

Model Legal and Administrative Forms from the Qin, Han, and Tang and their Role in the Facilitation of Bureaucracy and Literacy

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Abstract

This paper examines model forms from several periods and compares their structure to actual documents in the same genre. Some of the types considered include interrogation and investigation documents, registers of sick conscripts, official accusations, and last wills. I argue that the model forms from the Qin and Han were closely followed, with some minor adjustments, but that Tang model legal forms often bear little resemblance to functioning documents that survive. Model forms were important because they enabled the military and civilian bureaucracies to function more efficiently and facilitated literacy among scribes-in-training by serving as “school texts.”

Any complex bureaucracy relies heavily on forms, standardized genres of written communication suitable to different legal, administrative, or military functions. The very notion of a bureaucracy requires that the duties of each official be rationalized, and that communication between officials be standardized. Innovative written expression is discouraged, because it slows down processing and creates exceptions that are difficult for an impersonal administration to handle. Bureaucratic forms have some strong advantages. They allow a semi-literate clerk to accomplish his duties without obtaining the advanced literacy of a master scribe, and they allow the government to compile useful information quickly, from widely scattered areas.

The Qin and Han empires were the first truly bureaucratic, territorial states in the world and set the model for the later Chinese dynasties that would follow. The Legalist principles upon which the Qin polity was based stressed that members of each profession should have their proper place and that each government official should have defined duties. In the inscription that his ritual specialists left on Mt. Tai in Shandong, the First Emperor of Qin boasted that in the ideal realm he believed he had created, *jiē yǒu fǎshì* 皆有法式 (“All people have their rules and models.”)¹

According to the research of Gao Heng 高恒, the term used during the Qin and Han periods for model document forms was *shì* 式, the same word used in the First Emperor’s inscription on Mt. Tai.² The *Shuowen jiezi* 說文解字 glosses *shì* 式 with the word *fǎ* 法, which also carries the meaning of a “rule” or a “model” to be followed.³ A model form might specify the standardized textual format of a legal, administrative or military document or report, or lay out the proper pro-

1 Kern 2000, 20. The *fǎshì* 法式, “rules and models,” phrase also appears in the text of the Langye inscription (“Joyously and merrily they receive their instructions; and completely understand the rules and models”), and the Kuaiji inscription (“Initially HE standardizes the rules and models”).

2 Gao Heng 2008, 216–238. Gao publishes more examples of legal models from the Han not discussed here.

3 *Shuowen jiezi zhu* 5A.25a, 201.

cedures to be followed for an administrative or legal process. The most salient feature of model documents from the Qin, Han, and Tang periods is the use of non-specific dates, names, and locations to serve as placeholders. The date is often given as *mǒu nián*, *mǒu yuè*, *mǒu rì* 某年, 某月, 某日 (“some year, some month, some day”), or just *nián yuè rì* 年月日 (“year, month, day”). The different names of the parties involved are given as successive characters in the *tiāngān* 天干 (“heavenly stems”) series. The first person is given the name Jia 甲, the second is named Yi 乙, the third is named Bing 丙, etc. Places are referred to by phrases like *mǒuxiāng* 某鄉 (“some district”) or *mǒulǐ* 某里 (“some village,” “some ward”). The forms are designed to be flexible enough to cover most circumstances, without the scribe resorting to textual innovation. Standardized document models also allowed for the efficient collection and compilation of data from many sources. A fragmentary slip from Juyan instructs officials to

口拘(鉤)校, 令與計簿相應。放(仿)式移遣服治◇

[...] check off [the items in the list]. You are ordered to make sure that the account registers correspond to the [amounts of cash or good taken in]. *Imitate the model documents* for reporting this information to equal levels [in the bureaucracy] or in sending people out, so that it may be well managed [...].⁴

By following a standard format for such “account registers,” bureaucrats at the commandery and capital levels could more easily compile summary accounts of population, land under cultivation, and cash taken in and expended. Such summary accounts were called *huiji* 會計 and they made possible the remarkable compilations of data such as that seen on board no. 1 from the Yinwan site.⁵ Being able to compile *huiji* was considered one of the necessary skills to become a competent lower-level civil or military official in the Han, enumerated along with “managing one’s office and the common people, and knowing most, if not all, the Statutes and Ordinances.”⁶ If every locality submitted census or taxation reports in a different format, it would be impossible for even an expert scribe or accountant to compile rich and accurate census or financial information.⁷

Part One: Model Forms and Corresponding Documents of the Qin and Han Periods

The first part of this paper will examine model forms of the Qin and Han periods and investigate whether the models were followed closely in actual documents from the same genre. A collection of model legal documents was found in tomb no. 11 at Shuihudi 睡虎地, Hubei in 1975.⁸ This text was titled “Fengzhen shi” 封診式 (“Models for Sealing and Physical Examinations”), and consists of twenty-five different forms, guiding legal scribes in the composition of transcripts and the performance of procedures related to interrogations, denouncing criminals, sealing of suspected criminals’ property, prosecuting cases, and the physical examination of crime scenes and

4 *Juyan xinjian*, 1: 115 (slip no. EPT 52•576).

5 *Yinwan Han mu jiandu*, 77–78.

6 *Juyan Han jian shiwen hejiao*, 1: 343 (slip no. 13•7).

7 For further information on the compilation of summary data, see Li Junming 2009, 398–414.

8 For an introduction to this find, see Hulsewé 1978.

victims.⁹ Many of the forms appear to have been drawn up as original models, but others appear to have been distilled from actual documents, with the particulars taken out and substituted with the type of non-specific language mentioned above.

