251; also see Aoyama, “Tōdai no eki to yū oyobi shinsōin”, *loc. cit.*, p. 82.

⁵² This is clear from Yüan's statement (*YSCCC*, 37, 2b–3a).

⁵³ The specific expression “military expenses” (*chün-tzu ch'ien-mi* 軍資錢米) is used here (*ibid.*, 3a) to designate the character of the prefecture's contribution to the province. I assume this simply refers to the portion of local revenue normally turned over to the governor (the portion known as *sung-shih* 送使 or *liu-shih* 留使) especially since it was the military function which ultimately justified the existence of the province. Later in this same section the expression *chün ch'ien-mi* appears. If these terms refer to a separate (i.e., outside the Two-tax structure) means of support for the provincial administration and army, then it is not one I am able to elucidate.

⁵⁴ *Ch'in-yung pai-hsing fu-wei*, etc. 僭用百姓腹內... *Ch'in-yung*, which appears twice here, denotes in this context collecting taxes in excess of established quotas. The rendering one finds in P. Ratchnevsky's *Un Code des Yuan* (Paris: Leroux, 1937), p. 77, “détourne et dépense”, would certainly not fit here.

or more whereas out in the provinces the average prefect received about 80.⁵⁵ A governor's salary, on the other hand, was probably on the 180 level.⁵⁶ Moreover, the real value of such a sum would, if anything, have increased considerably since 777, due to the harsh deflation in progress since the 780s. By virtue, therefore, of the cash which came in under this single levy, Yen more than doubled his authorized annual salary.

With respect to the grain, the low prices prevailing in this period would have reduced its market value by reference to other periods. Again, however, in view of the logistic problems associated with a standing military force, the grain had a primary value in sustaining manpower. By contemporary standards 8,700 bushels of grain would have supported c. 700 men for an entire year.⁵⁷ Like the cash sum, this is not an enormous or dazzling figure, but it is a significant one. It is to be recalled too that both – along perhaps with income from other, undisclosed expedients – did no more than supplement what must have been the single most important source, authorized taxation.

Yen's illicit fiscal operations, the confiscation included, hardly strike us as subtle. However, we ought not to overlook the face he attempted to put on them. None were undertaken without a serious pretext so that locally the assent, if not the actual initiative, of the central government was implied. This suggests one important respect in which the presence of a central authority, even at a time of weakened control, was felt. It forced some measure of restraint on those actually exercising authority in the provinces. Consequently, while Yen's conduct obviously exhibits the excellent opportunities for corruption open to provincial officials, the forms it took provide indirect testimony of sorts to the continued prestige and authority of the court.

The imperfect state of communications also emerges as a striking feature of the situation. In fact, it was a precondition for the illegalities which occurred. On the one hand, the local populace apparently had no adequate way of knowing what central policy really was. On the other, at

⁵⁵ *THY*, 91, pp. 1655–9; *TFYK*, 506, 11b–13a. There was a subsistence allowance in addition to the basic salary to which I refer.

⁵⁶ *THY*, 91, p. 1659; *TFYK*, 506, 12b. The office of military governor (*chieh-tu-shih*) does not appear in this table, probably because men holding this title invariably held appointment as civil governors (*kuan-ch'a-shih*) as well. And, as we have seen in Yen's case, the governor also held the post of prefect concurrently. According to this table, a civil governorship would have been worth 100 and the prefect's title another 80 strings.

⁵⁷ This estimate is based on the statistics given in *TCTC*, 232, p. 7493, for provisioning the northwest armies in the 780s, an average annual consumption of 12 *shih*. This figure is fully confirmed by Lu Chih in an analysis he made from about the same period (see *CTW*, 473, 26b). A much lower figure, 7.2 *shih*, is given in *TFYK*, 497, 13a, and 503, 23a. The difference can be resolved, it seems, by observing that the former refers to unhulled (*su* 粟) and the latter to hulled (*mi* 米) grain.

least some of those responsible for informing them were only too prepared to profit from their ignorance. Though the problem was rather more acute in late T'ang than it would have been in times of greater political and social cohesion, we can be sure it was a recurrent one in Chinese history.

Yen Li himself, though he has taught us a great deal, is a mildly disappointing villain. His conduct was corrupt but by standards of the time not outrageous. No murders are attributed to him, no acts of aggression towards his neighbours, no overt disobedience towards the court. Locally, he was attentive to his image, appearing always to act under official orders. To the throne he remained, at least in the surface sense of the term, loyal throughout his life, even performing with special merit once or twice. In return, there is no sign down to the time of his death of any dissatisfaction with him at court or of any wish to remove him from office. Indeed, he very nearly got away with his misdeeds. Upon his death at 67 *sui* in the third month of *yüan-ho* 4 (809), he had every reason to believe that he had enjoyed a successful career and that all the usual honours in death would be his. Ironically, not unlike the *dénouement* one would expect in some popular melodrama, the train of circumstances was already under way which would lead to his ultimate, if posthumous, exposure and disgrace.

III

At this point in his career Yüan Chen, not yet one of the famed literary figures of his age, had only just been appointed examining censor (*chien-ch'a yü-shih* 檢察御史), one of ten such officials responsible for investigating the conduct of administration in the provinces.⁵⁸ This was his first appointment after a period of mourning which itself had rescued him from relative oblivion following his first, but by no means last, clash with leaders at court.⁵⁹ This incident is a useful reminder of the strident tone of T'ang political life at this time, some awareness of which is necessary for putting Yüan's activities as a censor into perspective. Factional, and with them personality, conflicts in the upper echelon of officialdom were exceedingly common, and, though blood was seldom let, dissidence and a leading role

⁵⁸ On this office see *HTS*, 48, 3a-b; R. des Rotours, *Traité des Fonctionnaires et Traité de l'Armée* 2 vols. (Leiden, 1947), I, pp. 309 ff. Note esp. p. 309, n. 5, of latter where the question of the exact number of such officials is raised.

⁵⁹ The main sources for the life of Yüan Chen are: his official biographies in *CTS*, 166 and *HTS*, 174; his epitaph written by Po Chü-i, "T'ang ku Wu-ch'ang-chün . . . Yüan-kung mu-chih ming 唐故武昌軍 . . . 元公墓誌銘", preserved in *Po-shih Ch'ang-ch'ing chi*, 61 (for which Ssu-pu ts'ung-k'an ed. has been used) and *CTW*, 679; and his extant works, *YSCCC*. A convenient *nien-p'u* by Hanabusa Hideki 花房英樹, *Gen Shin nempyō kō* 元稹年譜稿 (Kyoto, 1962), makes effective use of the latter. One should also note that Arthur Waley in his biography of Po Chü-i (*The Life and Times of Po Chü-i*, London: Allen and Unwin, 1949) has a great deal of accessible information on Yüan's career.

carried the risk of fruitless exile to a distant province.⁶⁰ A young man could greatly accelerate his advancement, or see it indefinitely postponed, by coming down hard on an issue at the right, or wrong, time. In this context the position of the censor was, for obvious reasons, particularly vulnerable. True effectiveness inevitably meant stepping on someone's toes, and, though the Censorate provided momentary institutional protection, there could be no guarantee against reprisal, direct or indirect, recognized or hidden, at some future date. In the case of the examining censors above all, the ambiguities were particularly marked. They were dispatched to examine activities on all levels of provincial administration, even though they were themselves low-ranking officials, probably in most cases unknowns of still limited experience.⁶¹ Under the circumstances one may well wonder how effective they were and thus to what degree the Censorate functioned in any real sense effectively over the breadth of the empire.⁶²

In pursuit of such questions we would expect to find no lack of information. After all, quite a large body of material has come down to us from T'ang times, the overwhelming bulk of which is concerned with State affairs. The work of the Censorate, already by this time long hallowed by tradition and highly institutionalized, should have contributed no little to State archives. Moreover, the praise-or-blame approach to history-writing would seem to encourage the preservation of material revealing "evil" as well as "virtuous" conduct. However, the traditional historiographers, one must confess, had absolute confidence in the universality of their standards and in the correctness of their judgements. As a result, what they have left us with respect to censorial activities, reflected not only in formal histories but in documentary collections as well, are their conclusions rather than the information on which these are based. And where such information can be

⁶⁰ One of the best discussions of political life in late T'ang, though subject to revision in some respects, is still Ch'en Yin-k'ō 陳寅恪 *T'ang-tai cheng-chih shih shu-lun kao* 唐代政治史述論稿 (Peking, 1936 [reprint]), esp. pp. 79-127.

⁶¹ Perusal of biographies of the period suggests that very junior officials, including new graduates, were assigned to the Censorate as one of their first posts, both to acquire on-the-job training and broad contact with the multifarious administrative activities for which the bureaucracy as a whole was responsible. C. O. Hucker, *The Censorial System of Ming China* (Stanford: Stanford University Press, 1966), p. 14, has already taken notice of the anomaly of having low-ranking censors deal with high-ranking provincial officials. Their rank was 8:1 (*CTS*, 44, 2a; *TLT*, 13; *HTS*, 48, 3a, has 8:2), or 22nd (from the top) on a 29-grade scale (not, as in Hucker, *ibid.*, an 18-grade scale). The rationale for censorial officials holding such modest rank was that they had less to risk in criticizing their peers than if they were farther along in their careers. See Po Chü-i's remarks in *Po-shih ch'ang-ch'ing chi*, 41, 2a; Feifel, *Po Chü-i as a Censor*, p. 186.

