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HAN CHINA — A PROTO “WELFARE STATE”?

*Fragments of Han Law Discovered
in North-West China*

BY

A.F.P. HULSEWÉ

A recent publication, devoted to studies of Han-time wooden writing strips found during recent years in the Tun-huang and Chü-yen defence areas,¹ contains several contributions which show unexpected aspects of the Han government's care for aged persons, or which throw new light on well-known institutions. These new texts are laws, either statutes, *lü* 律, or ordinances, *ling* 令, valid for the whole of the vast Han empire, and it is therefore not surprising that they could be discovered even at its very outposts. However, they did not arrive there unscathed, for in the course of being copied and recopied by scribes in the different echelons of the regional administration, mistakes were introduced and strips were obviously misplaced.² Fortunately, it is possible to correct most of these errors.

The rules for favourable treatment of elderly persons are to be found on the first six strips of a file of twenty seven strips presented to the Wu-wei Commission for Cultural Objects in September 1981 by a member of an agricultural brigade as having been found “in recent years” at Mo-chü-tzu in a Han tomb.³

The strips of this file bear numbers on the reverse.⁴

¹ Kan-su sheng wen-wu kung-tso-tui, Kan-su sheng po-wu-kuan pien, *Han-chien yen-chiu wen-chi*, 甘肅省文物工作隊, 甘肅省博物館編, 漢簡研究文集 (Lan-chou, Kan-su jen-min ch'u-pan-she, 1984.—Further referred to as *HCTC*), 513 pp.

² *Ts'o chien* 錯簡, “misplaced strips”, occur either when the strings of a multi-strip document had been broken and the strips were re-tied in the wrong order, or when a copyist inadvertently copied a text in the wrong order. Whatever the cause, the result is the same: a text where the normal flow of the argument is interrupted by passages which obviously do not belong there.

³ Two points are strange in this brief report. Firstly, that several years had gone by since the discovery, and secondly that no archaeologists were sent to the site once the find had been reported. Perhaps there was nothing left to investigate.—Similar strips, also discovered at Mo-chü-tzu some twentyfive years earlier, and extensively discussed by Dr. Michael Loewe (see note 18 below) will be referred to as “the 1959 Mo-chü-tzu strips”.

⁴ Wu-wei hsien po-wu-kuan, “Wu-wei hsien ch'u t'u wang-chang chao-ling ts'e”, 武威縣博物館, 武威新出土王杖詔令冊 in *HCTC*, pp. 34–61; the text is re-

- 1 制詔御史年七十以上人所尊敬也非首殺傷人毋告劾(也, *recte*)它毋所坐年八十以上生日久乎
- 2 年六十以上母子男爲(鯁 *i.e.*)鰥女子六十以上母子男爲(寘 *i.e.*)寡賈市毋租比山東復々
- 3 人有養謹者扶持明著令 蘭臺令第卅二
- 4 孫獨盲珠孺不屬(律 *recte*)逮人吏毋得擅徵召獄訟毋得□布告天下使明知朕意
- 5 夫妻俱母子男爲獨(寘 *i.e.*)寡田毋租市毋賦與歸義同沽酒醪列肆尙書令
- 6 臣威再拜受詔 達始元年九月甲辰下

(1) An edict of decree to the Imperial Secretary: Persons of over seventy years are revered and respected by the people. Provided they have not taken the lead⁵ in killing or wounding people, they are not to be denounced or accused⁶; they are not to be adjudicated for other⁷ (crimes). — How can persons of over eighty (still) live for a long time!

(2) (Men) of sixty and older who have no male children are widowers; women of sixty and older who have no male children are widows. Their deals in the market are not to be taxed. Comparable to (the region) East of the Mountains,⁸ they are to be exempted (of taxes and statutory service).⁹ Exempt¹⁰

(3) the persons who care for them and support them.¹¹ Let this be clearly written in the Ordinances. Ordinance of the Orchid Terrace¹² no. 42.¹³

(4) Orphans, solitary persons, the blind, cripples and those who have no family relations,¹⁴ the officials must not arbitrarily call up (for service); in law-suits they are not to be detained.¹⁵ Proclaim

produced in a small but clear photograph at the beginning of the volume, and transcribed on p. 35.

⁵ See *RHL* I, p. 265.

⁶ People without official standing denounce, *kao* 告; officials accuse, *ho* 劾. Cf. *RHL* I, p. 74.

⁷ The text clearly reads *yeh* 也, which does not fit the context; perhaps the word was introduced because it is found in the foregoing passage. The authors have replaced it by *t'o* 它, which is doubtless correct in view of the frequent occurrence of the phrase *t'o wu so tso*.

⁸ The Great North China Plain; the creation of Shantung Province occurred only under the Ming dynasty.

⁹ This is strange, for at sixty they were formally relieved of statutory duties; see also below, p. 267

¹⁰ This word is indicated by the repetition marker.

¹¹ See below, note 33.

¹² See Bielenstein, *Bureaucracy*, pp. 9 and 58.

¹³ This should be 43; see below, p. 270 and note 39.

¹⁴ See *RHL* I, p. 403, note 270.

¹⁵ See *RHL* I, p. 74. It is to be noted that also witnesses were often kept imprisoned.

this to All under Heaven so that Our intentions may be clearly known.

(5) When husband and wife have no male children, they are solitaries and widows. Their fields are not to be taxed, in the market they are not to pay duties, in the same way as (aliens) who have turned to Righteousness.¹⁶ They may sell wine in the market stalls. The Prefect of the Masters of Writing.¹⁷

(6) (Your Majesty’s) servant Hsien,¹⁸ making repeated obeisance, has received the decree promulgated on the day *chia-ch’en* of the 9th month of the 1st year of (the reign-period) *chien shih*.¹⁹

It is quite clear that the text has been badly disorganized. Not only it does not proceed in a logical fashion, but it abruptly leaves a subject to return to it later, after an incomprehensible interruption. It is either an ignorant scribe’s copy of an already disorganized text, consisting of loose and perhaps broken strips, or a modern forgery, although I would be loth to accept this solution. The text contains some surprising passages. That the stipulation in (3) about the persons who took care of lonely old people is also to be found in the 1959 Mo-chü-tzu strips is perhaps a coincidence. But what to say about the order that these old people are to be *fu* 復, “relieved of statutory duties”?²⁰ For such duties were no longer required of persons over sixty years of age.²¹

If the text is accepted as genuine — which I am inclined to do — it allows the following conclusions:

a. Persons of seventy years and older could only be prosecuted when they had “taken the lead” in cases of murder or wounding, i.e. when they had instigated

¹⁶ *Kuei i* 歸義, said of “barbarians” who had voluntarily submitted to Chinese rule; an also p. 16 below.

¹⁷ This was the administrative chief of the emperor’s secretariat; see Bielenstein, *Bureaucracy*, pp. 48 and 55.

¹⁸ The editors (*HCTC*, p. 42 f.), having considered the prominent persons active in those days who had Hsien 咸 as their personal name, believe that Ch’en 陳 Hsien is the most likely figure to have held this post. In 16 B.C. he was appointed *shao fu*, Administrator of the Privy Purse; for his checkered career see *HSPC* 66.14a f. He died in 7 B.C.—The name Hsien is frequently encountered and it is surely correct, whereas Mieh 滅 in the parallel passage in the 1959 Mo-chü-tzu strips (quite clear in the photograph) must be a copyist’s mistake.

