

A. F. P. HULSEWÉ

(Romont)

**The Long Arm of Justice in Ancient China.
A Warrant for the Arrest of a Slave Dated 52 B. C.**

This modest contribution to the Festschrift in honour of my dear colleague Professor Janusz Chmielewski is accompanied by my warmest wishes; ad multos annos. Its theme is far removed from the field of Professor Chmielewski's own studies; still, it contains examples of linguistic usage which I hope will interest him.

Abbreviations:

HFHD: H. H. Dubs a.o., *The history of the Former Han dynasty*, 3 vols., Baltimore Waverley Press, 1938, 1944, 1955.

HSPC: Wang Hsien-ch'ien, *Han shu pu chu*, 王先謙漢書補注

Ch'angsha, 1900, or the reduced fac-simile reprint of the Yi-wen 藝文 publishers, Formosa, no place, no date

Loewe, C & C: Michael Loewe, *Crisis and conflict in Han China*, 104 B.C.—A.D. 9, George Allen & Unwin, London 1974

Loewe, RHA: Michael Loewe, *Records of Han administration*, 2 vols. Cambridge University Press, Cambridge 1967

RCL: A. F. P. Hulsewé, *Remnants of Ch'in law*, Brill, Leiden 1985

RHL: A.F.P. Hulsewé, *Remnants of Han law I*, Brill, Leiden 1955

The four publications concerning the warrant Report Kan-su Chü-yen k'ao-ku-tui, „Chü-yen Han-tai i-chih ti fa-chüeh ho hsin ch'u-t'u ti chien-ts'e wen-wu”, 甘肅居延考古隊, 居延漢代遺址的發掘和新出土的簡冊文物 in „Wenwu” 1978/1, pp. 1-25. The contents

of the warrant are briefly noted on p. 7, and photographs of the three wooden strips are reproduced on plate V, Nrs. 6-8.

Wu Te-hsü Wu Te-hsü, „*Chü-yen ch'u-t'u Kan-lu erh nien ch'eng-hsiang yü shih lü-ling' chien-tu k'ao-shih*”, 伍德煦, 居延出土「甘露二年丞相御史律令」簡牘考釋, in „*Kan-su shih-ta hsüeh-pao (Che-hsüeh she-huei-hsüeh pan)*” 4 (1979), pp. 19–28.

Ch'u Shih-pin Ch'u Shih-pin, „*Chü-yen chien-ts'e 'Kan-lu erh nien ch'eng-hsiang yü-shih lü-ling' shu-k'ao*”, 初仕履, 居延簡冊「甘露二年丞相御史律令」述考, in „*Kaogu*” 1980/2, pp. 179–184. On plates X and XI enlarged photographs of both versions of the warrant.

Ch'in Hsi-kuei Ch'iu Hsi-kuei, „*Kuan-yü hsin ch'u Kan-lu erh nien yü-shih shu*”,

袁錫奎, 關於新出甘露二年御史書

in „*Kaogu yu wenwu*” 考古與文物 1 (1981), pp. 205–208, with corrections in Nr. 3 of the same journal, p. 47.

The warrant which forms the subject of this study concerns a slave woman who had been passively involved in two *causes célèbres* of the early 1st century B. C. in Han China. The first was the plot to dethrone emperor Chao and to murder the actual regent Huo Kuang; the plot was discovered and the conspirators were executed. Several scholars have described these events in the year 80 B. C. and it will suffice if I refer to their studies.¹ The second case took place in 54 B. C. Liu Hsü, king of Kuang-ling, a son of emperor Wu, had been sorely disappointed because he had not only not been chosen to succeed his father in 87 B. C., but also because he had been overlooked after the death of emperor Chao in 74 B. C. He therefore had magical incantations performed, first against emperor Chao and then against emperor Hsüan, in the foolish hope that these would enable him to become emperor himself. The authorities were quite aware of the king's doings and reported these to emperor Hsüan; he, however, was unwilling to take steps against his grand-uncle, until it was discovered that Liu Hsü had also had several people murdered. Then action was taken, leading to the king's suicide. The emperor “in his benevolence amnestied the king's sons who were all made commoners”, and this shows that the case was considered to be more serious than the text of the Han history shows.² It is likewise proved by the present warrant, where the king's crimes are qualified as “greatly refractory and impious”³ for in such a case also the chief culprit's family and household were made to suffer. This explains why the warrant was made out against a slave woman, not in the first place because after the fall and suicide of her mistress in 80 B. C. she had escaped, but because now, a quarter of a century later, she was found to be the sister of a slave in the household of king Liu Hsü!