⁶² There were of course other means for improving or maintaining central surveillance. The civil inspectorates (*kuan-ch'a ch'u-chih-shih* 觀察處置使 and other such designations) were founded in the first half of the dynasty with this aim, and by our period the court maintained eunuch army supervisors (*chien-chün-shih* 監軍使) at virtually every centre of provincial administration.

found, it tends to suffer from one of two major drawbacks. Firstly, it will be presented on such a very general level and so lacking in specific detail that we can do very little with it. Secondly, it will be almost exclusively concerned with affairs at court, often trivial, to the thoroughgoing neglect of the provinces. Therefore, a document of the substance and detail such as we find in Yüan Chen's memorial from Szechwan in 809 is very rare indeed.⁶³ Given the highly literary strain of the Chinese cultural tradition, it is no particular irony that we owe its preservation rather to Yüan's reputation as a writer than to any respect for its value as a state document or historical source.

The process which led to Yen Li's exposure began when orders were issued to Yüan Chen at the beginning of the third month of *yüan-ho* 4 (809) to proceed to Szechwan.⁶⁴ These orders took him to Lu-ch'uan, a county in the Chien-nan East prefecture of Lu, where he was to investigate a pecuniary offence committed by a local official.⁶⁵ It was only in the course of making this investigation that Yüan received information suggesting misconduct at the level of the province itself. Then and only then did he undertake a broad examination of affairs in Chien-nan East during Yen's tenure. This point is noteworthy on two counts. First of all, it discounts the possibility that a deliberate effort to disgrace or remove Yen was launched by the court. Secondly, though we do not know Yüan's precise source of information at Lu-ch'uan, we can speculate that it was none other than the original target of the investigator himself. That is, feeling that he had been either betrayed or at least inadequately protected by his superiors, this official might very well have "sung".

We are only roughly informed on the timetable of Yüan's investigation; nor is this, save in one or two respects, of primary importance. Since Yen died on the 8th day of the 3rd month, perhaps two weeks or more before Yüan even reached the province, the inquiry clearly postdates his death.⁶⁶ This surely must be regarded as a primary factor in the event. Yüan would probably have had great difficulty in obtaining the information he did had Yen

⁶³ These generalizations are based on an examination of the sections of the Censorate in the two principal documentary collections, *TFYK* (ch. 457-82) and *THY* (ch. 60-2), and to a lesser extent on perusal of the *CTW*. This, to be sure, is not to say that material is totally lacking for a study of the Censorate as it actually functioned or of the manner in which the government dealt with officials' misconduct. Also, relevant material is found in other locations in these collections (e.g., *TFYK*, 454, 520, 697, 707, and 941; *THY*, 41). Nevertheless, it is characteristic that the preoccupation of the bureaucrat-compilers, as they brought material on the Censorate together, was to show its organization and workings in a narrow administrative sense rather than to expose the substance of its mission. It is also characteristic that, though both *TFYK*, 698, 17a and *THY*, 62, p. 1083 record Yüan Chen's mission to Szechwan as an event, neither provide any documents in connexion with it.

⁶⁴ *YSCCC*, 37, 1b.

⁶⁵ *Ibid.* The offence is indicated only as *tsang-fan* 贓犯. See below, n. 82.

still been alive and running the province: where his immediate supervision left off, his subordinates' fear of reprisal would have begun. Whether or not Yüan would have been inclined to push the investigation so far in the face of an incumbent governor is also questionable. How long did the investigation take? Probably a month to six weeks, but we really cannot be precise. We know with certainty only that, while in the southwest, he conducted another investigation which resulted in charges in an adjoining province and that by early in the fifth month he was back in the capital.⁶⁷

Yüan's impeachment memorial, which is a substantial five (Chinese) pages in length and which is translated below, falls into five distinct sections.⁶⁸ The first three lay out, one by one, the three separate charges against Yen; the next lists the several officials held to be culpable, together with their offences; and the last consists of Yüan's summation. On the whole, it is an impressive as well as a valuable document. Composed in a vigorous, direct style, it is largely unencumbered by the formal rhetoric which tends so often to mummify Chinese documents. The argument put forward is consistently to the point and directed in the first instance not to a simple condemnation of the subject but to a substantiation of his guilt. Indeed, although we are primarily occupied with the account we find here of Yen's conduct as such, the manner in which a case is made against the accused is one of the most arresting aspects of the entire episode. All the more since this is one of the very rare close-ups we can obtain of the application of legal sanctions for official misconduct in this period.

We probably cannot as yet precisely define the censor's legal role, in particular whether he was expected to present a legal brief in the strict sense of the term or not. It is, however, certain that any accusations he made had to be accompanied by a specification of legal violations. Therefore, there need be no hesitation about treating Yüan's accusation and the government's response to it as a representative instance of the application of law in late T'ang. In view of this, one striking feature of this statement is its failure to refer in any explicit way to the T'ang *Code* (*T'ang lü shu-i*

⁶⁶ *CTCWC*, 15, 9a, is the only source which indicates the precise date of death, Hanabusa, *Gen Shin nenpyō kō*, p. 11, calls attention to the preface of a poem in which Yüan mentions reaching a location in the northern part of Shan-nan West on the 16th day. Whether or not he went on directly to Chien-nan East we do not know. See following note.

⁶⁷ *Ibid.*, p. 12. A complication in working out the timetable here is that an intercalary month occurs in this year, between the third and fourth months. Hence, since Yüan departed from Ch'ang-an on 1.3. or soon thereafter, his over-all absence from the capital was of the order of three months. He alludes to having completed his investigation "by the 17th day of the present month" (*YSCCC*, 37, 1b), but we can be sure neither that this refers to the entire investigation nor of which month he speaks. Finally, there is no way of telling which of the two investigations he undertook first. Regarding the other investigation see above, n. 42.

⁶⁸ For bibliographic information on this document see above, n. 11.

唐律疏義) itself.⁶⁹ We cannot ascertain in fact what specific provision of the code Yen's act of confiscation violated. Where, on the contrary, Yüan does turn for established legal standards is to recent legislation on the subject, both collectively and to specific, dated decrees. This should not surprise us unduly. As several scholars have observed, the corpus of Chinese law consisted not only of a formally codified component but also of the stream of legislation continually being issued by the throne.⁷⁰ In this respect, far from being static and unresponsive, it was undergoing constant modification, a fact exemplified by Yüan's choice of legal grounds in this presentation of charges. Moreover, this was a period when the *Code* had not been revised for many years and reliance on compilations of recently issued decrees to update the law was particularly heavy.⁷¹ Still, the absence of any direct reference to the *Code* in this, the primary document of what was as much a legal as an administrative proceeding, must be accounted for. In all probability its ultimate applicability being taken for granted, formal accusations sought to show how the acts in question violated pertinent legislation in force at the time. The *Code*, then, as we shall see, provided the category of offence together with a prescribed penalty.

In making his first charge against Yen - the massive confiscation - Yüan begins by establishing the precise course of action pursued by the accused. He then goes on to cite the pieces of legislation which this action contravened, namely, the decree of *yüan-ho* 1 (806) 1, 10 and the act of grace of *yüan-ho* 2 (807) 3, 1.⁷² Since these explicitly exonerated official personnel as well as the populace of both Chien-nan provinces of any responsibility for the revolt, there were clearly no grounds for Yen's actions.

⁶⁹ References will be made to the *Kuo-hsiieh chi-pen ts'ung-shu* edition of this work, both by number in over-all sequence and, in the notes, by *chüan*.

⁷⁰ On this point generally see É. Balazs, *Le Traité juridique du "Souei-chou"* (Leiden: Brill, 1954), p. 21, and K. Büniger, *Quellen zur Rechtsgeschichte der T'ang-Zeit* (Peiping: The Catholic University, 1946), p. 24. Principally, however, see two articles by D. C. Twitchett, "The Fragment of the T'ang Ordinances of the Department of Waterways Discovered at Tun-huang", *Asia Major*, n.s., 6 (1957), esp. pp. 24-36, and "A Note on the Tunhuang Fragments of the T'ang Regulations (*ko*)" *Bulletin of the School of Oriental and African Studies*, 30 (1967), pp. 369-81. This codified component comprised not only the essentially penal Code itself but also a very substantial body of administrative law. Of this body the statutes (*ling* 命), like the *Code*, were regarded as fundamental and permanently applicable. Two other forms of administrative law, the regulations (*ko* 格) and the ordinances (*shih* 式), were by comparison subject to frequent revision and underwent important changes of substance. These changes were achieved both comprehensively by way of periodic revision and piecemeal by way of individual decrees. Moreover, decrees as such were compiled and issued, the so-called "Decrees issued subsequent to the Regulations" (*ko-hou-ch'ih* 格後敕), which served in effect as an interim and updated body of administrative law. As Twitchett, "A Note on the Tunhuang Fragments of the T'ang Regulations", *loc. cit.*, has shown, the regulations played the principal role among the codified forms in incorporating new policies and measures and thereby in keeping T'ang law as a whole up to date.

⁷¹ See *ibid.*, p. 374.