The second model in the “Fengzhen shi” collection is entitled *xinyu* 訊獄 (“Interrogating in a Legal Case”). It specifies the conditions under which judicial officials could apply torture, in the form of canings, to extract information, and it also lays out the format for the required documentation. Hulsewé’s translation (with modification) is as follows:

訊獄 凡訊獄，必先盡聽其言而書之，各展其辭，雖智（知）其誣，勿庸輒詰。其辭已盡書而毋（無）解，乃以詰者詰之。詰之有（又）盡聽書其解辭，有（又）視其它毋（無）解者以復詰之。詰之極而數誣，更言不服，其律當治（答）諒（掠）者，乃治（答）諒（掠）。治（答）諒（掠）之必書曰：爰書：以某數更言，毋（無）解辭，治（答）訊某。¹⁰

“Interrogating in a Legal Case.” In all cases of interrogating in a legal case, one should first listen fully to his words and write these down, (letting) each (of the persons questioned) set out his statement. Although (the investigator) knows that he is lying, there is no need to cross-examine immediately. When his statement has been completely written down, and there are parts that cannot be explained, then cross-examine those points that need cross-examination. On cross-examination, one has again fully listened and written down the explanatory statements, one looks again at other unexplained points and cross-examines again on these. When one has cross-examined to the limit, but he has repeatedly lied, changing his words and not submitting [to the denunciation against him], then, for those persons whom the Statutes warrant to be caned, cane them. When caning him, be sure to write down: “Report.-Because person X repeatedly changed his words and made no explanatory statement, person X has been interrogated with caning.”¹¹

According to this legal model, if a person involved in a legal case were questioned with judicial torture, a report had to be filed (probably with the County Magistrate’s court) that followed the model format:

爰書：以某數更言，毋（無）解辭，治（答）訊某。

Report: Because person-X repeatedly changed his words and made no explanatory statement, person X has been interrogated with caning.

The presence of this report in a case file would cast some doubt on the genuineness of the confession and would encourage the legal officials to verify the person’s guilt with other more concrete evidence or testimony.

The cache of legal documents from Zhangjiashan, tomb no. 247 contains a case dated to the Qin Dynasty, which involves the improper use of judicial torture in a case involving the theft of a cow.¹² In that case, the officials tortured both the real culprit, a habitual liar named Mao, and an innocent musician named Jiang, who was fingered by Mao under torture. It is

9 See McLeod and Yates 1981. The text is also fully translated and annotated in Hulsewé 1985. A few of the cases are also discussed in Bodde 1982.

10 *Shuibudi Qinmu zhujian*, 148 “Fengzhen shi,” (slip nos. 2–5).

11 Hulsewé 1985, 184 (E2); cf. McLeod and Yates 1981, 131–133.

12 *Zhangjiashan Han mu zhujian*, 100–103. For an English translation of the case, see Csikszentmihalyi 2006, 29–35.

clear, in that case, that the judiciary scribes who conducted the interrogations did not submit the proper reports declaring that they had tortured both Mao and Jiang. Jiang later appealed his conviction under the Qin appeals process. When his airtight alibi was verified, and it was physically confirmed that he had been tortured during interrogation, his sentence was removed, and the officials involved likely received fines for making a mistake in sentencing.

The third model in the “Fengzhen shi” collection is entitled *yǒujū* 有鞠 (“On Trial”). It provides a model form used to notify county officials that a person in their jurisdiction was under investigation, and to inquire about any previous crimes that he might be liable for, and to order the officials to seal his property and the persons of his household, pending the outcome of the trial. Hulsewé’s translation (with modifications) is as follows:

有鞠 敢告某縣主：男子某有鞠，辭曰：「士五（伍），居某里。」可（何）定名事里，所坐論云可（何），可（何）罪赦，或覆問毋（無）有，遣識者以律封守，當騰騰，皆為報，敢告主。¹³

On Trial. We dare to report to the (official) in charge of X County: the male, X, is on trial. In his statement he said, “I am a rank-and-file commoner; I live in X village (or ward).” What is his determined name, occupation, and village (or ward)? For what crimes is he liable or been sentenced for? Which crimes have been amnestied? Has perhaps he been reinvestigated or not? Dispatch persons who recognize (his property) to seal and guard (his property etc.) according to the Statutes. [You] should act post-haste; for every matter, send a reply. Of this I beg to inform the official in charge (of the County).¹⁴

Several slips discovered at Juyan are clearly “on trial” notification documents, based on this Qin format. Some reproduce the language exactly (specifically, example no. 3), but all are fragmentary, so it is not possible to know how closely they imitated the entire Qin model. The first two examples specifically mention *xishū* 繫書 (“detention documents”), which are nowhere found in Qin cases or models and may have been an early Han innovation.¹⁵

1. 鞠，毆（繫）到，定名縣爵里年◇。¹⁶

On Trial. When the detention document arrives, determine [the person’s] name, county, rank, village, age...

2. 建平四年四月。□召宣，有鞠，教（毆（繫））¹⁷書到，定名□□◇。¹⁸

In the fourth month of the fourth year of the Jianping era [May 15–June 13th, 3 BCE]. X Zhaoxuan is on trial. When the detention document arrives, determine [the person’s] name,...

13 *Shuohudi Qinmu zhujian*, 148 “Fengzhen shi,” (slip nos. 6–7).

14 Hulsewé 1985, 185–186 (E4); cf. McLeod and Yates 1981, 133–137.

15 Detention documents were required whenever someone was incarcerated. They presumably provided the authority and justification for holding someone in detention. In case no. 16 from the “Zouyan shu” collection, found in Zhangjiashan tomb no. 247, the fact that no detention documents were generated when Jia was incarcerated leads to suspicion that reveals the cover-up of the murder by Magistrate Xin and his cohort. See *Zhangjiashan Han mu zhujian*, 98–100. There, they are called *xidié* 毆（繫）牒 (“wooden boards [concerning] detention”).

16 *Juyan Han jian shiwen hejiao*, 1: 395 (slip no. 239•46).

17 Gao Heng (2008, 232 note 1) argues that *jiào* 教 is a scribal error for *xī* 毆（繫） (“to detain”).

18 *Juyan xinjian*, 1: 188 (slip no. EPT 65•122).

3. □武(或)¹⁹復問毋有, 云何? 得, 盜械。²⁰

[...] and whether he has been reinvestigated or not. Why? He was captured, and placed in a robber's manacles.