¹ HFHD II, pp. 146–147; L o e w e, C & C, pp. 73–75; Arvid J o n g c h e l l, *Huo Kuang och chans tid*, Elander, Göteborg 1930, pp. 60–78.

² HSPC 14.20b; 63.14a–15a; J o n g c h e l l, op. cit., pp. 86–89 and 193.

³ See RHL I, p. 156 ff.

The text of the warrant was discovered during archaeological work undertaken in 1972–1976, when systematic excavations were undertaken at three sites on the long Han-time defence lines along the Edsin-gol in North-West China. Here, besides objects of all kinds, no less than c. 20,000 wooden writing strips were found. A small number of these have been published, including the warrant under discussion.

The document was discovered in the southern part of the defence lines, in the ruins near Ulan-durbeljin⁴, which proved to be the location of the Control Post at the Chin Pass of the Chien-shui Company, *Chien-shui Chin kuan* 肩水金關

The three strips which form the document have the registration number EJT 1:1–3. A fragment of another copy of the same text was discovered about 180 km. further North, at Mu-durbeljin, the site of the Company Command of the First Canal, *Chia-ch'ü hou-kuan* 甲渠候官.⁵ This fragment has the registration number EPT 43; 93.⁶

The three strips of the complete document have the standard length of one Han foot or c. 23 cm. The width of the first strip is c. 2.8 cm. and it contains six columns of writing; that of the two other strips is c. 1.5 cm. and they contain four and two columns respectively. According to the scholars who have studied the text, the characters are written in the so-called *chang ts'ao* 章草 style, i.e. running handwriting based on the more formal "clerk's writing", *li shu* 隸書.⁷ Photographs of this document have been published twice: first on plate V, nrs. 6–8, belonging to the Report, and again, but now enlarged to twice their actual size, on plates X and XI belonging to the article by Ch'u Shih-pin. Large or small, this cursive as well as careless and slovenly writing is practically illegible to anybody who is not a highly trained epigrapher; the men who have attempted to decipher the text deserve our highest praise. Personally I believe that the transcription provided by Ch'ü Hsi-kuei on p. 105 of his article is by far the best, and it is his version which I have followed.

The parallel fragment, on the contrary, is written in good *li shu*, and it would be practically legible even for an outsider if the photograph were not so dark. This photograph is published on plate X of Ch'u Shih-pin's article, where the transcription is found on pp. 179–180.

The text of the fragment proves that the complete version of the document contains several omissions. However, such carelessness ceases to be astonishing if one considers the stages in which texts with such a wide distribution as the present document were copied and re-copied. The central government needed about one

⁴ See Lowe, RHA I, p. 21, and the map on p. 184.

⁵ See Lowe, loc. cit.

⁶ For all the details mentioned above see the Report, pp. 1 f. and 7.

⁷ See HFHD II, pp. 339 f.

hundred copies for the commanderies and kingdoms, whose number was 103 in A. D. 2. These in their turn had to have an average of fifteen copies made for their subordinate prefectures, who numbered 1577 in that same year.⁸ And if the prefectures ever needed to send copies to their subordinate *hsiang* 鄉 or *t'ing* 亭, they had to have an average of 23 copies made, for the total of these lower units was 36.257!⁹

With such numbers and with personnel, especially in the lower echelons, with perhaps doubtful qualifications, mistakes and omissions were unavoidable. Documents emanating from the central government may have been carefully written, but at a lower level this was evidently not always done, as the present document shows. Also other pieces found in the far distant Edsin-gol defence lines show the poor quality of the work of the local scribes, even in important texts like imperial decrees and statutes and ordinances!¹⁰

Note: I, II and III indicate the three strips: 1, 2, ... 11, 12 indicate the columns. a ... a, b ... b, c ... c indicate the parallel passages in the fragment.

- I 1. 甘露二年五月己丑朔甲辰朔¹丞相少史充御史守少史仁以請
詔²有³逐⁴驗大逆無道故廣陵王胥御者惡同
2. 產³第³故長公主第⁴卿大⁴婢外人⁵移郡太守逐得⁵試⁵知外人者故長公主
大奴千⁶等曰外人一名麗戎⁶字中夫前⁷太子守⁷觀
3. 奴⁸嬰⁸齊妻前死⁸麗戎從母⁹捐⁹之字子又私⁹男¹⁰第¹⁰偃居立馬市里¹⁰第¹⁰
捐¹¹之姊子故安道侯奴林¹¹取不¹²雷¹²縣里¹²男子字游為麗戎
4. 第¹³以牛車就載藉田倉為事始元¹³二年中主女孫為河間王后與捐
之借之國後麗戎¹⁴游從居王¹⁴椒¹⁴第¹⁴養男孫丁子¹⁵○¹⁶元鳳元年

⁸ For these figures see HSPC 19A.30b and 28Bii.48b-49a.