Yüan goes on to imply that, since Yen had failed to make his activities known to the court, he had been aware of their illegality and had deliberately attempted to conceal them. However, other than by use of such general terms as "unauthorized confiscation" (*shan-mo* 擅沒) or "despoilation (of local subjects)" (*shan-p'o* 擅破), Yüan indicates no specific legal violation with which Yen was to be charged.⁷³ Were it not for the presence of just such a specific indication in Yüan's presentation of the second charge, we might even assume that a censor was usually not called upon to give one. Was the transgression perhaps so gross, running afoul of so many laws, that Yüan had only to establish its occurrence? Quite possibly, for an examination of the *Code* reveals that Yen could have been charged with any number of offences. For example, article no. 167, threatening a maximum penalty of two-and-a-half years of forced labour, prohibited any official from seizing private lands.⁷⁴ Or article no. 18 stipulates loss of official status for any official serving in the provinces who seriously maltreats those coming under his jurisdiction.⁷⁵ Again, article no. 490 provides for banishment for any official who violates the law governing the confiscation of property on the grounds of guilt through consanguinity.⁷⁶ It would also seem that Yen could have been charged with some form of "unlawful acquisition",⁷⁷ with failure to comply with a royal decree,⁷⁸ with failure to keep the court properly informed,⁷⁹ and unquestionably with several other violations, both vague and specific, as well.

In drawing up the second charge, Yüan reverses his order of argument. On this occasion he begins by observing what existing legislation on the subject of unauthorized taxation is, which legal offence it entails, and how offences of this sort, excluded from the amnesty of the year before, are still punishable. Again he ignores the *Code*, article no. 173 of which is entirely devoted to the subject of arbitrary taxation.⁸⁰ Having established, so to speak, the relevant legal frame of reference, he proceeds to disclose the supplementary levies in fodder collected by Yen in 807 and 808. He also removes any pretext Yen might have had for imposing them by pointing out that the postal-relay stations were sustained by regular tax revenues (*cheng-*

⁷² See above, n. 30.

⁷³ *YSCCC*, 37, 1b and 2a. The latter occurs in a context which comes closest of all to a legal formulation of Yen's misdeeds. The relevant line reads: *Yen Li kung-wei chao-ming kou-li tzu-ts'ai shan-p'o pa-shih yü chia* 嚴驥公違詔命苟利資財擅破八十餘家, "Yen Li openly flouted royal decrees, and in unseemly pursuit of profit he despoiled more than 80 households."

⁷⁴ *I.e.*, ch. 13, no. 4.

⁷⁵ *I.e.*, ch. 2, no. 11.

⁷⁶ *I.e.*, ch. 30, no. 9. One may question the applicability of this law to the present case.

⁷⁷ See below, esp. n. 82.

⁷⁸ No. 112, *i.e.*, ch. 9, no. 22.

⁷⁹ No. 117, *i.e.*, ch. 10, no. 4.

⁸⁰ *I.e.*, ch. 13, no. 10.

liao) and that, as a result, special levies made in their name were still in contravention of the standing prohibition against such levies.

The legal violation designated in the legislation which Yüan cites is "unlawful acquisition by means of perverting the law" (*wang-fa chi-tsang 枉法計贓*) or "unlawful acquisitions involving state funds" (*kuan-tien san-tsang 官典犯贓*).⁸¹ Offences associated with *tsang*, that is, with "ill-begotten gain", covered considerable scope in Chinese law, ranging from armed robbery, as perpetrated by any subject regardless of status, to the venality of officials in particular. Though the idea of unlawful acquisition certainly applied to the society at large, most of the pertinent articles in the *Code* in fact deal with the conduct of men in office. Judging also by the frequency with which these offences appear there, they were among the most common of all violations (which is indeed what a little common sense about human nature would lead us to expect). As in other respects, T'ang law exhibits here too a high degree of sophistication. For example, four separate categories were established to cover the variety of acts which an official might commit resulting in unlawful acquisition, and among these a distinction was made between those which involved "perversion", or positive abuse, of the law and those which did not (*wang-fa; pu-wang-fa*).⁸²

⁸¹ With respect to the term *wang-fa chi-tsang*, Yüan collectively cites past and current decrees prohibiting special tax levies. The past decrees to which he refers, *ch'ien-hou chih-ch'ih* 前後制敕, are probably the body of recent legislation which had yet to be compiled into the "Decrees issued subsequent to the Regulations" (see n. 70 above). The term *chi-tsang* has the precise signification of "determining the category (or, the degree of gravity) of the offence of unlawful acquisition". As for *kuan-tien san-tsang*, Yüan cites an act of grace of 808 which I assume to be that of 1/11 (*CTS*, 14, 13a). *TFYK*, 89, 25a, contains an extract of this document but not the line to which he refers. Apparently not used in the *Code* itself, this term seems to have gained currency by late T'ang at least (see *CTS*, 17b, 6a). My translation is only tentative.

⁸² On the categories of *tsang* offences, see in the sources *Code*, art. no. 33 (ch. 4, no. 5), and *T'ang-liu-tien*, 6, 26a-28a. Also see discussions in the following secondary works: Ratchnevsky, *Un Code des Yuan*, p. 56, n. 5, and p. 63, n. 5; Niida Noboru, *Chügoku hōseishi kenkyū: Keihō* (Tokyo, 1959), pp. 251-3; and, for an idea of the modification which had occurred in them by Ch'ing times, see G. Boulais, *Manuel du Code Chinois* (Shanghai, 1924), pp. 7-10. The T'ang categories are as follows:

- (1) robbery, *ch'iang-tao* 強盜;
- (2) theft, or larceny, *ch'ieh-tao* 竊盜;
- (3) (unlawful acquisition) by means of perverting the law, *wang-fa*;
- (4) (unlawful acquisition) entailing no perversion of the law, *pu-wang-fa* 不枉法;
- (5) (unlawful acquisition) by abuse of one's official responsibilities, *shou so chien-lin* 收所監臨;
- (6) (unlawful acquisition) entailing no abuse of one's official responsibilities, *tsa-tsang* 坐贓.

Naturally the distinctions involved would become clear only by reference to specific acts, both theoretically in the *Code* and in actual cases reported by the standard sources.

It will be noted that my translation for this whole body of offences (*tsang-tsu*), unlawful acquisition, has focused on the *act* as such rather than on the goods obtained (as *tsang* denotes). This has seemed to me both desirable and necessary, and it avoids some of the inconveniences which otherwise result, e.g., Ratchnevsky's "l'acceptation du profit illicite" (*Un Code des Yuan, passim*).

The offence of making an acquisition unlawfully was on the whole a serious one. Penalties were fixed – aside from the primary consideration of the subject's legal status – on the twin bases of which particular category of *tsang* the act involved and what value the goods or property in question possessed. Only a thorough and systematic study could illustrate the entire range and conditions set forth in the relevant articles of the *Code*. However, we must note here that the particular category which covered Yen Li's illegal tax levy, "immoral acquisition by means of perverting the law", prescribed a minimum punishment of 100 strokes of the heavy rod for the acquisition of goods equivalent in value to one "foot" (*ch'ih* 尺) of silk.⁸³ The degree of punishment increased in a manner proportionate to the acquisition on up to (after 742) 24 rolls of silk when the death penalty could be invoked.⁸⁴ This, then, was the explicit legal view of the state as to the gravity of this offence.

In presenting the third charge, the special levy in the prefectures of Tzu and Sui, Yüan cites neither legal authority nor a specific legal violation. Rather, he limits himself to describing Yen's course of conduct and the precise circumstances surrounding it. Undoubtedly this levy involved the same violation as the general fodder levy, so that any citation here would have been redundant.

Up to this point in his indictment Yüan has laid the responsibility for all these misdeeds at Yen Li's door. However, the principle of collective responsibility was deeply entrenched in the conduct of bureaucratic affairs in China; hence, key subordinates of an official under impeachment were, if in any way implicated in the act(s) in question, considered culpable as well.⁸⁵ Yüan accordingly proceeds with a list of such officials along with the goods and sums illegally acquired for which they could be held individually responsible. This includes the three members of Yen's staff who drew up the orders for the confiscation and the special levies and nine of the local prefects, including Yen himself. For the remaining four prefectures only the sums collected under the fodder levy are given, for the names of the prefects could not be secured.⁸⁶

It is noteworthy that the three global figures for property seized and revenue collected are placed, respectively, under the names of the staff members responsible for writing the pertinent orders. As the executive

⁸³ *Code*, art. 138 (ch. 11, art. 6).

⁸⁴ *THY*, 40, pp. 724; Büniger, *Quellen zur Rechtsgeschichte*, p. 215.

⁸⁵ See K. Büniger, "Über die Verantwortlichkeit der Beamten nach klassischen chinesischen Recht", *Studia Serica*, 6 (1947), esp. 167-74.

⁸⁶ *HTS*, 68, 11a, records the transfer back under the jurisdiction of Chien-nan West of Tzu* and Chien* in 809. On the 11 officials, excluding Yen, cited in the document, no further information from other sources seems to be available, with the single, small exception noted below.

officials of the governor, these men found themselves in a particularly vulnerable position as a consequence of any illegal action he wished taken.⁸⁷ Moreover, since the orders in question were implemented on a province-wide basis, the degree of responsibility they bore was seen to be commensurate. The responsibility of the prefects, on the other hand, does not extend beyond their own prefecture.

Yüan's summation concludes the document, interesting for its tenor and for the role as prosecutor which the censor adopts. It is perhaps not too much to say that Yen is treated with contempt. Stressing his common origins, his lack of any particular achievement, and his rise in status via army service, Yüan certainly indulges a literati prejudice against such new types who rose to positions of power in this turbulent period. One could hardly, for example, imagine his assuming a similar tone *vis-à-vis* someone from an established or literati family. In substance Yen is castigated on two grounds, for his ingratitude, having betrayed the high favour bestowed upon him, and for having betrayed this trust in ways which inflicted so much harm upon the people. In consequence, Yüan asks that, surely the *ne plus ultra* in dishonouring a family in China, he be stripped of all posthumous honours and be given a posthumous name of ignominy rather than one of honour.⁸⁸ Towards Yen's subordinates, Yüan is only slightly less harsh. Guilty either of direct collusion with Yen as with the accused members of his staff or of negligence and irresponsibility in administering their separate spheres of jurisdiction as with the prefects, all should be severely disciplined. Yüan does not return to an earlier request, that all illegally seized property be recovered and returned to its owners, simply because such was the standard procedure at the time.