¹⁹ The text reads 建始元年, but in that year the 9th month did not contain a *chia-ch’en* day, whereas in the 2nd year it did. Moreover, the 1959 Mo-chü-tzu text is dated *chien shih* 2nd year, 9th month, day *chia-ch’en*, which clinches the matter. The date is equivalent to 7 November 31 B.C.

²⁰ *Fu* can also mean “to exempt from taxation” (see *HSPC* 1A.30b–31a; *HFHD* I, p. 74), but the present text had already mentioned this exemption.

²¹ See p. 199 in my “Some remarks on statute labour during the Ch’in and Han period”, in *Orientalia Veneziana* I (Firenze, Olschki, 1984), pp. 195–204.

such crimes. Still, it remains surprising that they were not to be adjudicated for crimes they had committed personally.

b. Persons of sixty and older who had no sons need not pay the sales tax²² according to one rule (strip 2), and neither the land tax nor the sales tax according to another (strip 5).

c. Quite apart from the aged persons, a rule prohibited the officials “arbitrarily” to call up orphans etc. (strip 4); evidently they still had to perform their regular statutory duties. Furthermore, this rule says that they were not to be detained in prison; this contradicts the ordinance of 141 B.C. which ruled that all such persons were to be kept in “lenient detention”²³

The following strips, i.e. nos. 7 and 8, as well as the beginning of strip no. 9, I believe to contain a misplaced passage; in view of the contents this ought to precede strip 23, and their translation will therefore be found there.

The second set of documents in this series of twenty seven strips is a copy of a file entitled “Ordinance(s) (consisting of) imperial decrees (concerning the bestowal of) royal staffs”.²⁴ The text is marred by obvious mistakes — which can be partly corrected thanks to the existence of another copy of one of the decrees in the 1959 Mo-chü-tzu strips — and by what I suspect to be displaced strips. Evidently, an enumeration of infringements of the ordinance has been broken up, to be partly inserted between the decrees. All the strips of this series of twenty seven bear numbers on the back, but as the strips had obviously been strung together before receiving the writing — as is shown by the blank spaces between the characters on the places where the strings had been — these numbers are only of secondary importance.

In an article of 1965 Dr. Loewe has described these “royal staffs” and the emblem they carried, viz. a dove.²⁵ Now the present file contains two imperial decrees, the first of which is practically identical with the decree found at Mo-chü-tzu in 1959 and translated by Dr. Loewe in the article mentioned above.

The text reads (for the Chinese text see Dr. Loewe’s article):

²² On this tax see Hiranaka Reiji, “Kandai no eigyō to ‘senso’”, 平中茶次, 漢代の營業と占租, of 1952, included in the author’s *Chūgoku kodai no densei to zeihō* 中國古代の田制と税法 (Kyoto, 1967), pp. 183–204. The tax on wine was four cash per *tau* of c. 2 litres according to *HSPC* 7.5b, *HFHD* II, p. 162. Note that *sheng* 升 in the *HS* text is a common mistake for *tau* 斗; see on this point Michael Loewe, “The measurement of grain during the Han period”, in *T’oung Pao* 49 (1961), p. 64 ff., especially p. 88.

²³ See *HSPC* 23.19a–b, *RHL* I, p. 344.

²⁴ This title is written on the last, 27th, strip: *yu wang chang chao shu ling* 右王杖詔書令, “The foregoing is” etc.

²⁵ Michael Loewe, “The wooden and bamboo strips found at Mo-chü-tzu”, in *Journal of the Royal Asiatic Society*, April 1965, pp. 13–26.

(1) (strip 9) Since the days of emperor Kao down to the 2nd year of (the reign period) *pen shih*²⁶ (72 B.C.) WE have been moved by deep pity by the lot of the aged.²⁷ On those advanced in years there have been bestowed royal staffs,

(2) (strip 10) on top of which there is a pigeon, in order that the population may see it from afar; (the staff) is comparable to an emblem of authority,²⁸ Officials or commoners who would venture to curse, beat, revile or insult (the bearer of a royal staff will be guilty of a crime of the category) ‘refractory and impious’.²⁹

(3) (strip 11) (The bearer of a royal staff) may make his way in and out of offices, bureaus and official quarters;³⁰ he may go along the centre³¹ of the imperial highway. (The bearer of a royal staff) in his deals in the (market) stalls is not to be taxed; comparable to (the area) East of the Mountains³² he is exempted (of taxation and statutory duties).³³

Strips 12–20 contain a petition addressed to the emperor by the bearer of a royal staff who had been molested by a Commune Overseer; they also contain the reply in the form of an imperial decree, proclaiming that the Overseer was to be beheaded, whereas the petitioner was to receive another staff. This decree was issued on 16 February 10 B.C.

²⁶ Dr. Loewe, *op. cit.*, p. 20, strip 3, and his comments on p. 21, had suggested *chien shih* 建始 (32 B.C.), the 1959 Mo-chü-tzu strips writing *pen erh nien* 本二年, omitting the word *shih* 始.

²⁷ The 1959 Mo-chü-tzu text writes “the aged and the young”, which in view of the context is manifestly wrong.—In the present text the use of the ancient form of *lin* 憐, “to pity”, viz. 憐, is to be noted.

²⁸ *Chieh* 節, also rendered as “token of authority”. This was a staff eight Han feet or c. 1.85 m. long, decorated with three clusters of yak hair, died red. These emblems or tokens were given to virtual representatives of the emperor, sent on important missions: within China to lead troops against rebels, or to superintend trials of rebellious kings, with the power to have capital punishment executed on persons whose status normally warranted that the previous permission of the emperor should be asked (see *RHL* I, p. 286 f.); outside China when sent to foreign potentates; here the emblem was occasionally used to mobilize troops. The basic study on this subject is Ōba Osamu, “Kandai no setsu ni tsuite”, 大庭脩, 漢代の節について”, originally published in 1969 and now included, with some changes, in the author’s collected articles, *Shin Kan hōsei shi no kenkyū* 秦漢法制史の研究 (Tokyo, Sōbunsha, 1982), pp. 410–465, esp. p. 422 f.

²⁹ See *RHL* I, p. 156 f.

³⁰ The copyist mistakenly writes *chieh ti* 節第—which makes no sense—for the correct form *lang ti* 郎第 (*ti* is an accepted homophonous loan for 邸) found in the 1959 Mo-chü-tzu strips.

³¹ The 1959 Mo-chü-tzu text has the correct term *ch’ih tao p’ang tao* 馳道旁道, “the side lane of the imperial highway”, the centre being reserved for the emperor exclusively, and trespass was punished.

³² See note 8 above.

³³ The 1959 Mo-chü-tzu strips add “there is nothing they will have to give.”—The 1959 text at this point adds a stipulation found in the new strips in another context (see above, note 11). This stipulation reads “Outsiders who diligently care for them and who sustain them, are to be exempted (from taxation and statutory duties)”. The copyist of the new strips may have omitted this passage, because it was already included in the earlier rule.