Model no. 20 in the “Fengzhen shi” collection is entitled *jīngsǐ* 經死 (“Death by Hanging”). It actually consists of two manuscript sections that are closely related. The first section gives a model report from a Foreman Scribe reporting a death by hanging. This model contains so many specific and graphic details that it appears to have been distilled from an actual report of a hanging, with the names and places changed to non-specific language. It was selected to present as a model in the collection, because the investigating scribe performed all the proper observations. The first manuscript section ends with an “attention mark,” a form of punctuation alerting the reader to the end of the scribe’s exemplary report. The second part of the text is a commentary on the model, pointing to the key elements in a proper investigation of a hanging and concluding with the injunction that the scribes must find a motive for any suicide. What follows is Hulsewé’s translation (with modifications):

經死 爰書：某里典甲曰：「里人士五（伍）丙經死其室，不智（知）故，來告。」·即令令史某往診。·令史某爰書：與牢隸臣某即甲、丙妻、女診丙。丙死（屍）縣其室東內中北廊權，南鄉（嚮），以象索大如大指，旋通繫頸，旋終在項。索上終權，再周結索，餘末袤二尺。頭上去權二尺，足不傳地二寸，頭北（背）傳廊，舌出齊唇吻，下遺矢弱（溺），污兩卻（脚）。解索，其口鼻氣出涓（喟）然。索迹椒鬱，不周項二寸。它度毋（無）兵刃木索迹。權大一圍，袤三尺，西去堪二尺，堪上可道終索。地堅，不可智（知）人迹。索袤丈。衣絡禪襦、帶各一，踐□。即令甲、女載丙死（屍）詣廷。◊

診必先謹審視其迹，當獨抵死（屍）所，即視索終，終所黨有通迹，乃視舌出不出，頭足去終所及地各幾可（何），遺矢弱（溺）不斃（也）？乃解索，視口鼻涓（喟）然不斃（也）？及視索迹鬱之狀。道索終所試脫頭；能脫，乃□其衣，盡視其身、頭髮中及篡。舌不出，口鼻不涓（喟）然，索迹不鬱，索終急不能脫，□死難審斃（也）。節（即）死久，口鼻或不能涓（喟）然者。自殺者必先有故，問其同居，以合（答）其故。²¹

“Death by Hanging.” Person A, Chief of X Village stated: “The rank-and-file commoner C of (my) village has died by hanging in his house; I do not know the reason. I have come to report.” Forthwith, the Foreman Scribe X was ordered to go and make a physical examination.

Transcript from Foreman Clerk X: “Together with the Prison Bondservant X, (village Chief) A, C’s wife, and his daughter I physically examined C. C’s corpse was hanging on a rafter of the north wall of the east room of his house, facing south. He had used a hemp rope, as thick as a thumb, and looped it, tying the neck, with the loop-knot on the nape of his neck. The upper end of the rope was knotted on the rafter, winding it around twice and tying the rope; the remainder was not quite two *chi* long. His head was two *chi* distant from the rafter; his feet did not touch the ground (but for) two *cun*. His head and back touched the wall. His tongue was level with his lips. Feces and urine had been discharged, soiling both legs. When the rope was untied, the air of his mouth and nose escaped like a sigh. Along the trace of the rope there was congealed blood around his neck except for two inches. Elsewhere, there were no traces of sharp weapons, wood or rope. The rafter was one span thick and three *chi* long; to the west, it was two *chi* away from

19 Gao Heng (2008, 232 note 3) argues that *wǔ* 武 (“martial”) is a scribal error for *huò* 或 (“perhaps”).

20 *Juyan Han jian shiwen hejiao*, 1: 343 (slip no. 214•124).

21 *Shuibudi Qinmu zhujian*, 158–159 “Fengzhen shi,” (slip nos. 63–72).

an earthen platform. From the top of the platform it was possible to lead and knot the rope. The soil was hard, so that it was not possible to recognize people's footsteps. The length of the rope was one *zhang*. He was dressed in an unbleached hemp jacket and skirt, one piece of each. He was barefoot. Thereupon, an order was given to A and the daughter to transport C's corpse and take it to the (County) Court." [end of manuscript section 1]

When conducting a physical examination, it is essential first carefully to examine and visually inspect the traces. One should go alone to the place where the corpse is and visually inspect the knot of the rope. If at the place of the knot there are traces of a noose, then observe whether the tongue protrudes or not, how far the head and the feet are distant from the place of the knot and the ground, and whether he had discharged feces and urine or not. Then, untie the rope and observe whether mouth and nose emit a sigh or not. Then, observe the condition of the blood-congealing along the trace of the rope. Try to free the head from the knot in the rope, and if you can free it, then ... his clothes and completely observe his body, from inside the hair on his head down to the perineum. If the tongue does not protrude, if mouth and nose do not emit a sigh, if there is no congealed blood along the trace of the rope, if the knot in the rope is so tight that it cannot be slipped off, ... death is difficult to investigate. Since he has been dead for a long time, mouth and nose may perhaps not be able to produce a sigh. People who kill themselves must first have had reasons. Question his co-residents in order to have them reply concerning the reasons.²²

Registers of Sick Conscripts

Among the several types of *mingjí* 名籍 ("name registers") found at the Juyan site is one titled *bingzú mingjí* 病卒名籍 ("Name Register of Sick Conscripts"). Based on several title slips of this register type found at the site, they appear to have been filled out on a monthly basis by each *sui* 隧/隧 ("section") and compiled centrally by the *hòuguān* 候官 ("company").²³ Based on other slips, it appears that the company then compiled these into *yuánshū* 爰書 ("reports") and filed these with higher authorities in the military structure (such as the *dūwèi* 都尉, "Commandant" at the commandery seat).²⁴ The prescribed model format for a register of sick conscripts from the sections is found in the fragmentary text of an ordinance from Juyan. The ordinance provides the proper format for reporting the illnesses of conscript soldiers under the jurisdiction of the company.

病年，月，日，署所，病偷（愈），不偷（愈）。報名籍候官，如律令。²⁵

Year, month, and day of the illness; location of office or post; whether the illness is improving or not improving. Report the name register to the company, according to the Statutes and Ordinances.

Several fragments of actual name registers of sick conscripts were also found at Juyan, and they appear to follow closely the model outlined in the just-quoted ordinance, although the

22 Hulswé 1985, 200–201 (E21); cf. McLeod and Yates 1981, 155–157.

23 For two of these title slips, see *Juyan Han jian shiwen hejiao*, 1: 79 (slip no. 45•15); *Juyan xinjian*, 1: 140 (slip no. EPT 56•210). For an explanation of these military titles, see Loewe 1967, 1: 76, 90; 2: 385.

