

The Law of Avoidance during the Han Dynasty  
(206 B.C. - 220 A.D.)

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The "law of avoidance" (*hui-pi* 迴避) was one of the most rigidly enforced rules of Ch'ing government.<sup>1</sup> By the end of the dynasty, the Ch'ing statute books listed numerous cases to be "avoided" by an expectant bureaucrat. For example a metropolitan official (*nei-kuan* 內官) was not allowed to serve simultaneously in the same office as his grandfather, grandson, father, son, uncle, nephew (brother's son), brother, mother's father and brother, wife's father and brother, daughter's husband, sister's son, cousins, and other officials whose children had married his. A provincial official (*wai-kuan* 外官) had to avoid all posts dealing with the judicature, finance and taxation, examination system, and censorship in his native province, in the province of his "temporary residence" (*chi chi* 寄籍), and in the neighboring provinces within 500 *li* of his native place.<sup>2</sup> The *Collected Statutes of Ch'ing* (*Ta Ch'ing hui-tien*), compiled during the reign of Yung-cheng, succinctly summarized the two underlining principles of the law: to avoid close relations either by blood or marriage, and to avoid one's native province.<sup>3</sup>

Such regulations, though less comprehensive, are also found among the Ming statutes.<sup>4</sup> The practice, however, went back further. The *Summary of Sung Statutes* (*Sung hui-yao chi-kao*) contains some eleventh century rules and proclamations regarding the law of avoidance, although the term used there was *pi-ch'in-hsien* 避親嫌.<sup>5</sup> The *Comprehensive Compendium* (*T'ung tien*), compiled during the T'ang dynasty, states that before the reign of Sui Wen-ti (589-604), natives were employed as subordinate officials (*ts'ao-yuan* 曹掾) in local administration, but Sui Wen-ti barred natives from holding such posts.<sup>6</sup> Pre-T'ang legal compilations are less extensive, and the

1 Robert M. Marsh, "Bureaucratic Constraints on Nepotism in the Ch'ing Period," *Journal of Asian Studies*, Vol.19 (1959-60), pp.130-1.

2 For more details, see *ibid.*, particularly note 42.

3 *Li-pu ch'u-fen tse-li, Yung-cheng ch'ao* 吏部處分則例, 雍正朝 (Regulations Concerning the Ministry of Personnel, compiled during the reign of Yung-cheng, n.p., n.d.), Chüan 1 and Chüan 14.

4 *Ta Ming hui-tien* 大明會典 (reprint, Taipei, 1964), I, p.116.

5 Edward A. Kracke, Jr., *Civil Service in Early Sung, 960-1067* (Cambridge, Mass., 1953), pp.100-1, notes 101 and 102.

6 *T'ung tien* 通典 (The Comprehensive Compendium, comp. Tu Yu 杜佑, n.d., n.p.), Chüan 33. The sentence there reads: 漢縣有丞尉及曹掾, 多以本郡人為之, 三輔則兼用他郡。及隋氏革選, 盡用他郡人。(In Han times, under a *hsien*-magistrate there were *ch'eng, wei*, and other subordinate officials. Generally they were men from the same *chiün*, except in the metropolitan area, where men from other *chiün* were also employed. However when it reached the Sui dynasty, only men from other *chiün* were employed everywhere.) This may have been the source of John K. Fairbank and Edwin O. Reischauer, *East Asia: The Great Tradition* (Boston, 1960): "[Sui Wen-ti] also introduced the principle that the officials of the prefectures and subprefectures should not be local aristocrats but appointees from the central government." (p.164)

Yen Keng-wang, however, maintains that there is an error in *T'ung tien*. "*Ch'eng wei*" should have been

term "law of avoidance" does not appear in either the *Summary of the Statutes of Hsi Han (Hsi Han hui-yao)* or the *Summary of the Statutes of Tung Han (Tung Han hui-yao)*, or the Han dynastic histories. However, there are cases of "avoidance" on record: merchants were not allowed to hold office, natives from kingdoms and marquisates should not become palace guards, empress's brothers should not become ministers (*ch'ing* 卿), members of the imperial lineage should not occupy key posts in the capital.<sup>7</sup> Besides the discrimination against the merchants, restrictions placed upon the bureaucrats can be divided into two categories: those on the magistrates (*wai-kuan*) based mainly on their place of origin, and those on the metropolitan officials (*nei-kuan*) based on their relation, either through descent or marriage, to the emperor.<sup>8</sup> This paper concentrates on the phenomena of the first category. It offers a study of the law of avoidance as applied to the magistrates of the Han dynasty. A brief examination of Han local administration, therefore, is called for in order to put the law of avoidance in its context.

### Han Local Government

Han administration in general, and Han local government in particular, occupied a transitional stage in China's political development. On the one hand, Han inherited about a thousand years of a political tradition that has frequently been identified as feudal. On the other, it ushered in two thousand years of emperor-centered rule, and laid down a considerable portion of the foundation of the centralized authoritarian government that has been a feature of much of China's subsequent history.

Han Kao-tsu Liu Pang (r. 206-195 B.C.), having ascended the throne, turned his attention to local government. He chose to mix the *chiün-hsien* system, institutionalized by Ch'in, with the older feudal system of granting kingdoms and marquisates to imperial princes and meritorious subjects, which had characterized Chou. This choice was prompted by the fear that Ch'in's ephemerality was due, at least in part, to its "standing in isolation", with no branch houses to come to its rescue in time of trouble. The longevity of Chou, on the other hand, was associated with its provision of many kingdoms and principalities, which served as the "shield" protecting the royal domain.<sup>9</sup>

But the Han kingdoms and marquisates served the dynasty for only a short time. Initially they did serve to win support and buy off opposition. Soon, however, this new nobility became

omitted, for in fact the *hsien-ch'eng* and *hsien-wei*, like the *hsien*-magistrate himself, were "outsiders" and appointees of the central government in Han times. The error was caused by the fact that in T'ang, when the *T'ung tien* was compiled, the position of *hsien-ch'eng* and *hsien-wei* was only equivalent to *chu pu* 主簿 (secretary), whereas in Han times they were much higher: the *hsien-ch'eng* was the chief civil official, and the *hsien-wei* chief military officer right under the *hsien*-magistrate. See Yen Keng-wang, "Han-tai ti-fang kuan-li chih chi-kuan hsien-chih 漢代地方官吏之籍貫限制 (Restrictions Relating to Native Place among Local Officials in the Han Dynasty)". This rendition of the title appears to be more accurate than the one appeared in the journal, which is "Appointment for Local Administration in the Han Dynasty Limited to Regions Either Without or Within the Appointee's Birth Place," *Bulletin of the Institute of History and Philology*, Vol. 22 (1950), p.235.