(4) (strip 21) An edict of decree to the Imperial Secretary.³⁴ When persons of seventy years and older receive³⁵ a royal staff, (their position is) comparable to that of (an official ranked at) six hundred bushels.³⁶ When entering a government office, they need not hurry.³⁷ When officials or commoners would venture to beat or insult them, (they commit a crime of the category) 'refractory and impious';³⁸

(5) (strip 22) they are to be beheaded. The Ordinance is in the Orchid Terrace (Ordinances) no. 43.³⁹

The strips 23–26 enumerate several more cases of men who in various ways had molested bearers of 'royal staffs' and who were invariably beheaded. The 27th and last strip contains the title *yu wang chang chao shu ling* 右王杖詔書令 "on the right (i.e. the foregoing) are the Ordinances (contained in) the imperial decrees (concerning) royal staffs."

As noted on p. 268, in view of the contents the text on strips 7 and 8 and the beginning of strip 9 rightly belongs to the following series.

(strip 7) The Grand Administrator of Ju-nan (commandery) refers (the following difficult case)⁴⁰ to the Commandant of Justice: an official has beaten and insulted the recipient of a royal staff; the category of the crime in clear.

(strip 8) An imperial edict said: "Why should this case have been referred (to the Commandant of Justice)? (The culprit) must be condemned to public execution."—The Chief of the post-house at Pai-shui in Yün-yang (Prefecture),⁴¹ (named) Chang Ao, was adjudicated for having beaten and dragged along a person who had received a royal staff, making him repair roads.

(strip 9) He was denounced by the man Wang T'ang and immediately executed.

³⁴ The same text, with some additions, is included among the 1959 Mo-chü-tzu strips; it has been translated by Dr. Loewe, *op. cit.*

³⁵ The text mistakenly writes *chang* 杖, "staff" for *shou* 受, "to receive"; the 1959 Mo-chü-tzu text has the correct word.

³⁶ This was the salary for officials of medium rank, like Regional Inspectors, Prefects of minor prefectures, Assistant Military Commanders of a commandery, etc.

³⁷ Hurrying was sign of deference; cf. Loewe, *op. cit.*, p. 23. At this point the 1959 Mo-chü-tzu strips insert: "When they have committed a crime (punishable by) shaving off the beard or heavier (i.e. hard labour), they are not to be accused by means of the two feet (long—c. 46 cm.—writing strips, i.e. formal documents). If anyone would venture to summon them (for the performance of statutory duties) or to harrass and insult them, they will have committed a crime of the category 'greatly refractory and impious'".

³⁸ See note 29 above.

³⁹ According to the 1959 Mo-chü-tzu strips, this decree was issued on 5 November 31 B.C. The number of the ordinance there is 33, which may be a mistake.

⁴⁰ *Yeh* or *yen* 讞, "to submit a difficult case to a higher authority"; see *RHL* I, p. 390, note 211.

⁴¹ 雲陽. This prefecture was situated c. 100 km. north-west of Ch'ang-an, in the Eastern Capital District Tso-feng-i; see *HSPC* 28Ai.30a, and *Chung-kuo li-shih ti-t'u chi* (Shanghai, 1982), vol. II, sheet 15.

Aged persons benefitted not only from the privileges described in the preceding pages. In particular, aged widowers and widows who had no sons,⁴² as well as aged persons without any relatives and young orphans, all of them poor and without means of subsistence, were the objects of government care. That such persons should be supported will have been an ancient idea, or rather an ideal. Already in the 4th century B.C. the philosopher Mencius made pronouncements which point in this direction⁴³ and, still in pre-imperial times, the idea is found fully developed in the *Yüeh ling*, the Ordinances of the Months.⁴⁴

However, between an ideal and its realization in actual government measures the distance is considerable, and Professor Bodde is therefore quite justified in expressing doubts on the possibility of implementing these good intentions.⁴⁵ As a matter of fact, we possess two kinds of information on this subject. On the one hand a few references to and quotations of ordinances, and on the other a long series of imperial edicts ordering the distribution of food and silk to the same groups of people, showing indirectly that the formal rules had little or no effect.

As regards the formal rules, there is in the first place the edict by emperor Wen, issued in April-May 179 B.C.,⁴⁶ ordering his ministers to draft an ordinance for the distribution of these goods, because he had heard that “officials when giving grain to those entitled to receive gruel sometimes used stale grain”. This shows that already before 179 B.C. there must have existed the general custom, if not a formal law, that such goods should be distributed, leaving the question undecided whether this was of recent or of ancient origin. A point to be noted in the edict is that the distribution of foodstuffs was to be monthly! The ordinance reads:

In the prefectures and marches⁴⁷ persons of eighty years and older receive per

⁴² Daughters left the family upon marriage, and spinsters staying with their parents will have been quite rare.

⁴³ See *Mencius* IA.vii.24, and IB.v.3 in Legge's translation; *Meng-tzu chu-su* 1B.4a (0053) and 2A.8a (0081) in the Ssu-pu pei-yao edition of the Thirteen Classics.

⁴⁴ Not only in the version included in the *Li chi* in Han times, but already in the text found in the *Lü-shih ch'un-ch'iu*, compiled before the death of its sponsor, Lü Pu-wei, in 239 B.C.

⁴⁵ Derk Bodde, *Festivals in classical China: New Year and other observances during the Han dynasty 206 B.C.–A.D. 220* (Princeton, N.J., Princeton University Press, 1975), pp. 342–344.

⁴⁶ *HSPC* 4.7a, *HFHD* I, pp. 236–237.

⁴⁷ *Tao* 道, “marches”, were situated in the border areas under Chinese control, where the inhabitants were mainly non-Chinese. It seems doubtful whether these

person per month one bushel (c. 20 litres) of threshed grain,⁴⁸ twenty catties (c. 5 kg.) of meat, and five *tou* (c. 10 litres) of wine. On those of ninety years and older there are bestowed two bolts⁴⁹ of silk and three catties (c. 0.75 kg.) of silk floss (for wadding). For those who have goods bestowed on them, and for those warranted to be issued with gruel, the Chief Officials⁵⁰ supervise (the distribution), whereas the Assistant (Prefect) or the Chief of (the prefectural) Police hand it out; for those not fully ninety years of age the (Commune) Bailiff and the Prefectural Clerks hand it out. The officials (ranked at) Two thousand Bushels (i.e. the Grand Administrators of the commanderies) send the Investigators⁵¹ on tour to punish those who do not fulfil the qualifications. To persons who have suffered a mutilating punishment as well as to those condemned to the punishment of shaving off the beard or heavier⁵² this Ordinance does not apply.

On paper, this programme looks very thorough, but it will have been impossible to carry it out. For there is the size of the country to be considered, where prefectures occupied areas comparable to those of English counties or French *arrondissements*. In a pre-medical society with an average life-expectancy far below forty years, the percentage of aged people will have been very low, yet when they did exist, they must have lived scattered over a wide area, to be reached only with difficulty with the slow means of transport of those days. It must therefore have been practically impossible for the rather scarce staff-members of the prefectural administration to reach them all, and absolutely impossible to do so each month. It is especially hard to see how the Investigators, who had to exercise control in between one and three prefectures, would ever have been able to undertake such extensive journeys all within a single month. Here it should not be overlooked that the principal duty of these Investigators lay elsewhere: they had to inspect the prefectural administration, and more especially the probity of the officials, in order to prevent collusion between these and the local powerful families to the detriment of the poor farmers.

“barbarians” also received a share.