⁹ See HSPC 19A-30b. A Chinese scholar has recently shown that *hsiang* and *t'ing* were administrative units of the same level, some prefectures being divided into *hsiang* and others into *t'ing*, each containing roughly the same number of villages *li* 里, namely about ten. The traditional view that *t'ing* were subordinate to *hsiang* is therefore mistaken. See Fu Chü-yu, "Yu kuan Ch'in Han *hsiang t'ing chih-tu ti chi-ko wen-t'i*", 傅舉有, 有關秦漢鄉亭制度的幾個問題 in "Chung-kuo shih yen-chiu" 中國史研究 1985/3, pp. 23-38.

¹⁰ See my *Fragments of Han law discovered in North-West China*, to be published shortly in the journal "T'oung Pao."

5. 中主死絕戶奴婢沒入諸官麗戎游俱亡麗戎脫籍疑變更
名字遠走絕迹更為人妻介¹⁷罪民間若死毋從知麗戎此
6. 時年可廿三四歲至今年可六十所為人中壯黃色小頭黑髮¹⁸面¹⁹頤
常威額²⁰如頰²¹壯身小長詐²²少言書到二千石遠毋害鄰吏
- 五 7. 嚴教屬縣官令以下畜夫吏正父老雜問鄉里吏民賞²³取婢及完奴
以為妻年五十以上刑壯類麗戎者問父母昆弟²⁵本誰生子務
8. 得清²⁶實發²⁷生從²⁷迹毋賢聚煩擾民大逆同產富坐重事推迹中
窮毋令居部界中不覺²⁸得者書言自報以郵亭行詣長安
9. 傳舍重事當奏聞必謹密之毋留如律令
10. 六月張掖太守毋適²⁹丞勳敢告部都尉卒人謂縣寫移書到
趣報如御史書律令敢告卒人³⁰掾³¹守卒史禹³²置佐財
- 四 11. 七月壬辰張掖肩水司馬³³以秩次兼行都尉事謂候城尉寫
移書到度³⁴索部界中毋有以書言會廿日如律令³⁵掾³⁶逐守屬³⁶
12. 七月乙未肩水候福謂候³⁷寫移書到度索³⁸部
界中毋有以書言會月十五日須報府毋³⁹如律令⁴⁰
令史⁴¹

Notes to the Chinese text

1. The word *shuo* is redundant; it is obviously a copyist's mistake.
2. The parallel fragment reads so 所.
3. *T'i* 蕭, lit. "reed sprouts" is used for *ti* 弟, "younger brother or sister". See note 3.
5. *Shih* 試 is a loan for *shih* 識, "to know"; according to Ch'iu Hsi-kuei this loan occurs at least times three in the Ma-wang tui documents. The archaic pronunciation of the former was **siæg*, and that of the latter **siæk* (see Karlgren, *Grammata serica recensa* in BMFEA 29 (1957), p. 242, nr. 918 m and nr. 920 k). This loan is not found in Karlgren, *Loan characters in pre-Han texts III* in BMFEA 37 (1965), but on p. 109 of that work, under nr. 1527, a similar loan of 式 for 職, suggested by Chinese scholars, is rejected; perhaps this point needs reconsideration.
6. One character illegible.
7. After 前 the parallel text has 為故.
8. The parallel fragment is more explicit, reading 嬰齊前病死.