IV

In the end Yen was not dishonoured as Yüan had asked, despite the fact that the findings of the investigation were accepted. No information is available on the deliberations involved; we are told only that, since Yen had died, the emperor decided to forgive him his sins.⁸⁹ In some respects this is not too surprising. After all, death conferred at least a qualified immunity which, particularly in view of Yen's otherwise solid record, even a reforming emperor such as Hsien-tsung would not lightly have disregarded. Besides, Hsien-tsung, at this time fully committed to an active military policy

⁸⁷ See Yen Keng-wang 嚴耕望, "T'ang-tai fang-chen shih-fu chih wen-chih liao-tso 唐代方鎮使府之文職僚佐", *Hsin-ya hsüeh-pao*, 7 (1966), p. 60, for instances where such *p'an-kuan* officials are held specifically responsible for irregularities.

⁸⁸ Upon his death Yen Li had been given the high honorific title of *Ssu-k'ung*. *CSTWC*, 15, 9a; *HTS*, 144, 7a.

⁸⁹ *CTS*, 117, 8b. Cf. too *TFYK*, 500, 18a-b, where in a case of unlawful acquisition some years later in Chiang-hsi a late governor is given no posthumous penalty, his death also causing the dismissal of further proceedings against him or his kin.

against the recalcitrant provinces,⁹⁰ may not have wished risking the alienation of other provincial leaders by any such gesture as Yüan had called for. Another factor seems to have been the presence of an active lobby at court working on Yen's behalf.⁹¹ Nevertheless, whatever the reasons, the fact is that the court failed to indicate in deed its extreme displeasure with this outrageous conduct, or to make an example of its perpetrator.

There are grounds indeed for believing that Yüan's revelations were no more than momentarily embarrassing to the Yen clan. A few months later they were still able to secure the services of writers of some reputation, Ch'üan-Te-yü and Liu Tsung-yüan, to write an epitaph and a eulogy for its departed member.⁹² Moreover, out of geomantic considerations Yen was eventually interred in the metropolitan district, something one would not expect to happen if he was officially under something of a cloud.⁹³ Certainly the family would have had to give up the property he had obtained through seizure, but otherwise it suffered no disabilities. There is, moreover, an intriguing piece of evidence from the southern Sung which suggests that by that time the Yen clan had become, or remained, one of the rich and powerful among local Szechwanese families.⁹⁴

Normally, we might expect to learn no more of the results of the investigation, for T'ang materials are at best sporadic in providing information on specific personalities on the lower administrative levels, especially as in the present instance when none of them ever becomes important enough to receive a biography in his own right. On this occasion, however, we have the good fortune to possess a digest of the actual document ordering disposal of the case. A directive handed down by the Secretariat-Chancellery to the Censorate, it has been preserved in Yüan's collected works, in effect as an appendix to the impeachment memorial itself. A type of document which would not normally have survived, it was probably appended to the memorial to demonstrate the success of Yüan's efforts.⁹⁵ Though incomplete in one important respect and not lacking in obscurities, it is of unique value.

As we would expect, the document calls for the new governor to

⁹⁰ See reference cited in n. 8 above.

⁹¹ See below regarding Yüan's subsequent experience, esp. notes 110-11.

⁹² See above, notes 11 and 22.

⁹³ *CTCWC*, 15, 9a, explains his burial on a height in Wan-nien district as dictated by "signs and symbols" (*hsiang-shu chih chi yeh* 象數之吉也).

⁹⁴ Sudō, *Chügoku tochi seidoshi kenkyū*, p. 38, n. 15, cites a piece from the southern Sung writer Li Shih 李石 which refers to the Yen clan as one of the two wealthy clans of Tzu-chou, the other being the T'u 塗 clan: cf. the translation below where the estate of T'u Shan-fu is repeatedly mentioned as one of those confiscated by Yen Li!

⁹⁵ I owe this suggestion as to the reason for its preservation to my colleague Professor Chuen-tang Chow. Copies of similar documents ordering disposal of the cases in question have been preserved together with the memorials mentioned above, n. 42, and below, n. 116.

recover and return all confiscated property and to put an immediate end to any special levies still being collected in the province. Elsewhere we are told that tax remission was granted the prefectures in the province for inequities in the past.⁹⁶ Logic would naturally have recommended some such relief. This measure of compensation may have been omitted by editing from the text of the directive as we have it, or it may have been authorized separately. Yen Li comes in for no mention at all, probably because he was not penalized posthumously and because, as a practical business document, this was addressed to the settlement of matters in the province as they then stood. In fact, the only personnel dealt with in substance are the prefects. The preliminary step had already been taken of suspending them temporarily pending judgment of the case.⁹⁷ They are strongly reprimanded for their failure of duty which has done harm to government and to the people alike. However, the point is made that, since they are guilty as accessories rather than principals in the offences committed, they may be shown "grace" (恩), that is, leniency.⁹⁸ This must be taken to mean that penalties would not be imposed with the full rigour of the law. Furthermore, only one charge was in the end retained against them, the special levy in fodder. No cognizance is taken either of the special levy in cash and grain in Sui prefecture or of the confiscations of property in Sui, Chien and Mien prefectures. Presumably the responsibility for those acts is placed entirely at the doors of Yen Li and his staff members. Therefore, for the offence of imposing the supplementary tax in fodder, the seven prefects still serving in the province⁹⁹ are, firstly, fined two months' salary and allowances and, secondly, given the grade of "inferior" in the civil service ratings for their performance in these posts.¹⁰⁰ And their liability is specifically asserted to extend to no

⁹⁶ HTS, 145, 7a.

⁹⁷ The relevant line here reads *yu i ch'ü-kuan t'ing-chih* 又已去官停職:) "They have also either left office or been temporarily suspended." The former must refer to the prefects of Chien, Ling and Lung, the latter to those still in office here. I take *t'ing-chih* to signify "temporary suspension" in the sense noted by Ratchnevsky, *Un Code des Yuan*, p. 59, n. 5, and p. 69, n. 2. Though I have no supporting T'ang examples at hand, it fits the context perfectly.

⁹⁸ Bünger notes that liability to punishment was reduced for the accessory, not only in general but according to the prevailing conception of collective administrative responsibility. See "Über die Verantwortlichkeit der Beamten", *loc. cit.*, p. 168.

⁹⁹ Only seven are listed since the prefect of Chien, Ts'ui Shih-ch'eng, had been transferred to Chien-nan West towards the end of 807 (see translation below). He and the prefects whose names had yet to be determined presumably faced the same penalties, wherever they were.

¹⁰⁰ R. des Rotours, *Traité des Examens* (Paris: Leroux, 1932), pp. 50-5, has a general résumé on the grading of officials in the T'ang. Whereas the grading of regular bureaucrats involved the use of nine categories (high-upper down through low-lower), that for the various governors and commissioners as well as for officials of irregular status (*liu-wai*) involved only four categories: superior, average, inferior, low inferior (shang, chung, hsia, hsia-hsia). See HTS, 46, 7b, and 49b, 3a; des Rotours, *Traité des Fonctionnaires*, I, pp. 67-8, and II, pp. 664-7. For whatever reason the latter system seems to be used in the present instance.

more than this. Among other things, this surely meant that they retained their current posts. Incidentally, these penalties compare with fines of one month's and one quarter's salary respectively imposed upon the provincial governor and prefects of Shan-nan West in the other cases of illegal taxation reported by Yüan on this mission.¹⁰¹

Unfortunately, almost complete obscurity surrounds the penalties meted out to the executive officials of Yen's staff. We are told that they were to suffer public disgrace by the publication throughout the towns and villages of the province of their characters as "greedy officials prepared to pursue their own interests by immoral means".¹⁰² However, almost certainly because of a lacuna in the text, we learn nothing further of their fate. From Yüan Chen's presentation of charges it is clear that their responsibility was seen to be greater than that of the prefects. To the extent also that the principle of collective liability was heeded in the case, they would surely as most immediate to the origin of the offence have borne the heaviest punishment.¹⁰³ All things considered this may well have cost them their posts, with or without a reduction of status.¹⁰⁴ But, thanks to a scrap of evidence which dates from over a decade later, it is possible to conclude that more extreme measures, such, for example, as expulsion from the official class (*ch'u-ming* 除名),¹⁰⁵ were not taken. This is a decree of nomination assigning one of them, P'ei Chien 裴訥, a new post and written by none other than Yüan Chen himself.¹⁰⁶ Brief and strictly *pro forma*, the text tells us little. It is rather P'ei's rank and posts which are of interest, for this

¹⁰¹ YSCCC, 37, 7a. Note that the fine here involves only salary (*feng* 俸) and not allowances (*liao* 料). The fact that the governor, P'ei P'in 裴玢, got off more easily than his prefects may have been due to his only having come into the province within the preceding year. For the sake of comparison the penalty to the governor responsible in the case of manslaughter mentioned below was but one month's salary and allowances (see YSCCC, 32, 1b; CTS, 14, 16a-b).