24 See *Juyan Han jian shiwen hejiao*, 1: 424 (slip no. 255•40A), which reads "The *hòuguān* carefully copied and transmitted one report of the sick conscripts. We dare to speak of this." The humilific language suggests that the *hòuguān* was reporting this to higher authorities. See also the similar slip in, *Juyan Han jian shiwen hejiao*, 1: 73 (slip no. 42•11A).

25 *Juyan Han jian shiwen hejiao*, 1: 104 (slip no. 58•26).

actual documents usually mention the person's post and given name before the date of the illness. (Numbers 2–9 below are from the same register).

1. 當曲隧左道十月丙寅病左右脛雍（腫）。²⁶
Dangqu-section (conscript) Zuo Dao, in the tenth month, on the *bingyin* day, became ill. His left and right shins are swollen.
2. 弟廿四隧卒高自當以四月七日病頭慙（痛）四節不舉。²⁷
Twenty-fourth-section conscript Gao Zidang, on the seventh day of the fourth month, had pain in his head, and could not raise his four limbs.
3. 鉞庭隧卒周良四月三日病苦◇²⁸
Bingting-section conscript Zhou Liang, on the third day of the fourth month was severely ill [...].
4. 弟二隧卒江譚以四月六日病苦心脹（腹）丈（脹）滿。²⁹
Second-section conscript Jiang Tan, on the sixth day of the fourth month was severely ill. His chest and abdomen were swollen and distended.
5. 弟卅一隊卒王章以四月一日病苦傷寒。³⁰
Thirty-first-section conscript Wang Zhang, on the first day of the fourth month was severely ill, injured by cold.
6. 弟一隧卒孟慶以四月五日病苦傷寒。³¹
First-section-conscript Meng Qing, on the fifth day of the fourth month was severely ill, injured by cold.
7. 弟卅七燧卒蘇賞三月旦病兩肱，箭急少愈。³²
Thirty-seventh-section conscript Su Shang, on the first day of the third month, had sickness in his two flanks; after *jianji* (type of treatment?), he has slightly improved.
8. 弟卅三燧卒公孫譚三月廿日病兩肱，箭急未愈。³³
Thirty-third-section-conscript Gongsun Tan, on the twentieth-day of the third month, had sickness in his two flanks; After *jianji* (type of treatment?), he has not yet improved.
9. 弟卅一燧卒尚武四月八日病頭痛寒暄，飲藥五劑（劑）未愈。³⁴
Thirty-first-section-conscript Shang Wu, on the eighth day of the fourth month, became ill with pain in his head, and fever with chills. He drank five preparations of medicine, but has not yet seen improvement.

The prevalence of swollen limbs, distended abdomens, and headaches has prompted one scholar to speculate that scurvy was a major problem on the defense lines of the Han.³⁵ The

26 *Juyan Han jian shiwen hejiao*, 2: 458 (slip no. 272•35).

27 *Juyan Han jian shiwen hejiao*, 1: 4 (slip no. 4•4A).

28 *Juyan Han jian shiwen hejiao*, 1: 4 (slip no. 4•4A).

29 *Juyan Han jian shiwen hejiao*, 1: 5 (slip no. 4•4A).

30 *Juyan Han jian shiwen hejiao*, 1: 5 (slip no. 4•4A).

31 *Juyan Han jian shiwen hejiao*, 1: 5 (slip no. 4•4A).

32 *Juyan Han jian shiwen hejiao*, 1: 5 (slip no. 4•4B).

33 *Juyan Han jian shiwen hejiao*, 1: 5 (slip no. 4•4B).

34 *Juyan Han jian shiwen hejiao*, 1: 5 (slip no. 4•4B).

35 Chen Yanliang 2010.

form for reporting conscripts' illnesses was simple to the extreme, fairly easy for semi-literate soldiers to fill out, and easy to compile at superior levels of the bureaucracy. Whether such reports were ever forwarded beyond the commandery level is unknown, and there is no proof that such reports of illnesses or injuries ever led to changes in frontier policy or provisioning. I suspect that these registers were compiled just for the sake of compiling them, for military reporting is often its own *raison d'être*.

Official Accusations

A criminal charge lodged by an official against another official or against a non-official was referred to by the legal term, *hé 劾* ("official accusation"). A criminal charge lodged with the authorities by a non-official was called a *gào 告* ("denunciation"). The sentencing of an individual for a crime could not take place without a *gào* ("denunciation") or *hé* ("official accusation").³⁶ Whereas a *gào* was initially written down based on the oral testimony of the accuser, scholars have determined that *hé* followed a very specific documentary format based on models.³⁷

Based on header slips, the first portion of a completed official accusation was properly called the *hé 劾*:

- 右劾及狀³⁸

At the right is an official accusation and the descriptive statement of the accuser.

It began with a narrative description of the crime, including the exact date and time of the infraction, and the name, residential registration, and status of the accused. It closed with an *àn 案* ("investigation") of what crime was committed and a report of the current status of arrest and investigation. The second part of the official accusation was called the *zhuàngcí 狀辭* ("descriptive statement of the accuser"). It was actually composed first in time and represented the initial accusatory statement made by the accuser. It presented information regarding the identity and status of the accuser and a narrative of the facts of the crime. When these facts were investigated and verified, the text of the first part, the *hé*, was composed, and the *zhuàngcí* became merely an appendix. Finally, some phrases were included to transmit the document for processing.

The *hé* that have been found are quite uniform in their layout, but no complete model for writing a *hé* has yet been discovered. However, one accusation draft retains some language quoting from a model. It states that

狀辭皆曰名爵縣里年姓官祿各如律皆◇³⁹

The descriptive statement of the accuser (*zhuàngcí*) portion always states *the given name, rank, county, village/ward, age, surname, and official post and salary-grade* (if applicable) [of the accuser], each according to the Statutes.

36 See the statute in *Zhangjiashan Han mu zhujian*, 24 (slip no. 113).

37 For an analysis of the "official accusations" from Juyan, see Gao Heng 2001; For complete transcriptions of most of these dossiers, see also Li Junming 2009, 70–78. For a detailed analysis of one accusation dossier, see Takatori Yuji 2001.

38 *Juyan xinjian*, 1: 201 (slip no. EPT 56•118).