<sup>7</sup> *Hsi Han hui-yao* 西漢會要 (Summary of the Statutes of Hsi Han, comp. Hsu T'ien-lin, Shanghai, 1935), pp.471-2.

<sup>8</sup> Tseng Tzu-sheng 曾資生, *Ch'in Han cheng-ch'ih chih-tu shih* 秦漢政治制度史 (A History of the Political System of Ch'in and Han, Hong Kong, 1969), pp.286-7.

<sup>9</sup> *Han Shu* 漢書 (Han Dynastic History), by Pan Ku 班固 (8 vols., Peking, 1962), Chüan 13, II, p.393; *Hou Han Shu* 後漢書 (Hou Han Dynastic History), by Fan Yeh 范曄 (12 vols., Peking, 1965), Chüan 1, I, p.65. Hereafter *Han Shu* will be cited as HS, and *Hou Han Shu* as HHS.

the competitors and rivals of the imperial house. It took the early Han emperors about sixty years to suppress such efforts toward independence, and to reduce their size and importance. Finally they became identical with the *chün* and *hsien* in their subjection to the central command, although they remained distinct in name (surviving kingdoms and marquisates lost their autonomy but continued to be called *kuo*). By the reign of Wu-ti (140-87 B.C.), Han rule had been consolidated beyond dispute, and the central government exercised fairly tight control over local government. It was at that time the country was divided into thirteen *chou*, and the office of circuit inspector was introduced to oversee all the *chün* within one *chou*. Although the name and function of the circuit inspector changed several times during the Han — sometimes he was an inspector, sometimes the highest ranking local magistrate — for our study it is sufficient to call him a *chou* magistrate, as his sphere of action remained within one such unit. *Chou*, together with *chün* and *hsien*, formed the “three-grade” local government system of the Han dynasty.<sup>10</sup> Organized in an hierarchical order, each, though in different degrees, received direction and order from the center.

However, the establishment of a more centralized rule did not solve all the problems for the Han emperor. He still had to maintain a delicate balance of power between the center and the regions. Local magistrates, many of whom lived thousands of *li* away from the capital, had to be given sufficient authority to maintain order, encourage production, levy taxes, recruit laborers and soldiers, and select “talented men” for the bureaucracy.<sup>11</sup> Yet they could not be allowed to acquire such prestige, wealth, or military strength as to be able to compete for leadership with the imperial house. In other words, the central government had to share power with the local government to carry out administrative measures, to win the support of the magistrates themselves and the support of the people through them; at the same time it had to keep the local government in check and under supervision. The law of avoidance, unwritten during the Han, was one of the devices used by the central government to keep local magistrates from accumulating too much influence.

### The Law of Avoidance in Han

The *Hsi Han hui-yao* and *Tung Han hui-yao* mention no law of avoidance, neither does one find the term in the imperial decrees and proclamations incorporated into the biographies of the Han emperors. The one only expression that came close to a law of avoidance is found in the life of Ts'ai Yung 蔡邕, a famous literatus who lived at the end of Tung Han. In his memorial to Ling-ti (r. 168-189 A.D.), Ts'ai mentions restrictions keeping magistrates from holding office in places where their relatives by marriage resided. Ts'ai also named a regulation called the “third alternative” (*San-hu fa* 三互法), but offered no explanation. The commentator of the *Hou Han Shu*, by way of explanation, quotes Hsieh Ch'eng's *Hou Han Shu* where a concrete case, an application of this regulation, is given: Shih Pi had been the *chün*-magistrate of Shan-yang Chün in Yen Chou. He could not be transferred to Chi Chou, because his wife came from Chü-lu Chün of that *chou*, and because the magistrate of Chü-lu Chün came from Shan-yang Chün where Shih had been

<sup>10</sup> *Chou*, *chün*, and *hsien* are usually translated into English as prefectures, commanderies, and counties. However, the word “commandery”, with its connotation of military rule, was only applicable to frontier regions and to the *chou* under military command when imperial authority was waning. Hence, in this paper, the terms *chou*, *chün*, and *hsien* have been retained.

<sup>11</sup> For the function of the local magistrates, see Henri Maspero, *Histoire et institutions de la Chine ancienne, dès origines au XIIIe siècle* (Paris, 1967), p.66.

stationed. Thus a "third alternative" had to be found for Shih; he became the *chün*-magistrate of P'ing-yuan in Ch'ing Chou.

These regulations alluded to by Ts'ai explicitly state restrictions on the appointment of local magistrates on account of family ties. In the same memorial Ts'ai says that the practice already had a long history, but no further details are given. During his lifetime the regulations were strictly enforced, even though the enforcement left Yu Chou and Chi Chou with no magistrates for a long time, thus causing the desertion of the people, and the waste of cultivated land.<sup>12</sup>

Since the place of one's relatives by marriage had to be avoided, could we not assume that the residence of one's patrilineal relatives, i.e., one's native place, also had to be avoided? Biographical information of Han magistrates contained in historical writings actually supports this thesis. It appears that the practice of the law of avoidance went back at least to the reign of Wu-ti. The case has been ably expounded in two thorough studies by Yen Keng-wang. One of them is a book which consists of tables and lists of Han magistrates, with their places of origin, locales where they served as magistrates, and the approximate time when they held office. From this massive documentation collected from thirty odd sources, Yen induces the existence of an unwritten law of avoidance during the Han dynasty. The concluding part of his study appears in an article entitled "Restrictions Relating to Native Places among Local Officials in the Han Dynasty".<sup>13</sup> Based on the study of the places of origin of over a thousand *chou*- and *chün*-magistrates and about 360 *hsien*-magistrates of Han dynasty, Yen comes to the conclusion that

1. *chou*- *chün*- and *hsien*- magistrates were appointed by the central government. After Wu-ti's reign, *chou*- *chün*- and *hsien*- magistrates rarely served in their native place except in and around the capital, i.e., the metropolitan area.
2. Subordinate officials of *chou*, *chün*, and *hsien* were appointed by *chou*- *chün*- and *hsien*-magistrates respectively, and they were always natives, except in the metropolitan area and in the frontier regions.