¹⁰² The relevant line here reads *ming-t'ao ts'an-tso fei-tao jung-shen* 名叨參佐非道容身. My treatment of *ming-t'ao* merely as "greedy" is, to say the least, tentative. *Fei-tao* is certainly used in a general descriptive manner and not as the equivalent of *pu-tao* 不道, one of the "ten abominations" (*shih-o* 十惡) in Chinese codes of law.

¹⁰³ In his discussion of article no. 40 (ch. 5, no. 4) Bünger remarks on the concentric rings of liability among officials, running from greater to lesser, surrounding the initial perpetrator of an offence. See "Über die Verantwortlichkeit der Beamten", *loc. cit.*, p. 168 ff.

¹⁰⁴ For a discussion of penalties involving loss of position as well as reduction of rank (*mien-kuan* 免官) and simply loss of position (*mien so-chu kuan* 免所居官), see Tai Yen-hui 戴炎輝, "Tōritsu ni okeru jomen tōshokuhō 唐律に於ける除免當贖法", *Hōseishi kenkyū*, 13 (1962), pp. 53-92, esp. 64-75.

¹⁰⁵ On *ch'u-ming* see reference in preceding note and also Balazs, *Le Traité juridique du "Souei-chou"*, p. 166, n. 233.

¹⁰⁶ See YSCCC, 48, 7a; also CTW, 649, 22a. That this decree dates from a time over ten years later is dictated by Yüan's career and movements. That is, he could only have written it after having returned to court and been given the responsibility of writing decrees and the like (*chih-chih-kao* 知制告), which would be from the fall of 820 (probably until early 821). See Hanabusa, *Gen Shin nempyō kō*, p. 37.

decree effected his transfer from a magistracy in the metropolitan prefecture to the position of executive officer for military affairs in Lo-yang.¹⁰⁷ Since the latter corresponds to the post he had held at Chien-nan East, one might argue that he had lost the equivalent of a decade in promotions. However, his substantive rank was very considerably higher¹⁰⁸ and he meanwhile held successive appointments in choice locations – better locations, in fact, than those in which his sometime accuser spent the greater part of his career. There is a further point. Contrary to the examples provided by the successful careers of prominent figures of the age, most members of the bureaucracy did not rise to the top but at best remained somewhere in the middle echelon. Therefore, while it could hardly be maintained that the involvement of P'ei and his colleagues in the Yen Li affair did not materially affect their careers, it is clear that it did not ruin them and it might indeed have been no more than a minor setback.

On balance a modern observer is rather more impressed with the thoroughness of the investigation conducted by the court's representative in the field than by its own far from decisive reaction to the results which he obtained. Setting aside the strict provisions of its own laws, it refused to besmirch the name of the chief culprit and, in the one set of cases about which we have information, applied hardly more than token penalties. This implies one central fact of importance about the contemporary situation: that irregularities by men in office, particularly of the sort in question, were so common that they could not reasonably be treated with greater severity. Punishment had, in other words, to be meted out in accordance with the prevailing norms of bureaucratic behaviour, norms which were far from the Confucian ideal. There is available, however, an additional indicator which enables us to ascertain a little more closely the court's attitudes to the broad issue of the control and disciplining of its officials. Having noted its punishment imposed upon the guilty, what treatment do we find that it accorded its intrepid young censor? Fortunately, enough material has come down to us both from this case and his subsequent experience as censor, which lasted less than a year, to permit some conclusions.

Upon his return to Ch'ang-an Yüan found that his good work resulted not in any reward or encouragement but rather in his being shunted off to the Lo-yang branch of the Censorate in the same capacity.¹⁰⁹ Particularly

¹⁰⁷ That is, he was transferred from *Li-ch'üan hsien ling* 醴泉縣令 to *Ho-nan (fu) chieh-tu p'an-kuan* 河南(府)節度判官.

¹⁰⁸ Staff positions associated with the provincial governorships, such as *p'an-kuan*, seem never to have been given formal numerical grades in the bureaucratic hierarchy; however, all such officials held honorary titles which seem to have served that purpose. At Chien-nan East P'ei had been (honorary) *Chien-ch'a yü-shih* at 8:1; now he was (honorary) *K'u-pu lang-chung* 庫部郎中 at 5:2. The magistracy of a metropolitan district was ranked at 5:1.

¹⁰⁹ Regarding the staff of censors at Lo-yang see des Rotours, *Traité des Fonctionnaires*, I, p. 295.

since he himself put no little value on what he accomplished in Szechwan,¹¹⁰ he could hardly have regarded this as a step upwards. On the contrary, he interpreted it as a stroke of revenge on the part of Yen's old allies, a point in which his official biographies concur.¹¹¹ His private biographer, Po Chü-i, on the other hand, puts a positive light on the move, claiming that the court had need for someone of Yüan's capabilities to look into the troubled affairs of the eastern provinces.¹¹² This is certainly not inconceivable, but his remaining at the same rank meant that he was a trouble-shooter of only modest authority. Besides, Lo-yang was at this time a complete political backwater. For whatever advantage it might have possessed in terms of physical proximity to the eastern provinces, it was both removed from the nerve centre at Ch'ang-an and incapable of providing the administrative and executive backing which any vigorous hunt for corruption and malpractices would have required. In short, it is not easy to dismiss Yüan's view that he was victimized by a hostile faction. Yet, whatever the intentions of those who decided upon his transfer, there is no doubt that he moved into a part of the empire which was of critical importance to the court. And he moved into a post which allowed him greater latitude, ultimately in fact too much for his own good.

Yüan was by temperament incapable of pursuing a low-key, routine careerist path, so that, still very much in a position where he could make his mark, he set about his duties with characteristic vigour. Since we have no clear idea how active or productive (in turning up evils) T'ang censors were expected to be, we cannot put the manner in which Yüan performed his functions in proper historical perspective. But it does seem to have been thorough and effective. Surely, if it had been otherwise, he would not subsequently have spoken of it with such pride.

In his ten months at Lo-yang Yüan successfully brought impeachment charges on eight known occasions.¹¹³ However, the total number of cases on which he reported may have been considerably higher.¹¹⁴ Now, while our

¹¹⁰ *YSCCC*, 32, 1b; on this document see below, n. 113.

¹¹¹ *CTS*, 166, 3b; *HTS*, 174, 4b.

¹¹² *Po-shih ch'ang-ch'ing chi*, 61, 3b; but naturally in a formal epitaph Po would hardly have washed any dirty linen. Incidentally, he claims that Yüan's efforts on behalf of justice in Szechwan gained him so much respect and gratitude that many of the local people named their children after him.

¹¹³ The most complete account of these cases is given by Yüan himself in the fascinating résumé of his memorials to the throne; entitled *Hsi-tsou* 叙奏, which he addressed to the emperor in 822 (date ascertainable by Yüan's reference to the interval of less than two years since his last audience, i.e., in the eighth month of 820; cf. also Hanabusa, *Gen Shin nempyō kō*, p. 40). It can be found in *YSCCC*, 32, 1a–2b, but, oddly enough, not in *CTW*. Yüan's *HTS* biography (174), apparently drawing on it, is the only other source even remotely as comprehensive here. But also see the *CTS* biography (166), Po's epitaph, and Po's memorial protesting Yüan's banishment to the provinces (see below, n. 119).

¹¹⁴ Po, *Po-shih ch'ang-ch'ing chi* 61, 4a, speaks of his reporting on "dozens" (*shu-shih* 數十) of cases.

primary interest remains the court's response to his activities as censor, a glance at the instances of malfeasance he uncovered reveals something of the way in which he performed his duties. (The order is that supplied by Yüan, in all likelihood chronological.)

(1) Prison authorities in Lo-yang were found, against accepted practice, to have been keeping prisoners in chains, and, though this had been going on for years, Censorate officials there knew nothing about it.

(2) The governor of Wu-ning province (the northern Kiangsu panhandle and northeastern Anhwei) was exposed for having illegally authorized the use of the facilities of the state postal-relay system for shipment of the body of an official back to the capital, a private responsibility of his family.¹¹⁵

(3) The governor of Che-hsi province (southern Kiangsu-northern Chekiang) was charged with manslaughter for having had one of his county magistrates so severely punished that he died.¹¹⁶

(4) The mayor of Lo-yang himself came under accusation for having brought false accusation against a student, the ultimate consequence being the latter's death.

(5) A eunuch was found to have harboured and subsequently adopted a runaway slave whose legal owner feared disclosing what had transpired.

(6) Yüan determined that the governor of the autonomous province of Wei-Po (southern Ho-pei), certainly untouchable in terms of prosecution, had been kidnapping young men and women from the Lo-yang area.

(7) The authorities at Pien-chou (Kaifeng) were discovered to have confiscated without cause the wealth of a merchant upon his decease, wealth which ran into the millions.

(8) The authorities at Hua-chou (approximately modern Hua-hsien) were charged with manipulating goods-to-cash conversion rates in tax collection to their own profit.

In addition to these cases of malpractice by individual officials, Yüan successfully protested against the improper requisition of a very large quantity of fodder from the Lo-yang populace to support military operations in the northeast.¹¹⁷

In the end all this good work went for naught. Early in 810 Yüan launched charges against the new mayor of Lo-yang, Fang Shih 房式, and then, quite exceeding his authority as examining censor, suspended the mayor's functions pending prosecution of the case.¹¹⁸ The court responded

¹¹⁵ Memorial is extant; see YSCCC, 38, 1b-3a (also CTW, 651).

¹¹⁶ Memorial is extant; see YSCCC, 38, 1a-b (also CTW, 651). Cf. CTS, 14, 16a-b.