39 *Juyan xinjian*, 1: 201 (slip no. EPT 68•34).

In addition, a key phrase found in many official accusations from lower-level officials was

以此知而劾無長吏使〔劾者〕⁴⁰

I make the official accusation because of personal knowledge of this (crime). In no respect, was I instigated by a senior official [to make this accusation].

This phrase is so uniform in known examples that it must have come from a model form. The phrase served as a legal safeguard, to attest that the lower-level official was not bringing the charge at the behest of his superior, who might have had ulterior motives. Based on such incidents recorded in the *Han shu*, this corrupt practice must have been common in officialdom.⁴¹

The range of crimes seen in the Juyan official accusations is mainly limited to border-related offenses, which makes sense given the location and the military duties of the officials making the accusations. The offenses mentioned in the accusations include such crimes as unauthorized border crossings, taking government weapons, moving contraband, and improperly carrying out one's duties. What follows is a nearly complete official accusation from the Juyan site, dated precisely to February 9th, 30 CE. It not only provides valuable information on the format of official accusations, but also contains dramatic information on Xiongnu raiding tactics and Chinese signaling techniques at the northwest frontier.

建武五年十二月辛未朔戊子，令史 劾將褒 [EPT68•81] 詣居延獄以律令從事。
[EPT68•82]

迺今月十一日辛巳日且入時，胡虜入甲渠木中 [EPT68•83] 隧塞天田，攻木中隧。隧長陳陽為舉墩上二 [EPT68•84] 烽，塢上大表一，燔一積薪。城北隧助吏李丹 [EPT68•85] 候望見木中隧有煙，不見烽。候長王褒即使 [EPT68•86] 丹騎驛馬一匹馳往逆辟，未到木中隧里所，胡虜四步入， [EPT68•87] 從河中出，上岸逐丹，虜二騎從後來，共圍遮，略得丹及所騎 [EPT68•88] 驛馬，持去。案：褒典主而擅使丹乘用驛馬， [EPT68•89] 為虜所略得，失亡馬。 [EPT68•90] 褒不以時燔舉，而墩上一莛火，燔一積薪，燔舉不 [EPT68•91] 如品約，不憂事邊。 [EPT68•92] 狀辭曰：上造居延累山里，年冊八歲，姓周氏，為 [EPT68•93] 甲渠候官斗食令史，以主領吏備寇虜為 [EPT68•94] 職。乃今月十一日辛巳日且入時，胡虜入木中 [EPT68•95] 隧塞天田，攻木中隧。隧長陳陽為舉墩上二烽，塢上 [EPT68•96] 大表一，燔一積薪。城北隧助吏李丹候望見 [EPT68•97] 木中隧 候長王褒即使丹騎驛 [EPT68•98] 馬一匹馳 里所，胡虜四步入，從 [EPT68•99] 得丹及所騎驛馬 [EPT68•100] 丹乘用驛馬 [EPT68•101] 舉墩上莛火 [EPT68•102] ⁴²

In the fifth year of the Jianwu reign-period [of the Guangwu Emperor of the Han] on the *wuzi* day of the twelfth month, whose first day fell on a *xinwei* day [February 9th, 30 CE], the Foreman

40 *Juyan xinjian*, 1: 202 (slip nos. EPT 68•52, 65–66).

41 According to *Han shu* 76.3204, Zhao Guanghan has certain officials of Chang'an bring a false accusation against someone on his behalf.

42 *Juyan xinjian*, 1: 203 (slip nos. EPT 68•81–102). Li Junming places the slips in a slightly different order, based on his understanding of the format. He places slip nos. 83–92 first, followed by slip nos. 81 & 82, then slip nos. 93–102. He also believes that two slips are missing before slip no. 83, two are missing after slip no. 99, and two or three are missing after slip no. 102. Cf. Li Junming 2009, 72–73.

Scribe [Zhou Li]⁴³ denounced Platoon Leader [Wang] Bao and brought him to the jail at Juyan [headquarters] so that matters could be carried out according to the Statutes and Ordinances.

This year, in the current month, on the eleventh day (a *xinsi* day) [February 2, 30 CE] between 5:00–7:00 pm, Xiongnu caitiffs entered the “heavenly fields” (*viz.* sand detection fields) of Muzhong Section of Jiaqu Company and attacked Muzhong Section. Section Commander Chen Yang raised two signal-beacon fires (*fēng*) on the rampart [of the watch-tower], and lowered one large signal banner (*biǎo*) on [face of] the wall, and lit one signal-pile of firewood [kept behind the lines]. The assisting official of Chengbei Section, Li Dan, observed from a distance that Muzhong Section was emitting smoke, but he did not see the signal-beacon fires. The Platoon Leader, Wang Bao, thereupon sent Dan out on a postal-relay horse to gallop there and confront and punish [the marauders]. He had not yet arrived at the location of Muzhong Section’s residential village, when four Xiongnu caitiffs, walking on foot, emerged from the river, mounted the bank, and pursued Dan. Two mounted caitiffs arrived from the rear, and together they surrounded and blocked the path of Dan, abducted him and the postal horse he was riding, taking them away and departing.

Investigation: Bao was in charge, but on his own authority, he sent Dan out riding a postal-relay horse. Dan was abducted by the caitiffs, and the horse was lost. Bao did not burn [the fires] or raise [the signals] according to the proper time, but only lit one torch fire on the rampart, and burned one pile of firewood [behind the lines], but the burnings [of fires] and the raising [of signals] were not according to the regulations,⁴⁴ and he was not sufficiently concerned with his duties at the frontier.

The Descriptive Statement of the Accuser said: Holder of Sovereign’s Accomplished (*shàngzào*) rank; [resident of] Leishan Village of Juyan town; thirty-eight *sui* in age; surnamed Zhou; [his post is as] Foreman Scribe, whose salary is classed in terms of *dōu*, of Jiaqu Company; his duties encompass managing and leading the officials to prepare against robbers and caitiffs. In the current year, in the current month, on the eleventh day (a *xinsi* day) [February 2, 30 CE] between 5:00–7:00 pm, Xiongnu caitiffs entered the “heavenly fields” (*viz.* sand detection fields) of Muzhong Section and attacked Muzhong Section. Section Commander Chen Yang raised two signal-beacon fires (*fēng*) on the rampart [of the watch-tower], and lowered one large signal banner (*biǎo*) on [face of] the wall, and lit one signal-pile of firewood [kept behind the lines]. The assisting official of Chengbei Section, Li Dan, observed from a distance that Muzhong Section The Platoon Leader, Wang Bao, thereupon sent Dan out on a postal-relay horse to gallopat the location of Muzhong Section’s residential village, when four Xiongnu caitiffs, walking on foot, from... .. abducted him and the postal horse he was riding...Dan was riding a postal-relay horse...raised a torch-fire on the rampart...