No regulations of this kind seemed to be in operation before Wu-ti's reign, and they completely broke down after the disturbance of the Yellow Turbans at the end of Tung Han. Before and during the first half of Wu-ti's reign, seven natives were found serving their own *chün*. But after Wu-ti, native magistrates became a rare thing, until military commanders and their supporters took over the power of government from the emperor near the end of the dynasty.<sup>14</sup>

After verifying Yen's data with those found in the *Han Shu* and *Hou Han Shu*, one cannot but agree with him and be impressed by Yen's meticulous and extensive research. Yen's conclusion that there was an unwritten law of avoidance in practice during the two Hans appears to be beyond challenge. What this paper intends to do is to go a step further than Yen. It attempts to answer two questions: why was the law of avoidance formulated in Han? Was it effective from the dynasty's point of view? The material is gathered from fifty-nine biographies of the *chou*- and *chün*- magistrates in the *Han Shu*, and 117 biographies in the *Hou Han Shu*.<sup>15</sup>

<sup>12</sup> HHS, Chüan 60, Pt.2, VII, pp.1990-1. Cf. Yen Keng-wang, "Native place," p.237.

<sup>13</sup> For full reference to Yen's article, see note 6. The book is entitled *Liang Han t'ai-shou tz'u-shih piao* 兩漢太守刺史表 (Tables of *chou* and *chün* Magistrates of the Two Hans, Shanghai, 1948).

<sup>14</sup> Yen Keng-wang, "Native place," pp.235-7, 241.

<sup>15</sup> For their names, native places, and places where they served as magistrates, see Appendices I and II. These lists are essentially based on the names of those *chou* and *chün* magistrates in Yen Keng-wang's "Tables of *chou* and *chün* Magistrates of the Two Hans" whose biographies can be found in the *Han Shu* and *Hou Han Shu*.

### The Law of Avoidance in Operation in Han

Ts'ai Yung's memorial leaves no room for doubt that the purpose of the law of avoidance was to prevent the formation of factions based on family ties. The *Hou Han Shu* writer makes it explicit for us by prefacing Ts'ai's memorial with the sentence: "The opinion at the Court was that there were factions formed in *chou* and *chiün* based on personal sentiments."<sup>16</sup> This problem of factionalism was not a new one, for we find it mentioned in the six rules of conduct for the *chou*-magistrates adopted during the reign of Wu-ti. The *chou*-magistrate was just being instituted then as the circuit inspector. His duties were to inspect the *chiün*-magistrates within his jurisdiction on six accounts. Included in them were two warnings against *chiün*-magistrates forming factions with the local powerful: the *chiün*-magistrates should not be allowed to ally with them to oppress the common people through inequitable land policy, or to manipulate government regulations for their own advantage through fraudulent practices.<sup>17</sup>

Of course "the local powerful" was not a homogeneous group throughout the Han empire. Among them there were the remnants of the ruling houses of the Warring States, and the new nobility that Han rulers themselves created to support the dynasty. This measure had to be taken because the dynasty was not strong enough to eradicate the "feudal relic" of inherited position, wealth, and prestige. In fact they had to utilize it to win sufficient support, albeit they used one group to weaken the other.

Early Han emperors attempted to reduce the old aristocratic families by forced migration. They had to move into assigned areas, usually near the capital, where they intermingled with the newly created kings and marquises. The Han rulers hoped that the new nobility could control, and even crush the old. When the new nobility turned out to be competitors rather than supporters of the ruling house, the Han emperors had to use force and diplomacy to eliminate some and to diminish the power of others. Methods consistently used were confiscation of land based upon very flimsy grounds, and division of inheritance among all the sons.<sup>18</sup> However, not all the great families, whether old or new, were exterminated. Scanty information in the dynastic histories does not provide enough material to enable us to calculate with certainty how many of these families survived such vicissitudes, but there is sufficient evidence to warrant the statement that some did survive. One of them was the Lien family, descendants of the famous Chao general Lien P'o 廉頗. The line was still well-known three hundred years after the death of Lien P'o. Lien Fan 廉范, who lived during the reign of Ming-ti (58-76 A.D.), was a *chiün*-magistrate five times.<sup>19</sup> There were the Ma 馬 and Ch'u 褚 families in Ying-ch'uan Chün in Yü Chou, where many old aristocratic families had been forced to migrate. During the reigns of Chao-ti (86-74 B.C.) and of Hsüan-ti (73-49 B.C.), the unruly activities of the Mas and the Ch'us caused the central government concern, and it sent two able magistrates to pacify them. Both of the magistrates, named Chao Kuang-han and Han Yen-shou, came from Yu Chou.<sup>20</sup> By sending loyal "outsiders" to administer a region like Ying-ch'uan, the central government succeeded in counteracting the excessive growth of local power groups. In this case the law of avoidance operated to the benefit of the imperial house.

<sup>16</sup> HHS, Chüan 60, Pt. 2, VII, p.1990.

<sup>17</sup> HHS, Chih 27, XII, pp.3717-8.

<sup>18</sup> Tseng Tzu-sheng, p.23.

<sup>19</sup> HHS, Chüan 31, IV, p.1102.

<sup>20</sup> Biographies of Chao Kuang-han and Han Yen-shou, HS, Chüan 76, VII, p.3200, p.3210. Unfortunately there is no other information about the Ma and Ch'u families.

The law of avoidance *per se*, however, did not prevent a magistrate from forming factions with local powerful families unrelated to him, and the six rules for the circuit inspectors indicated that the central government was aware of this possibility. Despite the law of avoidance, such formations did take place, and it got out of control when the dynastic power was in decline. Tou Yung, a native of the metropolitan region, was a magistrate of Liang Chou several times. He was delighted when he was sent there again at the end of Hsi Han, and eventually he used Liang Chou as his power base to negotiate with Kuang-Wu-ti (r. 25-57 A.D.), the founder of Tung Han.<sup>21</sup> In normal circumstances, however, the magistrates got transferred quite rapidly, and they did not return to the same *chün*, though often to another *chün* in the same *chou*. There were complaints against frequent transfers voiced in memorials.<sup>22</sup> Moreover, until the end of the dynasty, the circuit inspectors did serve the emperor well by keeping the *chün*- and *hsien*-magistrates under control. Denunciations of their — the circuit inspectors' — corruption and ineffectiveness only appeared frequently after first century A.D.<sup>23</sup> Thus the law of avoidance, when operated within the context of dynastic power, did prevent the magistrate from forming cliques with local nobility.