⁴⁸ *Mi* 米, not “rice” but loose grain already treated, e.g. husked or pounded; cf. my *Remnants of Ch'in law* (Leiden, Brill, 1985), p. 43, article A 30, note 11. This was measured in bushels and not by weight as is shown by the numerous records found in the border defence areas; see Michael Loewe, *Records of Han administration* (Cambridge, Cambridge University Press, 1967), vol II, p. 68 ff.

⁴⁹ One bolt, *p'i* 疋 or 匹, was 40 ft. long and 2 ft. 4 i. wide, i.e. c. 9.25 m. by c. 0.52 m.; see *HSPC* 24B.1b, N.L. Swann, *Food and money in ancient China* (Princeton, N.J., Princeton University Press, 1950), p. 221.

⁵⁰ *Chang li* 長吏, in this case probably the Prefect; see *RCL*, p. 37, article A 19, note 33.

⁵¹ *Tu li* 都吏, later *tu yu* 督郵; for these officials see Bielenstein, *Bureaucracy*, p. 97, and in greater detail Yen Keng-wang, *Ch'in Han ti-fang hsing-cheng chih-tu*, 嚴耕望, 秦漢地方行政制度 (Taipei, Academia sinica, 1961), vol. I, pp. 138-144.

⁵² I.e. hard labour without mutilation.

The Ordinance quoted above is the only complete text of a law; the other vestiges of legal rules are mere fragments. From the *Chih yen* by Chia Shan⁵³ of practically the same time we learn that “of aged persons of ninety years,⁵⁴ one son does not serve; for those of eighty, two persons pay no poll-tax”. Thirty years later this is confirmed in an edict of amnesty proclaimed by emperor Wu in March 140 B.C., which reads: “Persons of eighty are exempted from two poll-taxes (for members of their household); for those in their nineties (these members are moreover) exempted from statutory service”.⁵⁵ A few months later, in an edict of 8 May 140, emperor Wu decreed that “sons or grandsons of persons of ninety years of age or older should be exempted from statutory service, so as to enable them to lead their wives and concubines in accomplishing their task of caring for them”.⁵⁶ All this is again corroborated by the commentary of Cheng Chung (A.D. 5 – 85) to the *Chou li*, where he adduces the Han rule that “for persons of eighty and ninety (sons or grandsons) are exempted of the poll-tax and statutory service”.⁵⁷

Contrary to the nation-wide monthly distribution of food etc., the exemption from taxation and statutory services was very much easier to realize. For in this case the officials in charge of these matters were not required to undertake long journeys and to act, but rather to refrain from action. They possessed population registers for taxation purposes in their respective administrative areas,⁵⁸ and quite possibly similar records for the men required to perform statutory labour,⁵⁹ and from these they merely had to remove some names.

⁵³ 賈山, 至言; *HSPC* 51.7a.

⁵⁴ In different kinds of documents discovered by archaeologists, the age of the persons concerned is often mentioned, which shows that the authorities possessed records indicating the age of the inhabitants of the area they governed.

⁵⁵ *HSPC* 6.2a; *HFHD* II, p. 28. The text reads . . . *fu chia tsu* . . . 復甲卒, but Hiranaka suggests that *chia* 甲 is a mistake for *keng* 更, *keng tsu* being the normal term for “fulfilling one’s statutory duties”. See Hiranaka Reiji, “Kandai no kanri no kazoku no fukujo to ‘gunpu’ no futan” 漢代の官吏の家族の復除, と軍賦の負擔, in his *Chūgoku kodai no denshi to zeshō* (see note 22), p. 349.

⁵⁶ *HSPC* 6.2a, *HFHD* II, p. 29.

⁵⁷ 八十九十復羨卒 (Hiranaka, *loc. cit.*, rightly suggests that 羨 is a mistake for 算, i.e. 算). *Chou-li chu-su* (Ssu-pu pei-yao ed. of the Thirteen Classics) 12.1a (0425), Sun I-jang, *Chou-li cheng-i* (Kuo-hsüeh chi-pen ts’ung-shu), vol. 2, 6/21.45; Biot, *Le Tcheou li* I, p. 242.

⁵⁸ This is demonstrated by two such records found in the Edsin-gol defence area; see Loewe, *RHA* I, pp. 71–72.

⁵⁹ That some such lists existed is implied in article D 144 on p. 167 of my *RCL*; these may have been similar to the rolls for military conscripts, of which fragments have been found in the Edsin-gol material; see Loewe, *RHA* I, pp. 31, 92, 117, and II, pp. 36–39.

Still, in spite of the difficulties mentioned above, food etc. was distributed, in two different ways.

The Ordinances of the Months⁶⁰ write:

In the third month of spring (i.e. in April or May) the grain-stores should be opened for gifts to the poor and needy; other storehouses should issue cloth and silk to All-under-Heaven. . . . In the second month of autumn (August-September) sustenance is to be given to the old and decrepit; armrests⁶¹ and staffs⁶² should be bestowed on them, and they should be given gruel and food.

On this last point Kao Yu 高誘 (fl. c. A.D. 180 – 212) comments: “This is like when during the census in the eighth month dove-staffs and gruel are given to those advanced in years”. However, his remarks can only refer to the court festival of “entertaining the aged”, celebrated in the tenth month and described by Professor Bodde,⁶³ for it is hardly likely that an important distinction like a dove-staff with its attendant privileges⁶⁴ should have been bestowed on aged men throughout the empire. Still, the same information is found in the Treatise on Ritual included in the History of the Later Han, but this is not reliable.⁶⁵

The treatise reads:

In the second month of autumn the prefectures and marches all check the households and grade the population. Persons who have just reached seventy years of age are given jade staffs⁶⁶ and they are fed with gruel. For persons of eighty and ninety the gifts are increased.

I am inclined to believe that there did exist an ancient custom of

⁶⁰ *Li-chi chu-su* 15.7a (0719) and 16.12a (0773); Couvreur, *Li-ki* I, pp. 348 and 379; Legge, *Li ki*, in *Sacred Books of the East* vol. 27, pp. 264 and 287; *Lü-shih ch'un-ch'iu* in *Chu-tzu chi-ch'eng*, p. 24 (ch. 3) and p. 75 (ch. 8); Richard Wilhelm, *Frühling und Herbst des Lü Bu We* (Jena, Diedrichs, 1929; reprinted 1971), pp. 28 and 92.

⁶¹ See illustration 5/10 in Hayashi Minao, *Kandai no bunbutsu*, 林巳奈夫, 漢代の文物 (Kyoto, 1976).

⁶² Emperor Wen bestowed an armrest and a staff on his uncle, Liu P'i, king of Wu, in c. 165 B.C., according to *HSPC* 35.5a; *SC* 106.6; Burton Watson, *Records of the Grand Historian of China* (New York, Columbia University Press, 1961), vol. I, p. 467. Emperor Wu gave the same presents to his uncle, Liu An, king of Huai-nan, late in 128 B.C., acc. to *HSPC* 6.10a and 44.9b, *HFHD* II, p. 51, *SC* 118.16, Watson, *Records* II, p. 369.

⁶³ Bodde, *Festivals*, p. 361 ff.

⁶⁴ See p. 269 above.

⁶⁵ *HHSCC* Tr. 5.6b. For the unreliability of the information in this treatise see B.J. Mansvelt Beck, *The Later Han Treatises* (Leiden, Brill, 1986), p. 100.