9. Reading uncertain.
10. 第 for 第 .
11. 第 for 第 .
12. Reading uncertain.
13. *Chih* (?) 婿 means "son-in-law", for which the usual word is *hsü* 婿 or 婿 ; the words are completely unrelated; see the commentary by *Cheng Hsüan* (A. D. 127–200) to the *Li-chi* chapter *hun li* (*Li-chi cheng i* 禮記正義 61.3b (2384) of the *Ssu-pu pei-yao* edition of the Thirteen Classics, *Shih-san ching chu-su* 十三經注疏 , re-issued in Peking by the *Chung-hua shu-chü* in 1957).
14. These two characters are uncertain.
15. 第 for 第 .
16. One character illegible.
17. *Ch'iu Hsi-kuei* suggests that *chieh* 介 is a copyist's mistake for *chao* 兆 , which stands for *t'ao* 逃 , "to escape". For this apparently accepted loan see *Morohashi, Dai Kan Wa jiten*, vol. I, p. 1001, char. 1347, expl. 10; it is not mentioned in *Karlgren, Loan characters. Chao* is, of course, the phonetic element in *t'ao*; see *Gram. ser. rec.*, p. 295, nrs. 1145 a and v: **d'iog* and **d'og*.
18. 階 for 楷 .
19. 拘 for 鈎 .
20. 威顏 for 威顏 .
21. 頻 for 頻 .
22. 鹿 for 鬼 .
23. 賞 for 當 .
24. 刑 for 形 .
25. 第 for 第 .
26. 清 for 情 .
27. 從 for 蹤 .
28. The reading *chiieh* 覺 is hesitatingly suggested by *Ch'iu Hsi-kuei*; *Ch'u Shih-fang* reads *chü* 紉 .
29. 通 for 敵 .
30. The diagonal bar is found in the original document.
31. One character illegible.
32. The reading *Yü* 禹 is doubtful.
33. One character illegible.
34. 廩 for 櫻 .
35. The diagonal bar is found in the original.
36. One character illegible.
37. Four characters illegible.
38. The five characters between brackets have been supplied from the parallel text above; they are illegible here.
39. Two characters illegible.
40. The diagonal bar is found in the original.
41. One character illegible.

T r a n s l a t i o n

On the day *chia-ch'en* of the 5th month—whose first day was *chi-ch'ou*—of the 2nd year of [the reign period] Kan-lu [28 June 52 B. C.], Ch'ung, Junior Division Head¹ of the Chancellor, and Jen, probationer² Junior Division Head of the Grandee Secretary: by a requested edict³ [orders were given]⁴ to pursue and investigate the younger full sister of Hui, personal attendant⁵ of the late king of Kuang-ling, [Liu] Hsü, [guilty of crimes qualified as] “great refractoriness and impiety”⁶, [namely] the adult⁷ slave of the late Senior Princess Ti-ch'ing⁸, [called] Wai-jen. Let this be transmitted to the Grand Administrators of the Commanderies, to pursue and arrest her.

Persons who had known Wai-jen, [namely] the adult slave of the late Senior Princess called Ch'ien...⁹, and others say: “Wai-jen was also called Li-jung; her *tsu* was Chung-fu. She was the wife of the slave Ying Ch'i who formerly guarded the pavilion¹⁰ of the late heir-apparent¹¹; [Ying Ch'i] died earlier [of a disease].¹² Li-jung joined her mother Chüan-chih, *tsu* Tzu-wen, and her younger brother¹³ Yen, and went to live in the princess¹⁴ residence in the Horse Market¹⁵ Ward. Chüan-chih's elder sister, the slave Lin¹⁶ of the late Noble of An-tao¹⁷, chose a man from an unknown¹⁸ prefecture and village, called Yu, as husband for Li-jung; he gained his living by means of hiring his ox-cart to take loads of field produce to the store-houses.¹⁹ In the course of the 2nd year of [the reign period] Shih-yüan [85 B. C.] the grand-daughter of the Princess became the queen of the king of Ho-chien²⁰; taking Chüan-chih with her, she went to the state.²¹ Later, Li-jung and [her husband] Yu joined the Princess and lived in her Kua-mang²² residence, to take care of [the Princess'] grand-son Ting Tzu...²³ In the course of the 1st year of [the reign period] Yüan-feng [80 B. C.], the Princess died.²⁴ The household having ceased to exist²⁵, the slaves were confiscated for the government offices.²⁶ Li-jung and [her husband] Yu both absconded. Li-jung was missing on the lists.²⁷ It is surmised that she changed her name and went far away, leaving no traces and becoming another man's wife, eluding punishment²⁸ among the people, or she may have died. There is no way of knowing.

At that time Li-jung was 23 or 24 years of age; now she will be about sixty. She is of medium stature, of a yellow colouring, with a small head, black hair, an oval face and a pointed chin. She often wrinkles her forehead, puckering her face. She is slender. She is deceptive and sly, and she speaks little.”