There was another pitfall that the law of avoidance could not prevent: the formation of power groups with men of position in the capital, or in a neighboring *chou*. And the Han emperors adopted practices that would facilitate such formation and would increase the prestige of a prominent family, thus working against the purpose of the law of avoidance. These practices were the recommendation (*chien-chü* 薦舉) and the "appointment-of-a-son" (*jen-tzu* 任子, or *yin-jen* 蔭任).

Recommendation was the regular and most widely used method for recruiting "men of talent" into Han bureaucracy. Local magistrates were in duty bound to send one or two outstanding men of their region to the capital each year. Prominent officials could recommend on their own initiative. The recommending officials could be either rewarded or punished depending on the performance of those whom they had recommended. A tie, as strong as the family tie, was established between the "recommendor" and the recommended.<sup>24</sup> *Jen-tzu* was a privilege accorded to high officials who received a salary of 2,000 piculs for at least three years. Upon his retirement, one of his sons could receive appointment on the strength of his merit. The post given to his son was usually *lang* 郎, gentleman of the palace. But in Han times, many *lang* were later appointed local magistrates, and high officials of the central government were in turn selected from outstanding local magistrates. Therefore the prospects of the son of a high official to rise to the top of the bureaucracy were good. Many prominent men of Han began their official career through *jen-tzu*: Chieh An, Hsiao Yü, Liu Hsiang, Su Wu, among others.<sup>25</sup> The practice was a modified form of inherited profession of the feudal age. The Han emperors retained it to win support, and to give loyal officials a sense of security by providing for their sons.<sup>26</sup> Hence it had its value for the dynasty, although the effects mitigated against the purpose of enforcing the law of avoidance.

21 Biography of Tou Yung, HHS, Chüan 23, II, p.796.

22 See for example Wang Chia's memorial, HS, Chüan 86, VII, pp.3488, 3490.

23 An early official document mentioning the corruption of circuit inspectors is a proclamation issued in the fifth year of Ho-ti (94 A.D.), HHS, Chüan 4, I, p.176. See also the biography of Yu Hsu, HHS, Chüan 58, VII, pp.1872-3, and *Tung Han hui-yao*, Chüan 21, pp.5-7.

24 Franklin W. Houn, "The Civil Service Recruitment System of the Han Dynasty," *Tsing Hua Journal of Chinese Studies*, New Series, Vol.1 (1956), pp.148-151.

25 *Wen-hsien t'ung-k'ao*, Chüan 34.

26 Houn, p.151.

During most of the Han dynasty, however, the emperors could enforce their orders, and the *esprit de corps* among bureaucrats was high. Therefore there was relatively little abuse resulting from the "appointment-of-a-son" and recommendation. At the end of Tung Han, when the court no longer possessed the power to carry out its laws and regulations, both practices were abused on a grand scale, and paved the way for the emperors' maternal relatives and eunuchs to form factions and usurp power.<sup>27</sup> But these great families rose and fell with equal rapidity; most of them lasted only for one or two reigns.

Insecurity was the peril faced by officials at the end of the dynasty as well as during its height. A hereditary marquis could be exterminated as a result of a false charge by an imperial favorite. A prominent official could be dismissed when an earthquake or an eclipse of the sun occurred during his term of office. A great lord could be punished because of some "disrespectful behavior" either in the palace or in the temple.<sup>28</sup> Examples of this kind can be multiplied. Magistrates' biographies in the *Han Shu* and *Hou Han Shu* show that most powerful families lasted for three or four generations. Only one family of magistrates appeared to have been known as great throughout the two Hans, that of Yang Hsi 楊熹.<sup>29</sup> Thus the insecurity of the subjects, primarily caused by the fact that their very lives were not protected by law, but were decided upon by the whims of the emperors or of his favorites, served as a counter-weight to such practices as the recommendation and "appointment-of-a-son". When this sort of balance was maintained, and when the system of inspection was functioning properly, the law of avoidance was meaningful in that it prevented the magistrate (probably content with the remunerations of his office) from forming unmanageable power combinations in the region where he served.

The law of avoidance, therefore, can be viewed as one of several forces affecting the maintenance of balance in the Han administrative system, although the law by itself was only effective in working against local factionalism when the magistrate just arrived on the scene, or when he was loyal to imperial interests. There was one more factor that helped upgrade Han administration, namely the Han bureaucrats' passion for searching out and employing "men of talent". Throughout the dynasty emperors and magistrates vied with one another to summon or recommend, and employ upright and learned men, and local magistrates were most diligent in searching out men of ability among the natives.<sup>30</sup> These recommended men were often sent to the capital. After having passed an examination, they were given posts in various regions of the empire. Thus there was a diffusion of talents. Another side effect of having the *chou-chün-* and *hsien-* magistrates "outsiders" and their subordinates "natives" was the intermingling of the people of different parts of the empire; it served to forge a strong cultural bond that could overcome the separation imposed by geography and by lack of transportation.<sup>31</sup> Evidently these accomplishment of Han surpasses those of many other dynasties, for the compilers of *Han Shu* and *Hou Han Shu* as well as noted scholars, among them Ku Yen-wu, Lao Kan, Ch'ien Mu, have sung praise of Han's

27 A neat summation of fraudulent practices to achieve power is found in the false accusation against Li Ku, HHS, Chüan 63, VIII, p.2084.

28 For some examples of the rapid fall of subjects, see the life of Jen Ao, HS, Chüan 42, V, p.2098; lives of emperors' maternal relatives, HS, Chüan 97, Pt.2, VIII, p.3973; life of Tou Wu, HHS, Chüan 69, VIII, pp.2239-42.

29 See Appendix III, Genealogy of the Yang family.

30 Examples of "inviting the virtuous" (*p'ing-hsien* 聘賢) are legion. For a partial list see *Hsi Han hui-yao*, Chüan 44, pp.458-9.

31 Yen Keng-wang, "Han-tai ti-fang hsing-cheng chih-tü 漢代地方行政制度 (The Institution of Local Administration in the Han Dynasty)," *Bulletin of the Institute of History and Philology*, Vol. 25 (1954), p.221.

successful local administration.<sup>32</sup> And the incipient law of avoidance was part of this functional system.