¹¹⁷ Yüan's protest is extant; see YSCCC 38, 3a-4a (also CTW, 651).

¹¹⁸ HTS, 174, 5a, states that Yüan based his action on ancient precedent.

by fining Fang one month's salary, confirming him in his post, and recalling Yüan to explain himself.¹¹⁹ Oddly enough, no source indicates the nature of Fang's offence which impelled Yüan to take such drastic action. Clearly, it was not seen in the same light at court, and it is likely that Yüan had already seriously compromised himself by this piece of high-handedness. The *coup de grâce* was provided by an incident which occurred upon his journey back to the capital. Stopping for the night at a government hostel, he entered into a violent altercation with a court eunuch who was himself returning from a mission.¹²⁰ We have only Yüan's version of what transpired, which may well be the correct one; but it gained little credence among those who carried weight at court. While his abuse of his powers as censor was the ostensible grounds for disciplining him, surely the appearance of arrogance he now gave – if it was only appearance – fully alienated his superiors, including the emperor. The result was banishment to a distant province, one of the more common means of bureaucratic discipline, despite the protests of injustice made by Po Chü-i and others.¹²¹ In the third month of this year Yüan departed to assume the post of administrator of works (*shih-ts'ao ts'an-chün shih* 士曹參軍事) at Ching-chou (Chiangling) on the middle Yangtze. But this initial removal from the centre of activity was only the most immediate of the consequences he had to face. Far graver was the fact that he was to spend a decade in political obscurity before receiving a post of any significance and again returning to the capital.

From this distance and on the basis of the information we possess, it is impossible, along with Yüan's friends, categorically to assert the injustice of his penalty. It is undeniable that he had abused his powers at Lo-yang, and this underlines the general concern which the government of necessity felt,

¹¹⁹ See Yüan's biographies; CTS, 14, 16b; and TCTC, 238, p. 7671; also, Feifei, *Po Chü-i as a Censor*, pp. 158-9. TCTC states that Yüan was given a fine of one quarter's salary upon his recall, but I can find no corroboration for this elsewhere. Fang's biographies in CTS, 111 and HTS, 139 make no mention of this affair; rather, they praise his administration at Lo-yang on the grounds that he prevented the massive and improper requisition of fodder of which we spoke above!

¹²⁰ See references given in preceding note. According to Ssu-ma Kuang in his *K'ao-i* (TCTC, 238, p. 7671), the *Hsien-tsung shih-lu* 憲宗實錄 named the eunuch as the subsequently infamous Ch'iu Shih-liang 仇士良. This however was a political slander. He turns out in fact to have been an obscure figure by the name of Liu Shih-yüan 劉士遠.

¹²¹ Po apparently submitted three memorials on the affair, only the last of which has survived. Entitled "Lun Yüan Chen ti-san chuang 論元稹第三狀, it can be found in *Po-shih ch'ang-ch'ing chi*, 42, 8b-11b, and CTW, 667. See also Feifei, *Po Chü-i as a Censor*, pp. 238-41, where it has been very serviceably translated. Po argues against Yüan's disgrace on three grounds: (1) that this action would have debilitating effects on the Censorate; (2) that, as the real reason for it was Yüan's clash with the eunuch, it would demoralize officialdom; and (3) that it would inevitably lessen the court's hold over the provincial governors. On the whole, one is favourably impressed by the open and frank tone found in his discussion which implies an open atmosphere at court. The sources associate Li Chiang 李絳 and Ts'ui Chün 崔羣 with his protest.

given the special position enjoyed by the censor, over the possibilities for such abuse. However, whereas discipline of some sort was evidently called for, the fine record Yüan had established as censor might have been expected to protect him against any lasting damage to his career. It did not, but, as we shall suggest, quite the contrary may have been the case. The court, rather than administering him a lesson and then returning him to circulation where his considerable talents could have been put to proper use, proceeded to keep him out in the political (and administrative) wilderness until 819.¹²² This was, in other words, a loss for the State as well as for Yüan himself. It seems difficult under the circumstances, therefore, to conclude that the leaders at court placed any great value on an individual's vigorous prosecution of the office of censor. Surely, any aspiring young contemporary would, with such an example before him, hardly have become an activist in this office.

What then by way of explanation can be offered for the treatment accorded Yüan, even granting that the State might have been inclined to be more severe with offending censors than with other officials? For one thing the incident with the eunuch certainly played a role, and Po may have been right that this was the real reason for his effective exile.¹²³ In fact, Hsientung, following the practice of his predecessors, made heavy and systematic use of eunuchs, one apparent reason for which was lack of full confidence in the regular bureaucracy. To the extent that the conduct of any official *vis-à-vis* the eunuchs placed the wisdom of this policy in doubt, to that extent he would receive an unsympathetic hearing from the emperor. Of equal and perhaps greater importance was the number of enemies among his fellow officials which Yüan must have made by this time. We have noted the possibility that the allies of Yen Li worked against him following his major disclosures in Szechwan. The mayor of Lo-yang, Fang Shih, was himself undistinguished, but he came from an old official family and counted important figures among his patrons.¹²⁴ Moreover, at least two of the eastern governors against whom Yüan brought charges certainly had, by virtue of their careers and family status, wide-ranging and important connexions.¹²⁵ To take matters to their extreme, it is not inconceivable that a

¹²² In early 819 he went bearing a new appointment to Kuo-chou, in the Yellow River valley midway between Ch'ang-an and Lo-yang, and by the end of that year he had received a post at court. See Hanabusa, *Gen Shin nempyō kō*, pp. 31-2.

¹²³ Po, *Po-shih ch'ang-ch'ing chi*, 42, 9b-10a; Feifel, *Po Chü-i as a Censor*, p. 239. Cf. above, n. 119.

¹²⁴ Fang Shih's uncle, Kuan 琯, had been an important minister at the time of the An Lu-shan rebellion, and his various patrons included Li Pi 李泌, Han Kao (see following note), and Li Chi-fu 李吉甫. See his biographies, *CTS*, 111 and *HTS*, 139.

¹²⁵ The governor of Che-hai, Han Kao 韓皋, came from a family of officials, his father Huang 滉 achieving considerable prominence under Te-tsung. Kao too held a string of important positions. See biographies in *CTS*, 129 and *HTS*, 126. The governor of Wuning, Wang Shao 王紹, was by this time approaching the end of quite a successful career. He has biographies in *CTS*, 123 and *HTS*, 149.

number of people were waiting for Yüan to make exactly the sort of error he eventually made. It is true, to be sure, that he made many such enemies in the course of conscientiously performing his duties. But this is a contradiction which must consistently have beset the Censorate throughout Chinese history: since there was no way of providing absolute guarantees, dedicated officials laid themselves open to possibly unpleasant personal consequences precisely by virtue of their willingness to do what was necessary to see that the institution fulfilled its proper mission; and, as they were as a result eliminated or discouraged, its effectiveness was reduced accordingly.¹²⁶ In some way, indeed, this consideration applies to the functioning of the bureaucracy as a whole; and it may serve as a useful reminder of the fact that bureaucracy in imperial China, like those we know today, was much more than a highly structured body impersonally functioning in the interests of the State. It was at the same time an aggregate of private interests and passions, often standing in effective opposition to the interests of the State. Clearly these "non-bureaucratic" features were the most difficult to manage.

It is ironic that this demonstration of callous disregard for zealous censorial performance should come from the reign of the monarch who was probably the most capable and certainly the most effective of any to sit on the throne during the second half of the dynasty. But some reservations may be entertained whether Yüan Chen's case should be taken as representative in all respects, in view above all of his character and temperament. Brilliant and resourceful though he was, Yüan's official career never fulfilled its early promise. His opportunities for advancement and lasting success, in any event none too many, were surrounded by controversy and friction, including his short tenure of the chief ministership in 821-2. As Yüan found it difficult to compromise, the system found it difficult to accommodate him. Perhaps he was too individualistic, not simply for the Chinese but for any system.

V

Several points of broad interest and application have emerged here, albeit from a narrow slice of history. We have, to begin with, seen a particularly clear example of the kinds of illegal means used by local officials to increase their personal resources, means which included out-and-out confiscation on trumped-up grounds. Naturally extreme abuses such as this were far more feasible in unsettled circumstances than in normal times,

¹²⁶ Cf. Hucker, *The Censorial System of Ming China*, p. 65. However, as Hucker's admirable study makes clear, the Ming context was in many respects markedly different from the T'ang.

demonstrating in one respect at least how rapid and substantial socio-economic changes occurred at times of central breakdown or shifting authority. The recent rebellion in Szechwan was, in other words, an important precondition for Yen Li's seizure of property. The special tax levies were something else again, for in consequence of the wide fiscal and administrative latitude enjoyed by provincial officials throughout the late T'ang, they were a recurrent and intractable problem to the central government. Against such abuse of authority we have observed that the populace had only the most limited and sporadic kind of protection, much less guarantees of any sort. A basic problem of communication too was present, at any rate in regions such as this, somewhat removed from the centre. In view of the dependence of the populace on local authorities for its knowledge of official policy, control of information by the latter can without exaggeration be construed as a significant source of power in itself.