When this document arrives, the Officials ranked at Two thousand Bushels [i.e. the Grand Administrators of the commanderies and the Chancellors of the kingdoms] should despatch “just and fair”²⁹ Inspectors³⁰ to instruct strictly the officials of the subordinate prefectures, from the Prefects down to the Overseers³¹, [their subordinate] officials, the [Village] Chiefs and the [Village] Elders,³² together³³ to interrogate the officials and the people of the Communes and Villages³⁴, whether [any of their inhabitants] had ever taken a slave or an emancipated³⁵ slave as their wife, her age being over fifty and in appearance resembling Li-jung, and to ask par-

ents and brothers whose child she³⁶ originally was. The aim is to get the facts and to discover her traces. There must be no urging [persons] to assemble³⁷ and no harassing the people. A brother or sister³⁸ [of a person implicated in a crime qualified as] "great refractoriness" is warranted to be adjudicated for a serious matter.³⁹ As long as the researches have not been completed, those living in the area must not be caused not to make [further efforts] for discovering her.⁴⁰

In case she has been caught, report this in writing...⁴¹, to be transmitted by the stations of the courier service. She⁴² is to be taken to the rest-house [of the courier service] in Ch'ang-an. This is a weighty matter which has to be memorialized so as to learn [the emperor's opinion].⁴³ Be very conscientious⁴⁴ about this and let there be no delay. Act in accordance with the Statutes and Ordinances!

In the 6th month, the Grand Administrator of Chang-i, Wu-ti, and the Assistant [Administrator] Hsün beg to announce to His Honour⁴⁵ the Military Commandant of the Division⁴⁶: inform the prefectures, that when these copied documents reach them, they are to report immediately, in accordance with the Grandee Secretary's letter and the Statutes and Ordinances. This we beg to announce to His Honour. /The Department Head...⁴⁷, the probationer Provincial Secretary⁴⁸ Yü⁴⁹, the...⁵⁰ Accessory⁵¹ [Clerk] Ts'ai.

On the day jen-ch'en of the 7th month [15 August 52 B. C.], the Major of Chien-shui in Chang-i [commandery],...⁵², by seniority temporarily acting as Military Commandant, informs the Captains⁵³ and the Commanders of the Walled Enclosures⁵⁴ when these copied documents reach you, make a search in the area of your division [to see] whether she is there or not.⁵⁵ Report in writing. The terminal date⁵⁶ is the 20th. / the Department Head Sui, the Probationer Accessory [Clerk]...⁵⁷

The 7th month, the day *i-wei* [18 August 52 B. C.], the Captain of Chien-shui informs the Chiefs of Platoons⁵⁸...⁵⁹ when these copied documents reach you, make a search in the area of your division [to see] whether she is there or not. Report in writing. The terminal date is the 15th. Wait⁶⁰ [until you have the local reports and then] report to the office [of the Military Commandant].⁶¹ Do not...⁶² [Act] in accordance with the Statutes and Ordinances. / the Chief Clerk...⁶³

Notes to the translation

1. The title *shao shih* 少史 must be the usual abbreviation of *shao yüan* 少掾 *shih*, Junior Division Head, who worked both in the *ts'ao* 曹 or Bureaux under the Chancellor and in those under the Grandee Secretary; see Hans Bielestein, *The bureaucracy of Han China* (Cambridge University Press, Cambridge 1980), pp. 8-9. It seems to me that the text—perhaps already the original document—has been simplified, omitting any mention of the Chancellor and the Grandee Secretary personally; normally, it would have been they who addressed an imperial order to the Grand Administrators and the Chancellors.

2. Shou 守 preceding a title, mainly of subaltern officials, indicates that the man had been recently appointed, only to be definitely appointed after a year's service on probation; see Ōba Osamu, *Shin-Kan hōsei shi no kenkyū*, 大庭倫, 秦漢法制史の研究 (Sōbun sha, Tokyo 1982), pp. 524-545.
3. *Ch'ing* 請 (often misprinted, also in ancient texts, as 清) *chao* 詔, means that the following text had been approved by imperial edict following a request by the Chancellor or the Grandee Secretary. This formula therefore avoids the repetition of the request, which would have been identical with the following text.
4. The words between brackets are necessary for a better understanding. The extreme conciseness of the text renders a correct understanding difficult and my translation is therefore tentative.
5. *Yü-che* 御者. Two of the authors dealing with this document have translated this term by "driver; coachman". However, although "driver" is one of the meanings, in this case it surely is the other meaning, also generally accepted which is indicated, namely "personal attendant". In the canonical *I li*, chapter *Chi hsi*, we find both meanings attested, once "coachman", in *I li chu-su* 38.5b (1100) (in the *Shih-san ching chu-su* 十三經注疏 edition of the *Ssu-pu pei-yao*, reprinted in Peking by the Chung-hua shu-chü in 1957), and once "personal attendant" in 40.4a (1157); cf. John Steele, *The I li* (Probsthain, London 1917), vol. II, pp. 80 and 94. In the last passage the commentator Cheng Hsüan (127-200) explains *yü-che* as *shih-ts'ung chih jen* 侍從之人. C. Martin Wilbur has devoted several passages to this term in his *Slavery in China under the Han dynasty* (Chicago 1943), pp. 70-71, 182 and 316, note 4.
6. *Ta ni pu tao* 大逆不道; see my RHL I, p. 156 ff. This is one of the cases where the histories omit this qualification in their description of crimes which *de facto* belonged to this category; see RHL I, p. 167.
7. *Ta nu* 大奴. For *ta* meaning "adult", i.e. 15 years of age and older, see Yang Lien-sheng, *Studies in Chinese institutional history* Harvard University Press, Cambridge (Mass., 1961), p. 110.
8. This was the Elder Princess of O-i, 鄂邑長公主, a daughter of emperor Wu. She is also called *Kai chu* 蓋主, the Princess of Kai, because she was the widow of a Noble of Kai; this was probably Wang Shou (the *Shih-chi* writes Yen) (王受 (偃)), deposed in 112 B. C. (see HSPC 18.17b, SC 19.29-50 [Takigawa ed.], E. Chavannes, *Les mémoires historiques de Se-ma*