Yet the law of avoidance was not the mainstay of Han bureaucracy; it coexisted with the practices of recommendation and "appointment-of-a-son", the latter a relic of the feudal past. The Han law of avoidance itself has not been handed down to us in an official document, and its form was crude in comparison with the minutious details of the Ch'ing law. The simplicity of the Han law of avoidance was but one of the indications that Han China was not yet a thoroughly centralized government, and the process of evolving a full-fledged imperial system went on for centuries.

32 HS, Chüan 7, I, p.275; Chüan 89, VII, pp.3623-4. Ku Yen-wu, *Jih-chih lu* 日知錄 (Notes of Knowledge Accumulated from Day to Day, reprint, 8 vols., Taipei, 1965), Chüan 9, IV, p.1. Lao Kan, *Ch'in Han shih* 秦漢史 (The History of Ch'in and Han, Taipei, 1952), p.52. Ch'ien Mu, *Chung-kuo li-tai cheng-chih te-shih* 中國歷代政治得失 (The Strength and Weakness of China's Political System, 2nd ed., Hong Kong, 1954), p.14.



APPENDIX I  
Magistrates with Biographies in *Han Shu*

Name	Native place:		Magistrate in:		Biog. in HS Chüan No.
	— chou,	— chün	— chou,	— chün	
Chang Ch'ang	Ssu-li, Ching-chao		Yü; Chi chou; Ping, Tai-yuan; Yen, Shan-yang; Ch'ing, Kiao-tung; Ssu-li, Ching-chao*		76
Chang Shih-chih	Ching, Nan-yang		Yang, Chiu-chiang		50
Chang Ts'ang	Ssu-li, Ho-nan		Yu, Tai; Chi, Chang-shan & Chao kuo; Yang, Chiu-chiang		42
Chao Kuang-han	Yu, Cho		Yü, Ying-chuan; Ssu-li, Ching-chao		76
Ch'en Wan-nien	Yü, P'ei		Hsu, Kuang-ling		66
Cheng Tang-shih	Yü, Ch'en		Ch'ing, Tsi-nan; Hsu, Kuang-ling		50
Chieh An	Yen, Tung		Hsu, Tung-hai; Yen, Huai-yang*		50
Chou Ch'ang	Yü, P'ei		Chi, Chao kuo		42
Chu Mai-ch'en	Yang, Kwei-chi		Yang, Kwei-chi*		64, Pt.1
Chu Po	Ssu-li, Ching-chao		Hsu, Lang-ya; Ping chou		83
Chu-fu Yen	Ch'ing, Chi		Ch'ing, Chi*		64, Pt.1
Feng Li	Ping, Shang-tang		Hsu, Tung-hai; Ping, Tai-yuan; * Shuo-fang, Shang, Hsi-ho & Wu-yuan		79
Feng T'ang	Ssu-li, Fu-feng		Hsu, Ch'u kuo; Ping, Yun-chung		50
Feng Ts'an	Ping, Shang-tang		Liang, An-ting; Yu, Tai		79
Feng Tsun	Ping, Shang-tang		Liang, Lung-hsi		79
Feng Ya-wang	Ping, Shang-tang		Liang, Lung-hsi; Hsu, Lang-ya; Shuo-fang, Shang		79
Fu K'uan			Ch'ing, Chi		41
Han Yen-shou			Yen, Huai-yang & Tung; Yü, Ying-chuan		76
Ho Ping	Ssu-li, Fu-fang		Yü, Ying-chuan; Liang, Lung-hsi		77
Ho Wu	Yi, Shu		Chi, Chang-shan & Ch'ing-ho; Yü, P'ei; Yen chou; Yang chou		86
Hsiao Hsien	Ssu-li, Ching-chao		Liang, Chang-yeh; Ssu-li, Hung-nung;*		78
Hsiao Wang-chih	Hsu, Tung-hai		Ch'ing, Ping-yuan		78
Hsiao Yü+	Ssu-li, Ching-chao		Shuo-fang		78
Hsiao Yu+	Ssu-li, Ching-chao		Ching, Chiang-hsia; Liang, An-ting		78
Hsieh Hsüan	Hsu, Tung-hai		Yen, Chen-liu; Hsu, Lin-huai*		83
Hsin Ch'ing-chi	Liang, Lung-hsi		Liang, Chiu-chuan; * Ping, Yun-chung		69
Jen Ao	Yü, P'ei		Ping, Shang-tang		42
Kan Yen-shou	Shuo-fang, Pei-ti		Yu, Liao-tung & Liao-hsi		70
Ku Jung	Ssu-li, Ching-chao		Liang, Pei-ti; Shuo-fang, An-ting		85
Kuan Fu	Yü, Ying-chuan		Yu, Tai; Yen, Huai-yang		52
Kung Sheng	Hsu, Ch'u		Yu, Po-hai		72
Kung Yu	Ssu-li, Ching-chao		Liang chou		72
Kung-sun Tu	Yen, Lu Kuo		Yen, Shan-yang*		58
Li Kuang	Liang, Lung-hsi		Ping, Yen-men & Shang; Shuo-fang, Wu-yuan; Liang, Pei-ti*		54
Li Shang	Yu, Cho		Chi, Chao kuo		41
Lien Pu	Yü, Liang		Yu, Kuang-yang		37