⁶⁶ In the texts there is a constant confusion between *wang chang* 王杖 and *yü ch'ang* 玉杖; the former is correct, as is shown by the actual Han strips found at Mo-chü-tzu, both those discovered in 1959 and the recent finds.

ceremonially distributing food to the aged and in formally presenting them with a staff, for already in the earliest Han document on this point — emperor Wen’s decree of May 179 B.C. we read:

Unless the aged have silk, they will not be warm; unless they have meat, they will not be sated.⁶⁷ Now, if at the beginning of the year there are not sent persons to enquire about the elders and the aged, and also if there is not granted to them cloth, silk, wine and meat, how could we assist the sons and grandsons in All-under-Heaven in taking filial care of their relatives? Now We have heard that the officials⁶⁸ when distributing grain to those who are entitled to receive gruel sometimes use stale grain.⁶⁹ How does this accord with the idea of “caring for the aged”?⁷⁰

This shows that “care for the aged”, *yang lao* 養老, was an ancient custom, but it is impossible to say what was actually done in the Han period. I suspect that in the official sphere it had become purely symbolical: the officials distributing gruel and staffs to a small number of old people in their immediate vicinity, in spite of the existence of formal rules on the subject. That such rules existed is clear from the use of phrases like the following, at widely different times. An edict of May 140 B.C. says “for the distribution of gruel to persons of ninety years and older there exist norms (or rules, *fa* 法)”,⁷¹ or, more concretely, an edict of February A.D. 30, ordering that to the aged, as well as to widowers, widows, orphans, etc.,⁷² grain should be distributed “according to the Statutes”⁷³ and a similar edict of February A.D. 86 which uses the same terminology.⁷⁴

Perhaps it was realized that the ordinance of emperor Wen, prescribing in meticulous detail the goods that were to be distributed each month was impossible to execute, with the result that it remained a dead letter. For no further trace of this type of distribution is to be found in the texts. In its stead we do find a steadily growing number of distributions mentioned in the sources, occasioned both by happy events like the installation of an empress or an heir-apparent, or an auspicious phenomenon, or, on the contrary, by

⁶⁷ Cf. *Mencius* I A.iii.4.

⁶⁸ *Li* 吏 is a general term, not indicating any rank.

⁶⁹ *RCL*, p. 79, article A 83, mentions “spoiled grain that can still be eaten”. *Su* 粟 is threshed grain, not further treated; unhusked, unpolished.—The same complaint is voiced in an edict of A.D. 140, namely that staffs and gruel were not distributed in many places and that half the gruel consisted of chaff and husks (*HHSCC* Ann. 5.13a). *HSPC* 4.7a, *HFHD* I, p. 236 (not in *SC* 10).

⁷¹ *HSPC* 6.2a, *HFHD* II, p. 29.

⁷² For the full list of recipients see below.

⁷³ *Ju lu* 如律. *HHSCC* Ann. 1B.1a.

⁷⁴ *HHSCC* Ann. 3.15a

natural disasters, like droughts, continuous rain, floods or earthquakes. Mostly, these distributions were ordered for the whole empire, but sometimes they were limited to the regions through which the emperor had passed on his journeys.

In the imperial edicts ordering these distributions to be made, it is not only the aged who are mentioned, for there we find a whole series of recipients. The hard core is formed by the widowers, widows, orphans and solitary persons, of whom an edict of emperor Hsüan, issued in the spring of 68 B.C. says explicitly that they were "objects of Our solicitude".⁷⁵ Now these persons are the very ones mentioned already two centuries earlier in the *Mencius* as people on whom the ideal ruler bestowed special care, and it is in this passage that we find them further specified:

To be old and to have no wife is *kuan* 鰥, a widower;
 to be old and to have no husband is *kua* 寡, a widow;
 to be old and to have no sons is *tu* 獨, a solitary (person);
 to be young and to have no father is *ku* 孤, an orphan.⁷⁶

The series in the edicts is more detailed. In its most extensive form we find, beside the four categories just mentioned, the aged (in this case probably people of eighty, c.q. ninety years of age), cripples, and those seriously ill, all further qualified as poor and without means of subsistence.

The development of the practice of ordering the distribution of grain and tissues was a slow process; during many years the imperial edicts on this point are few and far between, clearly showing the incidental nature of these measures. The first of these edicts was issued by emperor Wen in the summer of 167 B.C., ordering the distribution of cloth, silk and silk floss only to widows and orphans, "in definite amounts", *yu shu* 有數.⁷⁷ Nearly half a century elapsed before in May 122 B.C. emperor Wu issued a similar order, for the first time enumerating the full series of recipients as well as the exact amounts they were to receive.⁷⁸ A more modest distribution, still on a nation-wide scale, took place in 117 B.C.⁷⁹ In emperor Wu's time only three more occasions are noted when gifts were bestowed

⁷⁵ *HSPC* 8.8b, *HFHD* II, p. 220.

⁷⁶ *Mencius* I B.v.3; *Meng-tzu chu-su* 2A.8a (0081). "Old" will have meant about sixty years of age. This passage is paraphrased in the 3rd century *K'ung-tzu chia-yü* 1.9b (Ssu-pu ts'ung-k'an ed.); R.P. Kramers, *K'ung-tzu chia-yü, the School Sayings of Confucius* (Leiden, Brill, 1949), p. 210.

⁷⁷ *HSPC* 4.15a, *HFHD* II, p. 255.

⁷⁸ *HSPC* 6.12b, *HFHD* II, p. 59.

⁷⁹ *HSPC* 6.17a-b, *HFHD* II, p. 69 f.

on the full series of recipients, but now limited to the places which the emperor had passed on his journeys; at the same time tax relief and amnesties for hard-labour convicts were granted to the same areas.⁸⁰ A general amnesty in 106 B.C. was accompanied by a gift of bolts of silk “to the poor”, further unspecified.⁸¹ No more distributions are mentioned during the reign of emperor Wu, and only one — a partial one at that — under his successor emperor Chao (a minor, about nine years old), accompanying a general amnesty proclaimed in 86 B.C.⁸²

It is only during the reign of the pious (and credulous) emperor Hsüan that the system attained its full development. It is to be noted that nearly all distributions were connected with the appearance of auspicious omens and that they were mostly accompanied by a general amnesty and the bestowal of aristocratic ranks on all males in the empire. A feature common to practically all is that the goods distributed consisted in bolts of silk, whereas the food was limited to one ox and wine for each hundred households. Leaving aside its rather unusual grants of gold or cash to kings down to commoners, the edict of April 67 B.C. is exemplary:

Widowers, widows, orphans and solitary persons, people advanced in years living in poverty and distress, are those We pity. Earlier, an edict was issued to loan them public fields⁸³ as well as seed-grain and food. In addition, let there now be granted silk to widowers, widows, orphans and solitary persons. Let (the officials ranked at) two thousand bushels (i.e. the Grand Administrators of the Commanderies) stringently instruct their subordinates to treat them with solicitude so that they will not be disappointed.⁸⁴

Beginning with this edict, the next two decades witness a repetition of the same scenario every two years: supernatural phenomena elicit an amnesty, a bestowal of aristocratic rank and a distribution of silk to widowers, etc., sometimes including the aged. The early years of emperor Yüan (48 – 42 B.C.) show the same pattern, with this difference, that the causes are no longer auspicious portents. But then a change sets in: no more distributions

⁸⁰ In 110, 109 and 106 B.C. *HSPC* 6.26a, 26b, 30a; *HFHD* II, pp. 88, 90, 96.