Secondly, despite the great freedom with which local officials operated in this case, the direct role of the central government in the affairs of the province should not be overlooked. This was, after all, an age when several provinces were genuinely autonomous, when garrisons in certain others exercised vetoes from time to time over central policies and appointments, and when the court was only slowly, if steadily, strengthening its hand against the provincial administrations. There was no question but that Chien-nan East came within court control in all respects, including appointments, fiscal accountability, administrative supervision, and the like. It is likely that the disappearance of old provincial employees accustomed to a free hand such as Yen Li, combined with the results of Yüan's censorial investigation, further improved control by the court here.¹²⁷ Coinciding with the strengthening of central authority over Chien-nan West following the failure of its revolt in 806, this meant that Szechwan as a whole would remain secure for the foreseeable future. Such gains, together with more dramatic ones made by Hsien-tsung elsewhere, enabled the State to survive on a relatively sound basis until virtually the end of the third quarter of the century.

Thirdly, we have had an opportunity to observe the T'ang Censorate in action and tentatively to evaluate its performance. As an institution it

¹²⁷ One is, however, obliged to heed Yüan Chen's remarks on Yen Li's successor at Chien-nan East, P'an Meng-yang 潘孟陽. In *YSCCC*, 32, 1b, he asserts that P'an was even more avaricious than Yen Li. He took the opportunity of restoring property confiscated by the latter to its rightful owners to make profits himself and even imposed illegal tax levies. Moreover, he presumably memorialized against a posthumous disgrace of Yen. Yüan's remarks sound rather partisan, but it is true that P'an had a nasty reputation (cf. D. C. Twitchett, "The Salt Commissioners after the Rebellion of An Lu-shan", *Asia Major*, n.s., 4 (1954), pp. 77-8). P'an, who was governor of Chien-nan East, 809-13, has biographies in *CTS*, 162 and *HTS*, 160.

possessed no few resources in maintaining surveillance over the conduct of officials in the interests both of the throne and of the people. Whether it was adequately staffed for this purpose is another question. But above all it is evident that, in contrast to routine bureaucratic operations, its effectiveness was singularly dependent on the men it employed. In the hands of an energetic and ambitious individual such as Yüan Chen, it became a tool of great utility. In view of the thoroughness and precision of his report, one would have assumed that the central government had the means to maintain quite close supervision over its officials. Yet there are indications both from this and from subsequent periods which tell us that such was not the case. While this broader issue is too complex to be considered here, one or two points of direct relevance emerge. One is that, as there was no way of divorcing the Censorate altogether from politics and personal relationships, its effectiveness could not but be reduced by the influence of such extraneous elements. The undesirable turn in Yüan's personal fortunes seems inexplicable except as a consequence of his alienation of important persons in the pursuit of his duties. How widespread such instances were is not yet possible to say. Another conclusion is that the State did not in its application of sanctions for misconduct require an absolutely rigorous discharge of duty from its officials. This brings us to a final topic on which this case has informed us.

The gravity with which the court treated malfeasance is evident in the care with which Yüan made his investigation. This was a thorough search whose results were fully documented. We especially noted the legal aspects of the resulting charges which are closely attentive to infringements of recent acts of legislation but do not relate them in any apparent way to the language and fundamental provisions of the *Code* itself. Also, despite the ultimate responsibility borne by the late governor, the staff officials who did his bidding came in for heaviest censure as most proximate (among the survivors) to the violations. Yet, though the confiscation in particular was an egregious abuse of authority, the court was reluctant to apply drastic sanctions. It even chose to overlook the role of some of the prefects in that offence and to punish all prefects uniformly for the single offence of levying an illegal tax. This can be satisfactorily explained only by reference to current norms of behaviour among officials. Where such offences were widespread, it was at best pointless and at worse an invitation to disaffection for the court to punish individual infractions with great severity.

These results hardly encourage sanguine conclusions about the quality of rule in imperial China. In particular, they remind us of the limitations in practice of the Confucian concept of the ultimate accountability of government to the people. Yet, there is no reason to believe that in general the disparity between ideal and practice was significantly greater than in other societies, past or present.

VI

MEMORIAL OF IMPEACHMENT AGAINST THE GOVERNOR OF
CHIEN-NAN EAST

(Submitted by:) Official Charged with the Investigation in Chien-nan East

(Charges:) That the late Yen Li did during his tenure as Civil and Military Governor of Chien-nan East illegally confiscate lands, houses, and slaves belonging to persons under his jurisdiction, including military and civil officials, commoners, and residents of official status; also that he imposed special levies in cash, grain, and fodder over and above the two-tax quotas. I respectfully report on these matters as follows.

(1) Yen Li's illegal confiscation of property belonging to military and civil officials, commoners and residents of official status, affecting a total of 88 households (including T'u Shan-fu and others), which property comprised 122 estates and houses as well as 27 slaves, all scattered over several prefectures. A detailed account follows.

I have proceeded in accordance with past and current legislation which calls for officials of the Censorate to examine the conduct of officials in the provinces, to investigate instances of wrongdoing, and to submit reports of findings. On the first day of the third month last I received an order to proceed to Chien-nan East in order to investigate a charge of fiscal irregularities against the Directorate official Jen Ching-chung at Lu-ch'uan. There I learned of Yen Li's confiscation of the aforementioned property and slaves during his term in office. From that time until the 17th of the current month I have conducted my investigation which is now completed. I have been able to recover the documents relating to the confiscation and have had my secretaries Keng Chü and Ma Yuan-liang make inquiries and obtain evidence. (Thus I have determined:)

On the 18th day of the first month of 807,* Yen Li issued an order to be implemented in those areas of the province which had come under the firm control of the rebel Liu P'i or which the rebel army had reached. Applying to all military and civil officials as well as residents of bona-fide official status who had received the forces of Chien-nan West or given succour to them, it declared that, though pardoned for their offences, they must nonetheless surrender their landed property. Thereupon, a complete inventory was taken of the lands, houses, slaves, mulberry groves, valuables, grain stores, shops and mills of 88 households, including that of T'u Shan-fu, which were held to be subject to this order. In deciding among these cases no real attempt at accuracy or at obtaining complete information was made. If

* Hereafter 806, 807, and 808 are given as equivalents for *yüan-ho* 1, 2, and 3, respectively.

there was sign of an official title, the household was included and its property confiscated. At the time, moreover, not a word was sent up to the throne on the matter. By now the goods obtained have all been sold or consumed, and the slaves put to work in shops or sent out to work in the groves and fields of the estates. Yen Li did all this despite the fact that in both 807 and 808 he received adequate revenue from the regular levies to cover his expenditures.

I humbly call attention to the decree of 10/1/806 according to which all personnel in Chien-nan West, including prefects, post commanders, members of their staffs, officers and men of the army, and commoners, were given unconditional pardons on the grounds that they accepted rebel appointments only under duress. Moreover, according to the act of grace of 3/1/807, penalties facing all persons as a result of past association with the rebels were as of that moment entirely remitted. These laws apply all the more to those people who, as officials, commoners, and resident gentry of Chien-nan East, had hitherto had nothing to do with the rebels. When the rebel army suddenly arrived, they were forced briefly to comply with its rebellious conduct. However, once the rebellion was brought to an end, they returned fully to royal grace. Yen Li, therefore, openly flouted royal decrees, and in unseemly pursuit of wealth he despoiled over 80 families. Yet not one word of this did he ever communicate to the throne. Can such behaviour be said to stop at exploiting the people when it likewise deceives Heaven as well? By now the various properties have all been put into the hands of the provincial administration. I have undertaken an investigation to determine the original owners, who are all to be found in this vicinity and who have till now lacked any means for legal redress. Gradually they have been reduced to vagabondage and ruin. I implore Your Majesty to order the senior official and the several prefects of the province to call unto them those who have in this way been impoverished and fully restore to them their means of livelihood. In consequence those without resources will receive sustenance and the minds of the local populace will again be tranquil. As for the executive official and prefects implicated in this offence, I ask that they be severely penalized so that such perversity can be brought to an end.

(2) Yen Li's special levies in fodder in 807 and 808 in excess of two-tax quotas, the income from which totalled 414,867 bales (which bales are reckoned at 11 catties in weight).

I humbly call attention to past and current legislation as well as annual decrees which stipulate that, by collection of any additional revenue in cash or kind over and above the provincial and prefectural allotments provided under the two-tax law, the senior officials of province and prefectures concerned will incur the charge of unlawful acquisition by perverting the law. This legislation calls for censors to proceed into the provinces in order

to investigate and report on any such cases. I also make reference to the act of grace of 808 under which penalties for all offences, including major ones, were by royal grace remitted with the single exception of the offence of unlawful acquisition involving State funds. In the course of investigating Yen Li's supplementary levy of the quantity of fodder indicated above, I have within the time period mentioned, recovered the relevant documents and had my secretary Yao Fu make inquiries with a view to obtaining evidence. (Thus I have determined:)

On 21/7/807 Yen Li issued an order to all his prefectures calling for a supplementary payment in fodder together with the regular autumn levy, reckoned at one bale per string of cash. The grounds for this were alleged shortages of supplies in the postal relay stations of the province. Upon collection of the regular autumn levy of 808 he again required a supplementary payment in fodder at the same rate. I call attention to the annual legislation which stipulates a regular and independent source of revenue for the relay stations and which does not allow for their support by additional, unauthorized levies. Moreover, since Yen Li ordered the levy imposed again in 808 on the precedent of its imposition in 807, it is most certainly to be feared that the tax would have been continued, becoming a permanent source of hardship for the people. I request that the senior official of the province be ordered to impose the strictest of prohibitions against levies of this sort and, with a view to putting a stop to such extortionate demands, that the executive official and prefects involved be punished according to the category of offence indicated.

(3) Yen Li's special levy in excess of the two-tax quota in the prefectures of Tzu and Sui in 807 which obtained revenue of 7,000 strings of cash and 5,000 *shih* of grain.