Ma Kung	Hsu, Tung-hai	Yü, Ju-nan; Yang, Chiu-chiang; Ch'ing	81
Pao Hsüan	Yu, Po-hai	Yü chou	72
Peng Hsüan	Yü, Ying-chuan	Ping, Tai-yuan	71
Ping Tang	Yü, Liang kuo	Shuo-fang	71
Pu Shih	Ssu-li, Ho-nan	Ch'ing, Chi	58
Shih Ch'ing	Ssu-li, Ho-nan	Yü, P'ei; Ch'ing, Ch'i	46
Sun Pao	Yü, Ying-chuan	Yi, Kuang-han; Ssu-li, Ching-chao; Chi chou	77
Ti Fang-chin	Yü, Ju-nan	Shuo-fang	84
Ti Hsüan	Yü, Ju-nan	Ching, Nan	84
Ti I	Yü, Ju-nan	Ching, Nan-yang; Ssu-li, Hung-nung & Ho-nan; Yen, Tung	84
Tien Shu	Chi, Chao kuo	Yi, Han-chung; Yen, Lu	37
Tou Ying	Chi, Hsin-tu	Yang, Kwei-chi	52
Ts'ao Ts'an	Yü, P'ei	Ch'ing, Chi	39
Tsun Pu-i	Yu, Po-hai	Ch'ing chou	71
Tung Chung-shu		Ch'ing, Kao-mi	56
Wang Chieh	Hsu, Lang-ya	Yi chou	72
Wang Chia	Ssu-li, Fu-feng	Yang, Chiu-chiang; Ssu-li, Ho-nan*	86
Wang Tsun	Hsu, Lang-ya	Yu chou	72
Wang Tsün	Yu, Cho	Yen, Tung-ping; Liang, An-ting; Hsu	76
Wei Hsiang	Yen, Tsi-yin	Ssu-li, Ho-nan; Yang chou	74
Wu-chiang Lung	Hsu, Tung-hai	Yü, Ying-chuan; Ssu-li, Ching-chao Ching, Nan chun; Chi chou	77
Yen Chu	Yang, Wu (Kwei-chi)	Yang, Kwei-chi*	64, Pt.1
Yuan Ang	Yang, Kwei-chi	Ch'ing, Chi; Yang, Kwei-chi*	49

\*indicating the magistrate was in his native *chou*.

+The Hsiao family had just moved from Hsu Chou to Ssu-li.

APPENDIX II  
Magistrates with Biographies in *Hou Han Shu*

<i>Name</i>	<i>Native place:</i> — <i>chou</i> , — <i>chün</i>	<i>Magistrate in:</i> — <i>chou</i> , — <i>chün</i>	<i>Biog. in HHS</i> <i>Chüan No.</i>
Chang Hao	Yi, Kien-wei	Hsu, Peng-cheng	56
Chang Heng	Ching, Nan-yang	Chi, Ho-chien	59
Chang Huan	Liang, Tun-huang	Liang, Wu-wei & An-ting*	65
Chang K'an	Ching, Nan-yang	Yi, Shu; Yu, Yu-yang	31
Chang Ming	Chi, Ho-chien	Yü, Ying-chuan & Ju-nan	44
Chang Pa	Yi, Shu	Yang, Kwei-chi	36
Chang P'ü	Yü, Ju-nan	Chi, Wei-chun	45
Chang Tsung	Ching, Nan-yang	Hsu, Lang-ya	38
Chang Yü	Chi, Chao kuo	Hsu, Hsia-p'i	44
Chao Hsi	Ch'ing, Ping-yuan	Ching, Nan-yang	26
Chao Tzu	Yen, Tung chun	Liang, Tun-huang; Hsu, Tung-hai	39
Ch'en Chan	Yi, Pa Chun	Yu, Liang-tung; Yi, Han-chung*	51
Ch'en Ch'iu	Hsu, Hsia-p'i	Chi, Wei chun; Ching, Nan-yang & Ling-ling	56
Ch'en Ch'ung	Yü, P'ei kuo	Yen, T'ai-shan; Yi, Kuang-yang	46
Ch'en Fen	Yü, Ju-nan	Ch'ing, Ch'ien-ch'eng; Yang, Yü-chang	66
Ch'en Tsun	Ching, Nan-yang	Yen, T'ai-shan; Hsu, Lang-ya	18
Cheng Chung	Ssu-li, Ho-nan	Liang, Wu-wei	36
Cheng Hung	Yang, Kwei-chi	Ch'ing, P'ing-yuan	33
Chi Hui	Yü, Ju-nan	Ching, Ch'ang-sha	29
Chiao Shu	Yü, Liang kuo	Ch'ing, Tung-lai	51
Chiao Hsuan	Yü, Liang kuo	Ching, Chi; Liang, T'ien-shui; Yu, Shang-ku	51
Chou Chu	Yü, Ju-nan	Yi, Shu; Ping chou, Chi chou	61
Chou Jung	Yang, Lu-chiang	Yü, Ying-chuan; Yen, Shan-yang	45
Chu Hui	Ching, Nan-yang	Hsu, Hsia-p'i	43
Chung Fa	Ssu-li, Ho-nan	Yü, Ying-chuan	56
Chung-li Yi	Yang, Kwei-chi	Yü, Lu kuo	41
Fa Hsiung	Ssu-li, Fu-feng	Ching, Nan-yang	38
Feng Fang	Ching, Nan-yang	Chi, Wei chun	33
Feng Kun	Yi, Pa chun	Liang, Lung-hsi; Yu, Liao-tung	38
Feng Yi	Yü, Ying-chuan	Liang, T'ien-shui & An-ting	17
Fu Hsueh	Shuo-fang, Pei-ti	Ling, T'ien-shui	58
Fu Chan	Hsu, Lang-ya	Ch'ing, P'ing-yuan	26
Han Ling	Yü, Ying-chuan	Ching, Nan-yang	45
Ho Chang	Ssu-li, Fu-feng	Yü, Ju-nan	43
Ho Ching	Ching, Nan-yang	Yü, Ying-chuan	69
Hou Pa	Ssu-li, Ho-nan	Hsu, Hsia-p'i	26
Hou Tsun	Chi, Wei chun	Liang, An-ting	48
Hsu Ch'iu	Hsu, Kuang-ling	Yü, Ju-nan; Hsu, Tung-hai*	48
Hsu Fang	Yü, P'ei	Chi, Wei chun	44
Hu Kuang	Ching, Nan-yang	Yen, Tsi-yin; Yü, Ju-nan	44