⁸¹ *HSPC* 6.31a, *HFHD* II, p. 97.

⁸² *HSPC* 7.2b, *HFHD* II, p. 155.

⁸³ This refers to the edict of early 69 B.C.; see *HSPC* 8.7a, *HFHD* II, p. 215. —On “loaning fields”, *chia t'ien* 假田, see Hiranaka, *op. cit.* (note 22 above), pp. 81 f. and 133 f.

⁸⁴ *HSPC* 8.8b, *HFHD* II, p. 220. —*Shih chih* 失職 or *shih so* 所 means “disappointed, dissatisfied, discontented”; see Hulsewé and Loewe, *China in Central Asia* (Leiden, Brill, 1979), p. 76, note 43. This term has been frequently mistranslated by Dubs in *HFHD*.

during the last ten years of emperor Yüan's reign, and only three when emperor Ch'eng occupied the throne (in 32, 20 and 13 B.C.), and one each during the brief reigns of the emperors Ai and P'ing. This change in policy is doubtless to be seen in connection with the proposals made by K'uang Heng and the ensuing policies of retrenchment and of reforms of religious practices, extensively discussed by Dr. Loewe.⁸⁵

No distributions are noted for the period of Wang Mang's rule (A.D. 6-23); I cannot find an explanation for this absence. On the contrary, an explanation for the same negative phenomenon during the early reign of emperor Kuang-wu may well be the disturbed conditions in the first ten years of his rule, when the civil war was still raging.⁸⁶ The absence of distributions during the following decades may be due to the general policy of retrenchment. As a result, for the thirty years of the Chien-wu period we only find four cases when grain or silk was given to the by then well-established groups of widowers etc., three of these being caused by floods and one by a solar eclipse.⁸⁷ Most instructive is the edict of 16 March A.D. 30, which orders the commanderies and kingdoms which possessed grain to distribute this "in accordance with the Statutes" to the aged and to widowers etc, in the areas affected by floods, droughts and locusts in the preceding year.⁸⁸

This more realistic attitude was maintained during the reigns of the following rulers. Distributions were made in case of bad harvests, droughts and prolonged rain, as well as on occasions when these measures were evidently considered as means to stimulate or to reinforce auspicious tendencies, such as the capping of a young emperor, the nomination of an empress or an heir-apparent, a change of reign-period (where the new device or motto was hoped to have a compelling influence on the future), and, more seldom, the appearance of a happy omen. Some of these distributions were limited to certain areas, like those through which the emperor had passed on his journeys, or those which had been struck by natural disasters (the North and North-West in A.D. 94, K'uei-chi commandery in 119). The last recorded instance is that on the occasion of emperor Ling's accession to the throne in 168, with the very brief note that people were given aristocratic rank and/or silk, each

⁸⁵ Michael Loewe, *Crisis and conflict in Han China* (London, George Allen & Unwin, 1974), pp. 154-192.

⁸⁶ See H. Bielenstein, "The restoration of the Han dynasty, II, the civil war", in *BMFEA* 31 (1959).

⁸⁷ In A.D. 30, 54, 55, and 53.

⁸⁸ *HHSCC Ann.* 1B.1a.

according to his status, *ko yu ch'a* 各有差. In the half century following this year until the formal end of the Han dynasty in 220, the “decline and fall” may not have been propitious for such measures; perhaps also the belief in their efficacy had waned.⁸⁹

Besides the two newly discovered laws discussed above, fragments of a third unknown Han law were discovered in the Tun-huang area. This third law stipulates that enemy leaders who surrendered with their subordinates were to receive rewards in the form of aristocratic rank. It forms, as it were, the counterpart to the well-known practice of rewarding Chinese officers and soldiers for having killed or captured enemies; the legal base of this practice is provided by a statute, probably entitled “Statute concerning the killing and capturing of enemies”, *chan shou pu lu li* 斬首捕虜律, badly damaged fragments of which were found some years ago.⁹⁰

The newly found law discussed in the following pages is called “Ordinance for rewarding Hsiung-nu who surrender”, *Hsiung-nu hsiang-che shang ling* 匈奴降者賞令.⁹¹ It was found among the seventy-six wooden strips discovered near the ruins of watch-tower D 38, situated 57 km. northwest of Tun-huang, at approximately 94° 8' East and 40° 27' North, in a locality called Su-yu-t'u.⁹²

1 (strip 81.D 38:3) 擊匈奴降者賞令

2 (strip 81.D 38.4) . . . 者衆八千人以上封列侯二千石賜黃金五百

3 (strip 81.D 38.7A) 二百戶五百騎以上賜爵少上造黃金五十斤食邑百戶百騎

4 (strip 81.D 38.7B) 二百戶五百騎以上賜爵少上造黃金五十斤食邑五百冊八冊八

⁸⁹ Nearly all these distributions have been listed in Hsü T'ien-lin's *Hsi Han hui-yao* and *Tung Han hui-yao*, 徐天麟, 西/東漢會要 presented to the throne in 1211 and 1216. In the Kuo-hsüeh chi-pen ts'ung-shu edition these lists are to be found on p. 494 f. and p. 308 f. respectively.

⁹⁰ See Chu Kuo-chao, “Shang Sun-chia chai mu chien ch'u t'an”, 朱國紹, 上孫家塞木簡初探, in *Wenwu* 1981/2, pp. 27–34. The survey of the texts discovered in the Chü-yen defence area, published in *Wenwu* 1978/1, pp. 1–25, contains on page 8 a brief reference to “Rules for rewarding the killing and capture of Hsiung-nu and the seizure of rebellious Ch'iang”, *chan pu Hsiung-nu lu fan Ch'iang k'e pieh* 斬首捕匈奴虜反羌科別, where the meaning of the final *pieh* is unclear; the contents are not quoted. The same reference is found in *HCTCWC* p. 491. These rules will be discussed in the second volume of my *Remnants of Han law*.

⁹¹ In the published transliteration of this ordinance (for the title of the publication see note 92) the title is preceded by the character *chi* 毆, i.e. 擊, “to beat, to attack”, which to me seems completely out of place here.

⁹² See Tun-huang-hsien Wen-hua-kuan, “Tun-huang Su-yu-t'u Han-tai feng-sui i-chih ch'u-t'u ti mu-chien”, 敦煌縣文化館, 敦煌酥油土漢代燧燧遺址出土的木簡, included in the collection mentioned in note 1 above, on pp. 1–14, esp. pp. 1–2; for the text of the ordinance see pp. 7 and 9.

1. Ordinance for rewarding Hsiung-nu who surrender.
2. [A Hsiung-nu leader who surrenders with] a horde containing 8000 persons or more is enfeoffed as a Noble with a domain of 2000 (bushels, *recte*) households and a gift of 500 (catties of) gold.
- 3 and 4 [A Hsiung-nu leader who surrenders with a horde] containing 200 households and 500 horsemen or more is given the aristocratic rank of *shao shang tsao* (the 15th rank), fifty catties of gold, and a domain of (strip 3) 100 households. 100 horsemen (strip 4) 500 48 48.