- Ts'ien*, vol. III, p. 156, nr. 11). Her personal name is only mentioned in the present text; it is not found in the histories. See also below, note 24.
9. The character after Ch'ien is illegible.
 10. He may have been a gate-keeper.
 11. This can only refer to Liu Chü, emperor Wu's heir-apparent and the victim of the black magic case of 91 B. C., when he committed suicide. See L o e w e, C & C, chapter 2, "The case of witchcraft in 91 B. C.", esp. pp. 41-44.
 12. The words between brackets are supplied by the parallel fragment.
 13. The word before "younger brother" has been read as *ssu* 私 with some uncertainty. If this reading is correct, it would seem to indicate a child born outside wedlock. Otherwise, *ssu* could be a modern misinterpretation of the strange form for *chi* 及, "and", noted in Lou Chi 摯樞 (1133-1211), *Han li tzu yüan* 漢隸字原 (preface dated 1197; quoted according to an undated early 19th century Japanese block print of a Chi-ku ko reprint of a Sung edition), *ju sheng* 46b.
 14. Simply *chu* 主 for *Chang kung-chu*.
 15. Neither the market nor the ward are mentioned in the 6th (?) century description of Han time Ch'ang-an, the *San fu huang t'u*; see Chang Tsung-hsiang ed., *Chiao-cheng San fu huang t'u*, 張宗祥校正三輔黃圖 (Ku-tien wen-hsüeh ch'u-pan-she, Shanghai 1958), pp. 12, 13. In Later Han times there existed a Horse Market in the eastern suburbs of Lo-yang; see *Hou Han shu chi-chieh*, treatise 26.2b.
 16. The reading Lin 林 is uncertain.
 17. An-tao hou 安道侯. This fief, situated in Nan-yang commandery, was bestowed twice. First in April 124 on Liu K'uei 劉恢 (one of the sons of the prolific king of Chung-shan), who was deposed in 112 B. C. (HSPC 15A.45a; SC 21.43; *Mém. hist.* III, p. 179, nr.85). Later, the fief was bestowed on the father of Chieh-yang Tang-shih 楊揚當時; the latter was executed for murder in 89 B. C. (HSPC 17.17a, SC 20.29; *Mém. hist.* III, p. 164, nr. 37). It seems likely, in view of the dates, that the latter is indicated here, unless the fief would have been bestowed again on another person, not mentioned in the histories.
 18. *Pu shen hsien li* 不審縣里. The term *pu shen* occurs frequently in the wooden strips from the Edsin—gol area with the meaning "uncertain, unknown."
 19. *Chieh t'ien ts'ang* 藉田倉 is not clear to me, especially the meaning of *chieh*, and my translation is therefore only tentative. The explanation of Wu T e-h s ü

(p. 23) is unacceptable, and Ch'u Shih-pin's rendering of *chieh t'ien* by "farm land" (p. 182) is merely an *ad hoc* explanation.