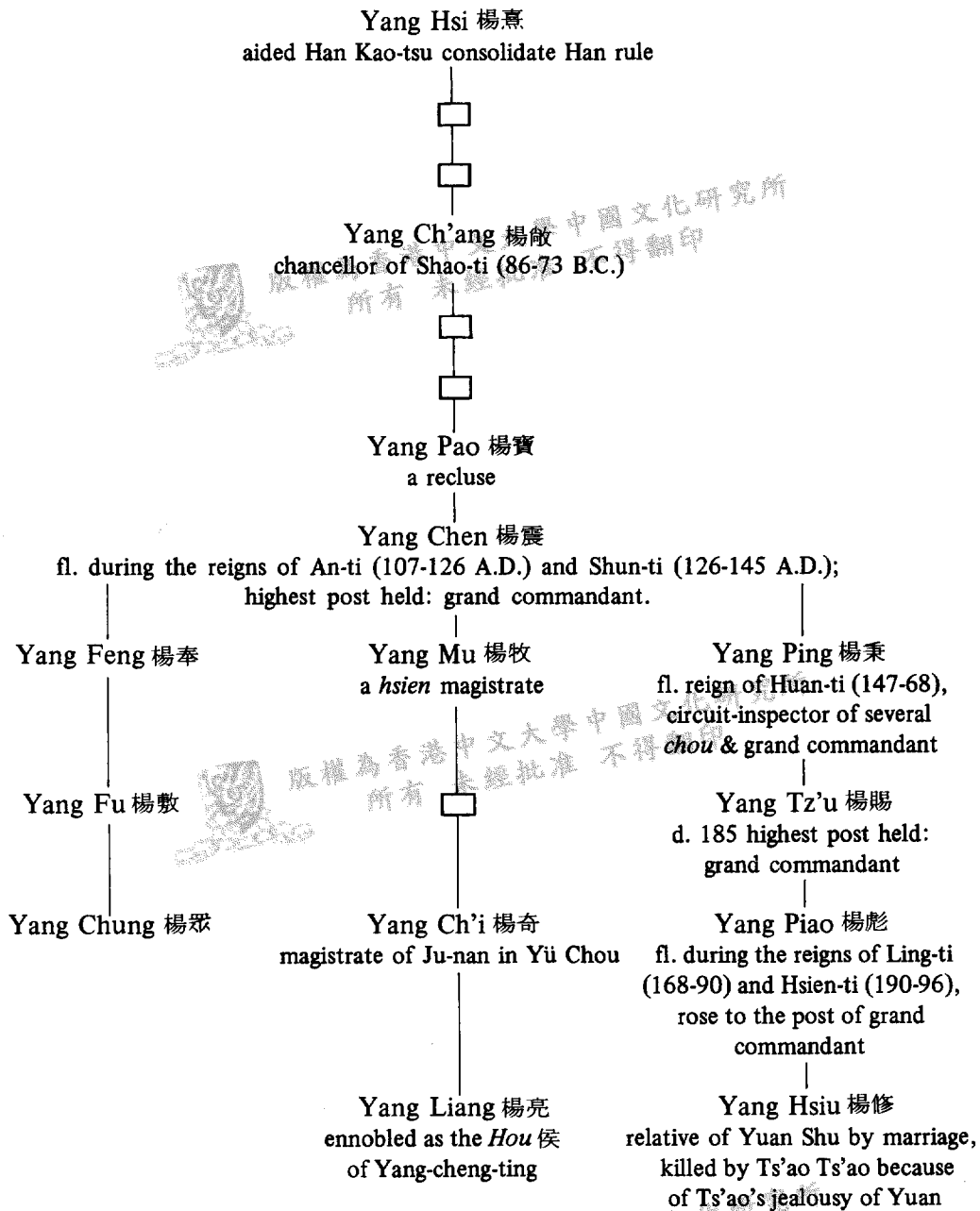
Huang Chiung	Ching, Chiang-hsia	Chi, Wei chun	61
Huang-fu Chi	Shuo-fang, An-ting	Ping, Yen-men	71
Huang-fu Sung	Shuo-fang, An-ting	Liang, Pei-ti	71
Kai Hsun	Liang, Tun-huang	Yu, Ying-chuan; Liang, T'ien-shui*	58
Keng Ai	Chi, Chü-lu	Ch'ing, Tsi-nan	21
Keng Chung	Ssu-li, Fu-feng	Liang, T'ien-shui	19
Keng K'ui	Ssu-li, Fu-feng	Ping, Wu-yuan & Yun-chung; Yu, Liao-tung	19
Keng Shu	Chi, Chü-lu	Yu, Tai chun	21
Keng Shun	Chi, Chü-lu	Yen, Tung chun	21
K'ou Shün	Yu, Shang kuo	Yü, Ying-chuan & Ju-nan	16
K'ung Fan	Ssu-li, Fu-feng	Liang, Wu-tu	31
K'ung Yung	Yen, Lu kuo	Ch'ing, Pei-hai	70
Kuo Chi	Ssu-li, Fu-feng	Yü, Ying-chuan; Chi, Chung-shan; Yu, Yu-yang	31
Li Chung	Ch'ing, Tung-lai	Yang, Tan-yang & Yü-chang	21
Li Ku	Yi, Han-chung	Yen, T'ai-shan	63
Li Hsun	Shuo-fang, An-ting	Liang, Wu-wei & Chang-ye	51
Liang Tung	Shuo-fang, An-ting	Yang, Chiu-chiang; Liang, Wu-wei & Chiu-chuan	34
Lien Fan	Ssu-li, Ching-chao	Yi, Shu; Liang, Wu-tu & Wu-wei; Ping, Yun-chung; Yu, Yu-yang	31
Lien Ho	Chi, Wei chun	Ping, Yun-chung	57
Lien Pa	Chi, Wei chun	Yü, P'ei; Ching, Kwei-yang; Yang, Yü-chang	57
Liu Lung**	Ching, Nan-yang	Ching, Nan-yang*	22
Lu Kang	Yang, Kwei-chi	Ch'ing, Chien-cheng; Ching, Wu-ling; Yang, Lu-chiang	31
Lü Chi	Yu, Cho chun	Yang, Chiu-chiang	64
Lü Kung	Ssu-li, Fu-feng	Ch'ing, Chien-cheng	25
Lü P'i	Ssu-li, Fu-feng	Chi, Chao kuo	25
Ma Ch'eng	Ching, Nan-yang	Chi, Chung-shan; Liang, Han-yang	22
Man Ling	Ssu-li, Fu-feng	Hsu, Kuang-ling; Yang, Tan-yang & Kwei-chi; Liang, T'ien-shui	24
Ma Yuan	Ssu-li, Fu-feng	Liang, Lung-hsi	24
Ma Yung	Ssu-li, Fu-feng	Ching, Nan chung; Liang, Wu-tu	60, Pt.1
Pao Te	Ping, Shang-tang	Ching, Nan-yang	29
Pao Yung	Ping, Shang-tang	Yü, Lu kuo; Hsu, Tung-hai	29
Shih Pi	Yen, Ch'en-liu	Hsu, Peng-cheng; Ch'ing, Ping-yuan	64
Su Ching	Ssu-li, Fu-feng	Yu, Tai chun	30, Pt.1
Sung Chun	Ching, Nan-yang	Yang, Chiu-chiang	41
Teng Ch'en	Ching, Nan-yang	Yü, Ju-nan; Chi, Chang-shan	15
Teng Piao	Ching, Nan-yang	Ching, Kwei-yang*	44
Ti P'u	Yi, Kuang-han	Liang, Chiu-chuan	48
Ti-wu Hsien	Ssu-li, Ching-chao	Ching, Nan-yang & Kwei-yang	41
Ti-wu Lun	Ssu-li, Ching-chao	Yang, Kwei-chi; Yi, Shu	41
Tou Huai	Ssu-li, Fu-feng	Yü, Ying-chuan; Chi, Wei-chun	23
Tou Lin	Ssu-li, Fu-feng	Liang, Wu-wei	23
Tou Yung	Ssu-li, Fu-feng	Chi, Chü-lu; Liang chou; Chi chou	23
Tsai Mao	Ssu-li, Ho-nei	Yi, Kuang-han	26
Tsang Hung	Hsu, Kuang-ling	Yen, Tung chun; Ching chou	58