Both from the title with the inexplicable initial *chi* and from the text on the strips it is clear that this is either a writing exercise or an abortive copy of the ordinance. The fact that strip D 38.7 carries the same text, with variations, on its two faces is ample proof that it cannot be a formal copy; no wonder that it was found among the refuse of the watch tower. On strip D 38.4 the word *shih* 石, "bushel", is meaningless in this context; the writer may have been misled either by a vague similarity between the two characters 戶 and 石 carelessly written in the text he was copying, or by the preceding number 2000, because "2000 bushels" was a frequently used synonym for "Grand Administrator", i.e. governor of a commandery, who was ranked at this salary.

This newly found stipulation that Hsiung-nu leaders who surrendered were to be given noble rank is amply confirmed by several dozens of entries in the *Shih-chi* and *Han shu* Tables of Meritorious Subjects who were Ennobled, viz. in *SC* 19 and 20 and in *HS* 16 and 17, all pertaining, of course, to the Early Han; for the Later Han the material is much rarer (see below). Aliens who surrendered were often said "to turn to the (true) allegiance", *kuei i* 歸義, and consequently the term is found in both the annals and the tables of the Han histories.⁹³ Sometimes such a person was even created "Noble who has turned to the (true) allegiance", *Kuei-i hou*,⁹⁴ and seals of such nobles have been found.⁹⁵ The tables show that the bestowal of fiefs was not limited to Hsiung-nu leaders, for these lists also mention chieftains of the Lesser Yüeh-chih,⁹⁶ of Koreans

⁹³ See e.g. *HSPC* 6.21b and 8.20a, *HFHD* II, pp. 80 and 251; *HSPC* 17.13b and 14b.

⁹⁴ *HSPC* 96B. 11a and 24a, Hulsewé and Loewe, *China in Central Asia* (Leiden, Brill, 1979), pp. 161 sq. and 178.

⁹⁵ See *Wenwu* 1976/7, p. 86.

⁹⁶ This was the name the Chinese had given to those Yüeh-chih who had stayed behind in the hills south-west of the Kansu corridor when the majority of this people (eventually named the Great Yüeh-chih) had migrated to the Far West; see Hulsewé and Loewe, *op. cit.*, pp. 119-121.

and of the Nan Yüeh and Tung Yüeh “states”.⁹⁷ However, in the historical texts I have found only few mentions of the bestowal of lower ranks on members of alien communities, namely in two passages in the *Hou Han shu*.

The first passage corroborates the law discussed above: “When kings of states of the Four Barbarians lead their horde (and submit), the king is made Noble who has Turned to the (true) Allegiance”. The next sentence hangs in the air; to me it seems that a connecting sentence is missing: “The lords and chiefs of settlements all have Assistants, like (Chinese) commanderies and prefectures”.⁹⁸

The second passage is found in the Memoir on the Barbarians of the South-West. This mentions a settlement chief of the Ch’ing-i 青衣 tribe who in A.D. 108 came to offer his submission together with “three tribes of barbarians beyond the pale, 310,000 persons”, whereupon emperor An increased the man’s rank, and made him “Settlement Lord who Cherishes Communion”, *feng tung i chün* 奉通邑君.⁹⁹ The commentary to both passages refers to an undated Later Han stele which, besides several “barbarian nobles”, *i hou* 夷侯 (otherwise unknown), mentions “chiefs” and “lords” of settlements.¹⁰⁰

Here I present a simplified list of the bestowal of fiefs on enemy leaders who had surrendered to the Chinese as listed in the Tables.

no.	name of fief	date B.C.	<i>Shih-chi</i>	<i>Mem. hist.</i> vol. III, page & nr.	<i>HSPC</i>	nation	remarks
1	Kung-kao	164	19.33	152- 5	16.67b	Hsiung-nu	
2	Hsiang- ch’eng	164	19.33	154-18	16.69a	- -	
3	An-ling	147	19.45	156-18	17.4a	- -	
4	Huan	147	19.45	157-30	17.4b	- -	
5	Chiu	147	19.45	157-28	17.4b	- -	
6	Jung- ch’eng	147	19.46	156-10	17.5a	- -	
7	I *	147	19.46	155- 9	17.5a	- -	* <i>HSPC</i> Hsi
8	Fan-yang	147	19.47	155- 4	17.5b	- -	
9	Hsi	147	19.47	155- 5	17.5b	- -	
10	Ya-ku	145	19.48	156-19	17.6a	- -	
11	Hsi	132	20.3	161- 9	17.6b	- -	

⁹⁷ This point has also been noted by Dr. Michael Loewe on p. 158 in D. Twitchett and M. Loewe, eds., *The Cambridge History of China*, vol. I, *The Ch’in and Han empires* (Cambridge, Cambridge University Press, 1986).

⁹⁸ *HHSCC* Tr. 28.14b: *Ssu i kuo wang shuai chung wang kwei i hou. I chün i chang chieh yu ch’eng pi chün hsiên* 四夷國王率衆王歸義侯邑君邑長皆有丞比郡縣.

⁹⁹ *HHSCC* Mem. 76.21b-22a.

¹⁰⁰ See Hung Kua 洪适 (1117-1184), *Li hsü* 隸續 16.10a-b.

no.	name of fief	date B.C.	<i>Shih-chi</i>	<i>Mem. hist.</i> vol. III, page & nr.	<i>HSPC</i>	nation	remarks
12	Ch'ih- chuang *	129	20.3	167-55	17.7a	- -	* <i>HSPC</i> T'e-yüan
13	Ch'in- yang	128	20.4	168-67,	17.7a	- -	
14	Jo-yang	128	20.4	163-21	17.7b	- -	
15	She-an	126	20.7	161- 1	17.8a	- -	
16	Ch'ang- wu	125	20.7	166-52	17.8b	- -	
17	Hsiang- ch'eng	125	20.8	166-47	17.8b	- -	
18	Liao	122	20.16	163-28	17.10b	- -	
19	Hsia-hui	121	20.18	162-10	17.8b	- -	
20	T'o-yin	121	20.19	168-62	17.12a	- -	
21	Hun-ch'ü	121	20.19	162-14	17.12a	- -	
22	Ho-ch'i	121	20.20	162-13	17.12b	- -	
23	Ch'ang-lo	121	20.21	167-54	17.12b	- -	
24	Tu *	119	20.22	167-57	17.13b	- -	* <i>SC</i> Chuang
25	Chung-li	119	20.22	167-59	17.13b	- -	
26	Hsiang- ch'eng	119	20.23	166-48	17.14a	- -	
27	San	119	20.23	165-46	17.14a	- -	
28	Tsang-ma	119	20.24	168-64	17.14b	- -	
29	Liao	113	20.25	164-29	17.14b	- -	
30	Kuei-te	59			17.30b	- -	
31	Hsin- ch'eng	56			17.30b	- -	
32	I-yang	55			17.31a	- -	
1	Liao	111	20.28	164-30	17.16b	Nan Yüeh	
2	An-tao	111	20.29	164-37	17.17a	- -	
3	Sui-t'ao	111	20.29	166-50	17.17b	- -	
4	Hsiang- ch'eng	111	20.29	166-49	17.17b	- -	
5	Wai- shih *	110	20.30	165-41	17.18a	Tung -	* <i>SC</i> Pei-shih
6	Hsia-fu *	110	20.30	162-11	17.18b	Ou-lo	* <i>SC</i> Hsia-li
7	K'ai-ling	110	20.32	163-22	17.19a	Tung Yüeh	
8	Lin-ts'ai	110	20.32	164-32	17.19b	- -	
9	Tung- ch'eng	110	20.32	168-69	17.19b	- -	
10	Wu-hsi	110	20.32	165-40	17.20a	- -	
11	She-tu	110	20.33	161- 3	17.20a	Nan -	
1	P'ing- chou	108	20.33	165-43	17.20b	Korea	
2	Ti-ch'ü	108	20.33	167-60	17.20b	-	
3	Huo- ch'ing	108	20.34	162-17	17.21a	-	
4	Chi	107	20.36	163-23	17.22a	-	

no.	name of fief	date B.C.	<i>Shih-chi</i>	<i>Mem. hist.</i> vol. III, page & nr.	<i>HSPC</i>	nation	remarks
5	Nieh- yang	107	20.37	165-39	17.22a	-	
1	T'i-tzu	108	20.34	167-61	17.21a	Lesser Yüeh-chih	
2	Hu-che	107	20.35	162-16	17.21b	- - -	