20. This was Liu Ch'ing 慶 who succeeded to the kingship in 97 B. C. and who died in 55 B. C. (HSPC 14.13b; 53.2b).
21. The kingdom of Ho-chien was situated in the southern part of present-day Ho-pe. province.
22. The reading of the two characters of this name is uncertain; consequently, the place is unknown.
23. This implies that the princess and her second husband had had children and that one of her sons had had a son. The last character of his name is illegible.
24. This is an euphemism. In actual fact she was compelled to commit suicide because of her participation in the plot to dethrone emperor Chao and to murder the regent Huo Kuang. See note 1 to the introduction.
25. This is a tentative rendering of *chüeh hu* 絕戶, a term not explained by the authors of the studies devoted to the document. Morohashi, *Dai Kan Wa jiten*, vol. 8, p. 1043, nr. 81, says that both *chüeh hu* and *chüeh chia* 家 mean that upon the death of the head of the household there is nobody to succeed him in this capacity. This is repeated, differently worded, in Cheng Ching-i, *Fa-lü ta tz'u-tien*, 鄭競毅法律大辭書 (Commercial Press, Shanghai 1936), vol. I, p. 207, and vol. II, p. 1508; in the first passage the author quotes the *Yüan tien chang* 元典章, but no older sources. Neither the expression *chüeh hu* nor its reverse *hu chüeh* is to be found in the enormous index of expressions found in the *Hou Han shu*, Fujita Shizen, *Go Kan sho go-i shü-sei*, 藤田至善後漢書語彙集成 (Kyoto, 1962). It does not occur either in the thesaurus *P'ei wen yün fu*. In the present case it is difficult to ascertain the exact meaning of the term. It cannot mean that there was no possible successor, because she had a son, called Wen-hsin 文信 who is mentioned in HSPC 7.7a, HFHD II, p. 166; impossible to say whether this was a son by her first or by her second marriage. She also had a grand-son; see note 23.
26. Practically the same expression is found in the treatises on the economy, which report how in 115 B. C., after the numerous lawsuits against property owners who had not correctly declared their possessions to the tax authorities, "the confiscated slaves were distributed to the stud-farms...or given to the various government offices", *mo ju nu pi fen chu yüan...chi yü chu kuan* 沒入如婢分諸苑...及與諸官 (HSPC 24B.16b f.; N. L. Swann, *Food and money in ancient China* [N. Princeton J., Princeton University Press, 1950], p. 299 f.; SC 30.34; *Mém. hist.* III, p. 587 f.).

27. *T'o chi* 脫籍。
28. *Chieh* 介, *recte chao* 兆, for *t'ao* 逃 *tsui* 罪; see note 17 to the Chinese text.
29. *Wu hai* 毋言, is a qualification for officials, meaning "just and fair"; see RCL, p. 78, art. A 81, note 4.
30. *Tu li* 都吏, "Director of Officials", was identical with the *tu yu* 音郵, "Inspector of the Mail service", a title rendered by Bielenstein, *op. cit.*, p. 95, by "Investigator". On this commandery official, charged with the control of the administration in a number of prefectures, see Yen Keng-wang *Ch'in Han ti-fang hsing-cheng chih-tu*, 嚴耕望秦漢地方行政制度 (Academia sinica, Taipei 1961), vol. I, pp 138-144.
31. *Se-fu* 番夫, in charge of a *hsiang* 鄉, "Commune"; cf. my *Ch'in documents discovered in Hu-pei in 1975*, in "T'oung Pao" 61 (1978), pp. 201-204, and cf. Bielenstein, *op. cit.*, p. 102.
32. *Li cheng fu-lao* 車正父老. As suggested by Ch'iu Hsi-kuei, *li* must refer to the officials of the Prefect's staff, whereas the following are the *li* 里 *cheng*, the "Village Chiefs," and the "Village Elders."
33. For *tsa* 雜, "combined, together", see RCL, p. 29, note 14.
34. See note 9 to the introduction.
35. *Mien nu* 免奴 see Wilbur, *Slavery*, pp. 129-139.
36. This is at least how I understand *pen shui sheng tzu*. 本誰生子。
37. *Tu chü* 督聚; my rendering is doubtful.
38. *T'ung ch'an* 同產, explained by the commentator Chang Yen (3rd? 4th? century) as "having the same father, but not necessarily the same mother"; see RHL I, p. 398, note 240.
39. *Chung shih* 重事; this apparently unambiguous term is used e.g. in HSPC 4.3b, HFHD I, p. 228, and in HSPC 23.19a, RHL I, p. 344.
40. This is how I understand the sentence, because *chüeh* 覺 is often used for "to discover", viz. a crime or a criminal, whereas the reading *chü* 舉 suggested by Ch'u Shih-pin would also provide a similar solution, because *chü* can mean "to report".
41. I fail to understand why the standard formula "report this in writing" is followed by *pai pao* 白報, which again means "to report".