Tsang Kung	Yü, Ying-chuan	Yi, Kuang-han	18
Tu Chiao	Ssu-li, Ho-nan	Hsu, Tung-hai; Ching, Nan-chun	63
Tu Keng	Yü, Ying-chuan	Yen, Tsi-yin	57
Tu Shih	Ssu-li, Ho-nan	Ching, Nan-yang	31
Tu Shang	Yen, Shan-yang	Ching, Kwei-yang; Yu, Liao-tung	38
Tuan Ying	Liang, Wu-wei	Yü, Ying-chuan; Yu-Liao-tung; Ching chou	65
Wang Ch'ang	Yen, Shan-yang	Ch'ing, Chi; Ching, Nan-yang; Yu, Yü-yang	56
Wang Kung	Yen, Shan-yang	Yü, Ju-nan	56
Wang Pa	Yü, Ying-chuan	Yu, Shang-ku	20
Wang Tang	Yu, Kuang-yang	Yü, Ju-nan & Lu kuo	31
Wei Pa	Yen, Tsi-yin	Chi, Chü-lu	25
Wei Chu	Ssu-li, Ching-chao	Hsu, Tung-hai	26
Wei Piao	Ssu-li, Fu-feng	Chi, Wei chun	26
Wu Yu	Yen, Ch'en-liu	Chi, Ho-chien; Ch'ing, Chi	64
Yang Chi	Ssu-li, Hung-nung	Yü, Ju-nan	54
Yang Chen	Ssu-li, Hung-nung	Ch'ing, Tung-lai; Yu, Cho	54
Yang Hsuan	Yang, Kwei-chi	Chi, Po-hai; Ching, Ling-ling	38
Yang Piao	Ssu-li, Hung-nung	Yü, Ying-chuan; Ching, Nan-yang	54
Yang Ping	Ssu-li, Hung-nung	Yen, Tung-p'ing	54
Yang Shu	Yen, T'ai-shan	Yang, Lu-chiang	31
Yao Ch'i	Yü, Ying-chuan	Chi, Wei chun	20
Ying Feng	Yü, Ju-nan	Ching, Wu-ling	48
Ying Shao	Yü, Ju-nan	Yen, T'ai-shan	48
Yu Kung	Yü, Ch'en kuo	Ping, Shang-tang	58
Yu Ting	Yen, Ch'en-liu	Ching, Nan-yang	33
Yuan Yen	Yen, Ch'en-liu	Chi, Wei chun	48
Yuan An	Yü, Ju-nan	Hsu, P'eng-ch'eng	45
Yuan Ch'ang	Yü, Ju-nan	Yen, Tung chun	45
Yuan Ching	Yü, Ju-nan	Yi, Shu	45
Yuan I	Yü, Ju-nan	Yen, Shan-yang	74, Pt.1
Yuan Peng	Yü, Ju-nan	Ching, Nan-yang; Yi, Kuang-han	45
Yuan Shao	Yü, Ju-nan	Chi, Po-hai	74, Pt.1
Yuan Shu	Yü, Ju-nan	Ching, Nan-yang	75

\* indicating the magistrate was in his native *chou*.

\*\* Liu Lung was a member of the imperial clan.

APPENDIX III  
Genealogy of the Yang Family



From the biography of Yang Chen, HHS, Chüan 54, Vol.7, pp.1759-90. Fan Yeh commented that the Yang family was an exemplary one; its virtue was coextensive with its accomplishment (p.1790).

## 兩漢期間之迴避律

(中文摘要)

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戚世皓

在中國政制的發展過程中，兩漢實在是一段過渡時期：上繼一千餘年封建制度的餘遺，下開二千多年君主集權的先聲，至清朝可說是君主集權的大成。舉例來說，大清會典所載之迴避律，條例嚴密，但在漢朝，迴避律尚為雛形。西漢會要、東漢會要及兩漢書且無「迴避律」一辭。但後漢書卷六十蔡邕傳中提及「三互法」，當為迴避律之淵源。此點已由嚴耕望教授在漢代地方行政制度、漢代地方官吏之籍貫限制、兩漢太守刺史表諸文中詳述。本文目的為推測漢代採用迴避律之原因及其效果，材料取於漢書內五十九刺史、太守傳，及後漢書內一百十七刺史、太守傳。

迴避律之起因，在於防止地方長官與當地士族大姓結朋為黨。漢朝疆域廣大，中央當然不能純以武力統治。鑒於王國諸侯之難於駕馭，漢初諸帝，尤其是武帝，盡力削減其領地，改之為郡縣；武帝以後之政制，可稱為中央地方均勢。地方官之權力足以收稅及維持治安，但不足以與中央相抗衡。中央不但任命地方長官（刺史、太守、縣令），且絕大多數派用外方人。

除了西漢與東漢末年朝廷衰落之期以外，一般來說，迴避律確有減少地方長官與當地豪族結黨之效果。加以地方長官掉換頻繁，士族大姓之家運轉變迅速，兩漢時代僅揚黨一族，由西漢至東漢，世代出高官。故迴避律對於維持中央地方之均勢，頗為有效。又因漢代用才聘賢之風甚盛，士氣甚高，結果地方政績顯著。顧炎武、勞榘、錢穆等皆謂漢代之地方政治，遠勝於後來實行中央集權之各朝。