It is clear that the scribe who wrote this official accusation was following a model text, for the order of particulars in the “descriptive statement of the accuser” follows the model’s sequence of rank, county, village, age, surname, post, and salary-grade, only omitting the given name (*ming*), which occurs in nearly all the examples.

To summarize the findings from the first part of this paper, I argue that the Qin and Han empires used model document forms to standardize written communication in the civilian and military bureaucracy. Based on a comparison of model document forms and actual documents from the same genre, it appears that real documents often did follow the models very closely.

43 On slip no. 81, the name of the Foreman Scribe bringing the accusation is left out by the copyist. In the “Descriptive Statement of the Accuser” we learn that his surname was Zhou 周. This same person is mentioned in another accusation dossier (EPT 68•13–28), with the given name of Li 立.

44 The regulations concerning what types of signals to issue under different conditions are partially found in *Juyan xinjian*, 1: 207 (slip nos. EPF 16•1–16).

Sometimes, certain portions of the model were abbreviated or omitted, or the order of the particulars was rearranged, but generally real documents were faithful to the models.

Part Two: Model Wills and Actual Wills from Late-Tang Dunhuang

Model documents continued to be used in literate contexts in China throughout the post-Han period, with many of the same technical features, but the terminology used to refer to them changed. During the late Six Dynasties and throughout the Tang period, models forms were referred to as *shūyí* 書儀 (“Writing Observances”), and were often included in large collections covering models for different types of documents.⁴⁵ This part of the paper looks at model wills from the late Tang period, found at cave no. 17, Dunhuang, and compares their format to actual testamentary documents discovered in the same cache.

Legal documents such as lawsuits, contracts, and wills can provide a very detailed and personal context when reconstructing a portrait of traditional Chinese society. Unfortunately, because they do not belong to the category of high literature, such documents are rarely preserved. Wills provide an especially broad insight because they speak of concepts of death and the afterlife, family structure, legal channels, and categories of personal possessions. The earliest known testamentary document uncovered in China was written in 5 CE on sixteen bamboo slips and placed in the grave of a man named Zhu Ling.⁴⁶ Called a *xiānlǐng quànshū* 先令券書 (“Written Contract of Directives Given Prior to Decease”), it instructs several local officials to carry out a distribution of property among the surviving members of a very complex family. The next oldest will be found within the Chinese sphere of influence was found in the Turfan kingdom of Gaochang (Khocho) and is dated 627 CE.⁴⁷ Though the paper of the will was damaged from later use as shoe linings, the primary text of the will is clear. After the bequests, the document mentions that each heir is to be given a copy of the will. Other fragments of the same will indicate that it was signed by the participants and then registered with the *mínbù* 民部 (“Census Bureau”) of the Gaochang Kingdom.

The famous cache of documents from cave no. 17 at Dunhuang, discovered at the beginning of this century, has surrendered at least nine more testamentary documents, both model wills and actual wills.⁴⁸ Dated to the ninth and tenth centuries CE, these documents provide evidence for how wills functioned in medieval Chinese society. The corpus of Dunhuang wills was studied early on by Lionel Giles, the cataloguer of the Stein Collection in London. In a review of several dated documents, he provided a complete translation of the best-preserved will from Dunhuang (S.2199).⁴⁹ About the same time, the famous Japanese legal

45 Yamamoto and Ikeda, 3A: 17–18.

46 Hinsch 1998; Yamamoto and Ikeda, 3A: 168 (53), 參考 no. 12. The original report of this excavated document is found in Yangzhou Bowuguan 1987. Further analysis can be found in Chen and Wang 1987.

47 A transcription can be found in Yamamoto and Ikeda, 3A: 68–69 (152–153), no. 212. An English translation is provided in *Tun-huang and Turfan Documents*, 3A: 32.

48 For a brief introduction to the Dunhuang manuscript finds and their history and bibliography, see Wilkinson 2000, 826–835.

49 Giles 1939, 1029–1030. In this paper, the letter “S” indicates a manuscript in the Stein Collection, while a “P” indicates a manuscript in the Pelliot Collection in Paris, followed by the number of the manuscript

historian of China, Niida Noboru 仁井田陞 (1902–1966), published his monumental work on Tang and Song law, *Tō-Sō hōritsu bunsho no kenkyū* 唐宋法律文書の研究. In addition to Yuan and Song period wills preserved from temples, Niida included two of the Dunhuang wills (S.2199, P.3410), providing detailed commentary for understanding their structure.⁵⁰ In his later work, *Chūgoku hōseishi kenkyū* 中国法制史研究, Niida became aware of additional testamentary documents (the model wills) in the Stein Collection and provided transcriptions of these with brief commentary.⁵¹ In the 1950s, the French Sinologist Jacques Gernet investigated the economic aspects of those Dunhuang wills made by nuns and monks (S.2199, P.3410), concentrating on the distinctions between bequests to lay family and those to monastic institutions.⁵² More recently, beginning in the 1970s, Yamamoto Tatsuro 山本達郎 (1911–2001) and Ikeda On 池田温 (1931–) have done scholars a great service by compiling all of the known Chinese wills in their monumental work collecting the economic and legal documents from Turfan and Dunhuang, *Tun-huang and Turfan Documents Concerning Social and Economic History*.⁵³

The nine wills from Dunhuang fall into two different categories: model wills that provide a ready-made legal framework for scribes and actual wills of near-death individuals, complete with bequests, witnesses, and signatures. The purpose of this section of the paper is to discern the structure of the model wills and to compare their language and format to that found in the testaments of actual individuals.