I have according to the timetable mentioned recovered the relevant documents and had my secretary Chao Ming-chih undertake inquiries to obtain evidence. (Thus I have determined:)

In the sixth month of 807 Yen Li issued an order to this effect: since the prefectures of Mien and Chien had in 806 been obliged to contribute double the amount paid by Tzu and Sui towards the expenses of the supply depots and communication stations serving the Northern [*i.e.*, Palace] Armies, a special levy in cash and grain must be made in the latter prefectures in order to compensate the former. With respect to those expenses I made inquiry of the authorities at Mien and have in hand their response. It asserts that taxes in cash and grain for support of the army were collected according to the old quota in 807 and sent in entirety to the province. Absolutely no funds were received from either Tzu or Sui to compensate for past contributions to the depots and stations nor was any deduction made from the prefecture's tax quota for that year. I have also made inquiry to and received a response from Chien. It asserts that, for the purpose of

supplying the depots and stations in 807, it was necessary to exceed the established quota and, reaching into the bowels of the people, to collect the summer levy both for that and the following year, a total of 4,023 strings and three *wen* [coins]. The governor's office subsequently authorized a proportionate deduction from the prefecture's cash contribution towards military expenses for that year [807]. As for grain, stores on hand from the 806 levy being adequate, it was unnecessary to collect any taxes in advance from the following year's quota. However, the governor's office provided no funds from Tzu or Sui to compensate for the outlay of grain for the depots and stations. It is my humble view that the prefectures of Mien and Chien provided means to supply the stations fully in accordance with the decree issued; but sympathy is particularly due the people of Tzu and Sui who, through no fault of their own, were arbitrarily required to pay double their share of taxes. Furthermore, of the cash and grain collected to support the depots and stations, only the sum of 4,023 strings and three cash coins was deducted from the quota for military expenses of Chien prefecture. The remaining cash and grain simply became additional income for Yen Li, effectively obtained through a special levy. The executive official involved and the prefect of Sui should be penalized to a degree conforming with the gravity of the offence so as to set an example for the future.

Now, summarizing our information on the illegal confiscation of estates and slaves (of T'u Shan-fu and the others) and the special levies in cash, grain and fodder, I list below the executive officials and prefects who are culpable together with their titles and the items for whose appropriation and collection they were responsible.

Ts'ui T'ing: Official responsible for issuing the directive ordering the illegal confiscation of property.

Assistant Revenue Officer. Honorary Auxiliary Secretary of the Board of Justice and concurrently Censor in Attendance. Holder of the Purple Tally Purse.

Action resulted in illegal seizure in all prefectures of a total of 63 estates, 48 houses, 10 male and 17 female slaves.

Lu Hsü: official responsible for issuing the directives in 807 and 808 ordering supplementary levies in fodder to be paid in together with the regular autumn tax.

Executive Officer for Civil Affairs. Attendant to the Court of Censors for Palace Affairs.

Action resulted in the collection by special levy throughout the province of 414,867 bales of fodder.

P'ei Chien: official responsible for issuing the directive in 807 ordering the collection of taxes in cash and grain in excess of the regular tax quota in the prefectures of Tzu and Sui.

Acting Executive Officer for Military Affairs. Officer Attached to the Court of Examining Censors.

Action resulted in collection by supplementary levy of 7,000 strings of cash and 5,000 *shih* of grain.

Yen Li, deceased 8th day, 3rd month 809.

Prefect of Tzu. Honorary Vice-President of the Left of the Department of State and concurrently President of the Censorate.

Illegally confiscated 29 estates (of T'u Shan-fu and others), 41 houses, 9 male slaves and 17 female slaves; collected by special levy 3,000 strings of cash, 2,000 *shih* of grain, and 75,953 bales of fodder (of which 31,792 in 807 and 44,160 in 808).

Liu Meng

Prefect of Sui.

Illegally confiscated 8 estates (of Li Chien and others), 4 houses, and 1 male slave; collected by special levy 4,000 strings of cash, 3,000 *shih* of grain, and 49,535 bales of fodder (of which 24,503 in 807 and 25,482 in 808).

T'ao Hsing

Prefect of Mien.

Illegally confiscated 20 estates (of Wen Huai-chin and others) and 13 houses; collected by special levy 88,688 bales of fodder (of which 38,093 in 807 and 50,595 in 808).

Ts'ui Shih-ch'eng, reassigned to Ch'ung-chou as prefect on 5th day, 11th month 807.

Prefect of Chien.

Illegally confiscated 6 estates (of Teng Tsung and others) and 9 houses; collected by special levy 21,877 bales of fodder (of which 9,039 in 807 and 12,778 in 808).

Li Fu

Prefect of P'u.

In 807 collected by special levy 6,000 bales of fodder and in 808 9,450 bales.

Chang P'ing

Prefect of Ho.

In 807 collected by special levy 3,462 bales of fodder and in 808 5,605 bales.

Ch'en Tang

Prefect of Jung.

In 807 collected by special levy 9,403 bales of fodder and in 808 5,427 bales.

Shao Ying

Prefect of Yü.

In 807 collected by special levy 2,614 bales of fodder and in 808 3,727 bales.

Liu Wen-i

Prefect of Lu.

In 807 collected by special levy 3,853 bales of fodder and in 808 3,851 bales.

Figures on remaining prefectures

Tzu*: in 807 collected by special levy 15,798 bales of fodder and in 808 16,225 bales.

Chien*: in 807 collected by special levy 24,104 bales of fodder and in 808 23,118 bales.

Ling: in 807 collected by special levy 24,606 bales of fodder and in 808 23,861 bales.

Lung: in 807 collected by special levy 891 bales of fodder and in 808 811 bales.

I submit thus my list of particulars indicating officials responsible, their titles and the sums they obtained. With respect to the prefects of the last four prefectures, their names have not been available, either because the prefectures themselves have been placed under the jurisdiction of Chien-nan West [*viz.*, Tzu* and Chien*] or because the officials have been replaced and/or reassigned. I request that the senior official of the province determine the names of these officials by reference to the dates involved and report them. Thereby they may be listed with the others as above.

I humbly observe that Your Majesty has ever been entirely preoccupied with the welfare of the people. In five years on the throne Your Majesty has issued three acts of grace, thereby earnestly endeavouring to make known your deep sympathy for those in distress. But when cases of disruption arise, sanctions must be applied without delay. Yen Li, in particular, who was in origin a Tzu-chou commoner, lacked all distinction in talent and deeds alike. But, having long served in the army, he gained advancement through generous favour. Subsequently, in order to reward his efforts, Your Majesty transferred him to Chien-nan East where he assumed command in his own home town. This was truly to show favour without parallel, but it was also intended to calm the people. However, while Your Majesty responded to the wishes of Heaven by remitting and reducing taxes, Yen Li, despite the honour he bore of serving in his native town, harshly exploited the people as a source of revenue. Paying no heed to the laws, he despoiled numerous households for the enrichment of his own house. We have determined what the property was he seized, lands lying one after the other in endless succession, slaves, valuables; its value is only to be calculated by the ten-thousand. Although he may be said by his death to have atoned for his crimes, the harm he did still afflicts the people. He should, therefore, be given a posthumous name bespeaking ignominy and all titles and honours

should be withdrawn. By thus chastising wrongdoing, a warning against its recurrence is given.

As for the others, the executive officials actively joined in the effort to exploit the people for private gain, whereas the prefects, preoccupied with their individual prefectures, simply paid no regard to imperial decrees. They have all simply accepted the authority conferred by office without acquiring any fear before the penal statutes of the court. Moreover, all have equally concealed their actions. All should, therefore, be severely disciplined. As my office is to extirpate corruption, I cannot contain my zeal to do so.

I respectfully submit this memorial and await the imperial decree making a disposition of the case.

DIRECTIVE SENT BY THE SECRETARIAT-CHANCELLERY TO THE CENSORATE
(Directive received and issued as decree)

When property is confiscated with no cause for it being shown and when special levies are made in addition to the regular ones, how can it be said that the regulations are heeded? When injustices occur and there are neither avenues for protest nor attempts at scrutiny to uncover them, who then will bring them to light? The present governor is charged to return to the original owners every single item of property confiscated - lands, houses, and slaves. Any property sold or otherwise disposed of is to be recovered and returned. The present governor is likewise charged to see that any special levies, whether in cash, grain or fodder, be rigorously forbidden. This decree is to be published in the towns and villages throughout the province so that the people may learn that Ts'ui T'ing and the other staff members are subordinates of greedy desires (?) who pursue their own interests by immoral means. As for Liu Meng and the other prefects, they are guilty of abusing their official powers and exercising their functions in heartless fashion. This behaviour has inflicted harm not only on government but on the people as well. In disposition of this matter there can be no question, therefore, but that punishable offences are involved. However, since theirs is not the principal guilt, grace may be joined to application of the laws. Though accorded grace, they nevertheless are guilty of having imposed special levies. They have also already left office or been suspended pending investigation. In order, therefore, to pursue a course permitting forgiveness and yet to give proper weight to the laws, we have determined that, while recipients of grace, the following prefects are guilty of having imposed special levies in fodder: Liu Meng, T'ao Hsing, Li Fu, Chang P'ing, Shao Ying, Ch'en Tang and Liu Wen-i. Each is to be fined two months' salary and allowances and to receive a grade of "inferior" in the ratings. In all other respects they are freed of any liability.

Upon arrival this directive was issued as a decree. Thus I record the directive.(?)