For the Later Han the information is much poorer, because the available histories do not contain the tables which form such an important part of the histories of the Former Han. Ch'ien Ta-chao (1744-1815) has tried to fill the gap by compiling Supplementary Tables for the History of the Later Han, *Hou-Han shu pu piao*.¹⁰¹ Here I can find only five leaders of alien tribes who were ennobled on having surrendered to the Han; one I have not been able to trace, for Ch'ien does not indicate his sources.

1. In A.D. 54, two Hsien-pi leaders surrender to the Han; one is created king (!), the other is given a fief, but the names of the states are not mentioned (*HHSCC Mem.* 80.5b).

2. Between appr. A.D. 55 and 60, a son of the murdered king of Khotan escapes and is created Noble of Shou-chieh (*HHSCC Mem.* 78.21a).

3. In A.D. 58, a leader of the Western Ch'iang surrenders and is created Noble of Kuei-i (*HHSCC Mem.* 77.8a).

4. In A.D. 110, a Hsien-pi leader surrenders and is created Noble of Shuai-chung (*HHSCC Mem.* 80.7a).

5. In A.D. 215, a king surrenders and is ennobled; no details about the man, his tribe or the fief could be ascertained.¹⁰²

Although on the following point no formal Han rule has been found so far, the *Shih-chi* and *Han shu* tables show beyond any doubt that such a rule must have existed, for the Han continued to apply the Ch'in law "When someone has died in battle for the service (of the state) without surrendering, a decision is taken (to reward) his successor".¹⁰³ This Ch'in rule bears no title, but it probably belonged to the Statute concerning Aristocratic Rank for Military (Action), *Chün chiao lü* 軍爵律, of which two other articles have been preserved.¹⁰⁴

¹⁰¹ Ch'ien Ta-chao, *Hou-Han shu pu piao*, in *Erh-shih-wu shih pu pien*, 款大昭, 後漢書補表, in 二十五史補編, vol. II (Shang-hai, K'ai-ming Bookstore, 1935; reprint Peking, Chung-hua shu-chü, 1956), pp. 1847-1904.

¹⁰² See Ch'ien Ta-chao, *op. cit.*, p. 1873.

¹⁰³ *Chan ssu shih pu* (*ch'u, recte*) *ch'ü lun ch'i hou* 戰死事不(出, *recte*) 屈論其後, *RCL*, p. 117, art. C 23a.

¹⁰⁴ *RCL*, pp. 82-83, art. A 90 and 91.

nr.	name of fief	date B.C.	<i>Shih-chi</i>	<i>Mem. hist. HSPC</i> vol. III, page & nr.	circumstances of father's death
1.	Chung-p'ing	201	18.52	136-65 16.25a	man enfeoffed as Noble of Lu, but died in battle, leaving no sons; hence widow enfeoffed.
2.	Hsiang-p'ing	199	18.87	139-95 16.43b	killed in battle in 206 B.C. (cf. <i>HSPC</i> 1A.29a, <i>HFHD</i> I, p. 70).
3.	Kao-ching	198	18.100	130-25 16.45a	boiled alive by Hsiang Yü in 204 B.C. (cf. <i>HSPC</i> 1A. 36b, <i>HFHD</i> I, p. 87).
4.	Kao-liang	195	18.117	131-26 16.58b	murdered in 204 B.C. by king of Ch'i (see <i>HSPC</i> 1A.37b, <i>HFHD</i> I, p. 88)
5.	Ping	166	19.32	153-14 16.67a	killed by Hsiung-nu
6.	Chü	148	19.43	156-16 17.3a	killed by king of Chao (rebellion of 154 B.C.)
7.	Hsin-shih	148	19.43	157-24 17.3b	idem
8.	Shang-ling	148	19.44	155- 2 17.3b	killed by king of Ch'u (rebellion of 154 B.C.),
9.	Shan-yang	148	19.44	155- 1 17.4a	idem
10.	Lung	112	20.26	164-33 17.15a	in war with Nan Yüeh
11.	Ch'eng-an	112	20.27	167-56 17.15b	idem
12.	An-yang ¹⁰⁵	A.D. 25-36	<i>HHSCC</i>	Mem.8.8a	killed in civil war
13.	Ming-chin	87	- -	77.9b	- - war against the Ch'iang
14.	Wu-yang-t'ing	142	- -	77.20b	idem
15.	I-yang	151	- -	77.21b	idem
16.	Hsin-tu-t'ing	212	<i>San-kuo chih, Wei shu</i> (T'ung-wen ed.)	12.16b	killed in battle against Tung Cho in 190 (cf. <i>op. cit.</i> 1.5b)

Some of the rules discussed above bring to the fore an aspect of Chinese government which is usually neglected, not wholly without reason. It is the paternalistic aspect, where the emperor performs his role of "the father and mother of the people", providing the needy with food and clothing. The effectiveness of these measures may well give rise to scepticism, especially of the orders aimed at distributing the gifts on a nation-wide scale. Orders for doing so in smaller areas seem more realistic, but any proof is lacking. Regarding another type of regional aid, namely the orders for tax-

¹⁰⁵ The following data according to Ch'ien Ta-chao (see note 93 above).

relief in areas affected by natural disasters, Hiranaka is forced to conclude that such well-meant measures were not very effective either.¹⁰⁶

The bestowal of fiefs and degrees of aristocratic rank, as well as gifts in gold or cash — especially the latter — on enemy leaders who surrendered may be seen as attempts to win over these men with promises of economic advantages. At the same time it can be considered as an endeavour to incorporate these aliens in a purely Chinese structure, leading to their eventual assimilation.

Addendum

To my regret, it was only after having sent in the ms. of this article that I discovered that a similar list had been compiled by Kurihara Tomonobu on pp. 250–253 of his *Shin Kan shi no kenkyū*, 栗原朋信, 秦漢史の研究 (Tokyo, Yoshikawa Kōbunkan), published already in 1960! His list had a different purpose and it therefore also contains fiefs bestowed on eight Hsiung-nu and Yüeh as a reward for military action and not because they had surrendered.

¹⁰⁶ Hiranaka, *op. cit.* (see note 22 above), pp. 97–182, “Kan-dai no denso to saigai ni yoru sono genmen”, 漢代の田租と災害による其の減免.