Model Wills Found at Dunhuang

Among the many “secular” documents found at Dunhuang are several collections of model forms. These pro-forma documents provide ready-made, boilerplate language for common legal transactions such as wills, divorce, division of estate by brothers, adoption of a son, and manumission of servants. The documents use non-specific language for the date and the names of the participants involved and utilize such instructional asides as “list the bequests after this point.” Most are clearly school texts, copied by unskilled hands, though one is written in more polished calligraphy and bound in a booklet format. Unlike the official legal and administrative models seen in Part One of this paper, these later pro-forma documents may have been used by non-official scribes, working in front of temples or in the marketplace, who would sell their document-drafting services for a fee. This would also explain the wide range of model forms found in the Dunhuang cache, including those for prayers and talismans. To construct an actual document, the scribe would copy a certain amount of the boilerplate language to provide a framework and then fill in the particulars of the current client. Just such an expedient legal

in standard catalogues. During visits in November of 2000, I was able to inspect the original manuscripts in the British Library in London and the Bibliothèque nationale de France in Paris.

50 Niida Noboru 1937, 638–649.

51 Niida Noboru 1959–1964, 3: 578–581, 4: 41–42, 54–58.

52 Gernet 1995, 80–84. This is a translation of Gernet 1956.

53 Throughout part two of this paper, I have mostly relied on the transcriptions and edits provided by Yamamoto and Ikeda, while checking these against the original manuscripts in London and Paris, prints from the microfilms found in *Dunhuang baozang* and alternate transcriptions in Tang Geng’ou 1986–1990.

practice is still used today in the United States, saving time for the lawyers and reducing the cost for the client who possesses an uncomplicated case. Model wills comprise a significant portion of the legal forms found at Dunhuang. After investigating the physical whereabouts and characteristics of the known examples, I will analyze the model wills as a particular genre of literature, laying out basic features common to many of them.

Physical Characteristics

The six known model wills from Dunhuang are combined with other model documents or prayers and written on three paper scrolls and one butterfly booklet of folded pages. On the scrolls, they are usually written on the verso side, the recto side being taken up with religious texts such as sutras or prayers. The writing on the forms varies from crude to novice-level calligraphy and displays numerous orthographic errors and phonetic loans. These are often corrected with the use of editorial marks. This is one of several indications that these manuscripts were used as practice sheets for scribes in training, often referred to by modern scholars as ‘school texts.’ Once fully trained, I would argue that scribes probably produced booklets like S.5647 to take along on the job as ready reference works.

1. Stein 343 verso: This manuscript, which is dated by Yamamoto and Ikeda to the ninth century CE, takes the form of a scroll of yellow paper, 4.2m long.⁵⁴ On the recto side there are various forms for prayers. Various fragments of texts and copied forms, written in different hands, occupy the verso side. Among these texts are a model will (S.343v, lines 1–11), manumission forms for both male and female servants, and a model divorce form. There are marks on the verso manuscript in several places that make it apparent that it had been edited and corrected by someone after it had been drafted. There are long vertical rule-lines on some sections to correct the scribe’s slanting columns. Reading marks follow certain characters, incorrect characters are amended off to the side, and forgotten characters of set phrases are sometimes wedged in the margins. These and a number of orthographic errors and phonetic loans give one reason to suspect that this document was created as a copying exercise by several students of moderate literacy.
2. Stein 5647: This collection, dated by Yamamoto and Ikeda to the tenth century CE, takes the form of a small booklet of 14 folio pages on buff paper.⁵⁵ Each page contains from four to eight lines of vertical text. The little booklet measures a mere 8x7 cm. The first page is damaged by soiling, but several lines are still legible. The first fragmentary document in the booklet is a model will (S.5647, lines 1–14). This is followed by another model will which appears to be more of a final moral lesson by parents than a property distribution document (S.5647, lines 15–39). The final forms in the booklet are ones for estate division among brothers and one for adoption. The text of the booklet is marred by many incorrectly or poorly written characters, as well as numerous phonetic loans. Some incorrect characters are blotted out with ink, but in one case, a small piece of paper has actually been pasted over a passage and new characters written

54 Giles 1957, entry. no. 6439. See Yamamoto and Ikeda, 3A: 150–151 (70–71), no. 487 [edited text]; 3B: 119, pl. no 119 (239–241) [plates].

55 Giles 1957, entry no. 5917. See Yamamoto and Ikeda, 3A: 156–158 (63–65), no. 495 [edited text]; 3B: 130 pl. nos. 130–133 (258–262) [plates].

upon it. One passage is accompanied by dotted lines along the side, which may indicate an editor's preference for striking the whole phrase. Small booklets like S.5647 are some of the earliest book forms in China and provided the benefits of quick reference to certain pages and ease of mobility. A scribe in training may have created this booklet to take with him on the job, possibly in the marketplace, so that he could create common legal documents with relative ease.

3. Stein 6537 verso: This long manuscript scroll, dated by Yamamoto and Ikeda to the tenth century CE, includes the most model legal forms of any document in this survey and the only identifiable author.⁵⁶ The front of the long (11.9m) manuscript contains a very neat copy of a Buddhist treatise, possibly the *Jingang ying* 金剛映.⁵⁷ The verso side contains an enormous assortment of different forms and fragments of texts. The first set of these comprises adoption, divorce, and manumission forms, a model will (S.6537v, lines 41–48), and an estate division form. Still in the same hand, it continues with a club rules form, a model letter, another will (S.6537v, lines 108–121), another divorce form, and another club circular. At this point (lines 150–151), the author writes, 正月廿五日淨土寺僧惠信書耳 (“Copied by the monk Huixin of the Jingtū Monastery on the 25th day of the first month”). The colophon confirms that this set of model forms was written within a monastery by a Buddhist monk. The rest of the scroll, written in several different hands, is composed of Buddha tales, model letters, poetry, and a few lines of a Buddhist text. Apparently, the verso side of the paper scroll on which the fragmentary Buddhist treatise was written found subsequent use by several authors as a practice sheet for copying out texts, including model wills. The section of forms written by Huixin contains numerous errors. Characters are reversed and then corrected with flip-marks, semantic classifiers (“radicals”) are often non-standard or missing entirely, and the basic formation of some simple characters is incorrect. Huixin is evidently a young monk with limited writing experience. He certainly could not have written the elegant treatise found on the recto side of the same manuscript scroll.
4. Pelliot 4001: This damaged manuscript is extremely dark and difficult to read. It apparently dates to the tenth century CE.⁵⁸ It contains the texts of a model divorce letter, followed by a model will (P.4001, lines 9–17). At the fragmentary left portion of the document, only the beginning title of a property division form is preserved. As with all the other documents, P.4001 is written in a rather unskilled hand. The characters are muddled; forgotten characters are wedged in; and in one case, two characters are reversed and later corrected with a flip-mark. There seems to be an actual seal after the opening and closing title of the divorce letter, despite the fact that it does not seem to be an actual bill of divorce.