42. I have translated the single word *i* 詣 by “she is to be taken” for two reasons. In the first place, *i* does not simply mean “to go to, to proceed”, but it implies taking or bringing an object or a person to a certain place. This usage is common in the Ch’in laws; see e.g. RCL, p. 28, article A 9: sinews, hides and horns of dead government horses and cattle are to be *i*, taken to a certain office, or p. 197, art. E 19: “Village Chief” *i*, brings along a commoner. In the second place there is the mention of the rest-house in Ch’ang-an; this is a place where one could bring a person, but not an urgent government despatch.
43. *Wen* 聞 . This word is used passim in the histories, especially in the expression *i wen* 以聞, “in order to hear or to learn [the emperor’s opinion]”.
44. *Ch’in mi* 謹密 is “conscientious, careful”; see HSPC 82.7a.
45. *Tsu jen* 尊人 , is a polite form of address which I have rendered by “His Honour”; it is frequently used in Han official correspondence. See RCL, p. 84, art. A 92, note 2.
46. *Pu tu-wei* 部都尉 were established in divisions or sections *pu* in those parts of commanderies on the borders, where an important part of the population consisted of “barbarians”. Beside his normal military duties, in these areas he also administered the civilian population. See the exhaustive study by K a m a d a Shigeo in his *Shin Kan seiji seido no kenkyū* 鎌田重雄・秦漢政治制度の研究 (Nihon gakujutsu shinkō-kai Tokyo 1962), pp. 315–321.
47. The man’s personal name is illegible.
48. *Tsu-shih* 卒史 . According to Y e n K e n g - w a n g , op. cit., vol. I, p. 109, an important post in the commandery administration, close to that of the Assistant Administrator.
49. The reading Yü 雋 is uncertain.
50. The meaning of *chih* 置 in official titles is unknown. C h’i u H s i - k u e i indicates that this prefix is also found in several other documents discovered in the Edsin-gol defence lines.
51. *Tso* (*shih*), 佐 (史) .
52. The man’s personal name is illegible.
53. *Hou* 候 ; cf. RHA I, p. 76.
54. *Ch’eng wei* 城尉 ; the duties of this official are unknown; see F u j i e d a Akira, *Kan kan shokkan hyō*, 藤枝晃, 漢簡職官表, in *Silver Jubilee volume of the Zibun kagaku kenkyūsyō* (Kyoto, 1954), p. 655; in RHA I, p. 96, Dr. L o e w e considers him to be a Deputy Commander.

55. Note the inversion *wu yu*. 毋有.

56. *Hui jih* 會日, viz. the date when an actual meeting should take place or when correspondence should have arrived; also *ch'i-hui* 期會. Because this letter is dated on what was in actual fact the fifth day of the 7th month, it is possible to assume that *nien jih* 廿日 means "the 20th day" of the month. However, it may well mean "in twenty days", as the use of numbered days in stead of cyclical dates appears to have become customary only during the Later Han. However, a few lines later the transcription reads *hui yüeh shih wu jih* 會月十五日, "the meeting is on the 15th day of the month", but in view of the photograph *yüeh* 月 could easily be a mistaken interpretation of *jih* 日. Still, whatever the correct interpretation might be, it is evident that the recipients of the document were allowed a strictly defined time for their enquiries and for their reports to reach their superiors.

57. The name is illegible.

58. See Loewe, RHA I, p. 76.

59. Several characters illegible.

60. In my translation I have followed the suggestion by Ch'iu Hsi-kuei that *hsü* 須 should not be rendered by "must", but by "wait", namely for the reports of the men sent out to make inquiries. Only after having received these, the recipient should reply to the present letter.

61. Only the office of the Military Commandant was known as *fu* 府

62. Two characters are indicated as missing; the order will surely have been not to delay.

63. The man's personal name is illegible.

The document translated here gives rise to two sentiments. The first is a feeling of pity for the old woman who was hounded down because she was the sister of a slave of a criminal guilty of "great refractoriness and impiety"; such were the consequences of group-reponsibility which in the course of the centuries must have led countless innocents to the executioner. The other is a sentiment of admiration for the administrative organization which was able to penetrate so deeply into the social fabric. The smooth working of the bureaucracy over an enormous territory to which this document bears witness furnishes another proof of the correctness of those authors who maintain that the early Chinese empire had already developed far beyond the trammels of feudalism and had become in fact a "modern" state.¹¹

¹¹ See the contributions by professors Karl B ü n g e r, Jacques G e r n e t and Léon V a n d e r m e e r s c h in Stuart R. S c h r a m, ed., *The scope of state power in China* (The Chinese University Press, Hongkong 1985), pp. xviii f., xxvii f., and 3 f.