56 Giles 1957, entry no. 5941. See Yamamoto and Ikeda, 3A: 151 (70), no. 488 [edited text]; 3B: 124–129, pl. nos. 124–129 (249–257) [plates].

57 This appears to be a preface to a commentary on the “Diamond Sutra.”

58 See Yamamoto and Ikeda, 3A: 154 (67), no. 489 [edited text]; 3B: 120 pl. no. 120 (242–243) [plates]. See also the catalog entry in Soyumié 1995.

Format of the Model Wills

The six known model wills from Dunhuang share many similarities of format and phrasing, but they are not identical forms. They draw on a large body of set phrases from literature, law, and religious texts, and recombine these into unique constructions. There was clearly no legislated proper “model” for a binding will, and in that way, these documents differ from the administrative and legal forms seen in Part One of this paper. The following features are common to many of the model wills and could be said to constitute the genre of the form. Though the sequence of the clauses in the wills varies somewhat, they appear in roughly the following order:

Lament on the Nature of Life

Some of the model wills open with a poetic lament on the transitory or illusory nature of existence. The following is a particularly effective example.

夫悲世事以哀，然命應南閻，氣如風燭。人生共壽百歲，七十者希（稀）。暫住世間之生榮，現而魯電（殿）⁵⁹之光炎。⁶⁰

Now, we commonly lament the worldly affairs and are moved by them with grief. Thus, one’s life is fittingly carried out in this mortal realm (*Jambudvīpa*),⁶¹ where the breath of life is like a candle flickering in the wind. The lifespan of a man could amount to as much as a century, yet those who reach seventy are rare. One resides temporarily in this world, appearing in a bright florescence, yet burns up like the Lu Lingguang Palace.⁶²

Declaration of Impending Death

The opening of nearly every model will begins with a statement of the dire physical condition and the impending death of the individual making the will. Apparently, no one who was in good health ever commissioned a will! This poor physical condition is sometimes given as the primary reason the will was being drafted at that moment. In this section of the models, no ink is spared in describing the pain, weakness, and suffering the individual is experiencing. Often, these descriptions are couched in four-character phrases and allusions to literature. Some examples include:

身染患疾，已經累旬，種=（種）醫療，未蒙抽咸（減）⁶³。⁶⁴

My body is racked with disease and troubles, and this has gone on for many weeks. I have tried many doctors and treatments, but have not met with any lessening of the disease.

59 *Diàn* 電 (“lightning”) is a loan for *diàn* 殿 (“palace hall”).

60 S.6537v, lines 108–110.

61 *Nānyán* 南閻 is an abbreviation of *nānyán fúti* 南閻浮提, a transliteration of the Sanskrit *Jambudvīpa*. In Indian cosmology, this was the great continent south of Mt. Sumeru. It is a metonym for human existence.

62 The Lingguang Dian 靈光殿 (“Palace of Numinous Light”) of the Han Dynasty was located in the former state of Lu, in modern Shandong. It survived so many upheavals and conflagrations that it became a symbol for permanence. The fact that it eventually burned to the ground also makes it a symbol for the illusory nature of permanence.

63 *Xián* 咸 (“all”) is an abbreviation of *jiǎn* 減 (“to lessen”).

64 S.6537v, line 42.

吾今桑榆已逼，鍾漏將窮，病疾纏身，暮年不差。日=（日）承忘（亡）⁶⁵ 痊損，月=（月）漸復更加。⁶⁶

Now, my sunset⁶⁷ is fast approaching, and the drops in my water-clock are almost exhausted. My body is bound up by disease, and the sunset of my years is close at hand. Day after day, I continue to see no improvement in my condition, and month by month, it has gradually grown worse.

蒲柳髮白，桑為榆（桑榆為□）⁶⁸，疾病衰羸，漸加沈重。陽烏過隙，不容頃刻之間，司命追秋（我）⁶⁹，豈能躑駐。⁷⁰

The catkin willows, as my hair, are growing white.⁷¹ My sunset is (approaching). The severity of my illness has gradually grown worse. The Black Crow has passed over to his limit,⁷² and cannot tarry a moment. When the Arbiter of Fate⁷³ chases me, how could he pause even for a while?

Declaration of Competency

In spite of these physical ailments and the specter of impending death, the person drawing up the will (the testator) is very careful to state that he is still fully cognizant of his actions. In the model wills from Dunhuang, this clause takes the following forms:

今聞⁷⁴吾惺（醒）⁷⁵悟之時⁷⁶

Now, I make it known that at this time I am fully conscious and cognizant.

65 Elsewhere on S.343v, five lines of this same model will are preserved. In that version, the graph *wáng* 忘 (“to forget”) is substituted with *wáng* 亡 (“to be without”).

66 S.343v, lines 1–2.

67 *Sāngyú* 桑榆 (“mulberry and elm”) signifies the sunset, and, by extension, the sunset of one’s life.

68 I follow the emendations of Yamamoto and Ikeda, 3A: 157 (64), line 17. The intended phrase was probably something similar to that seen in the previous passage, but the copyist has mangled the phrase. Tang Geng’ou (2: 163, ln. 3) takes *wéi* 為 to be an extraneous character.

69 Yamamoto and Ikeda, 3A: 157 (64), line 21, interpret the graph *qiū* 秋 (“fall”) literally. It can also carry the extended meanings of “years” or “time.” This would lead to an alternate translation of “The Arbiter of Fate pursues [one through] the years.” I follow Tang Geng’ou (2: 163, ln. 3) who take *qiū* 秋 (“autumn”) as a visual copying error for *wǒ* 我 (“I/me”).

70 S.5647, lines 16–21.

71 The *púliǔ* 蒲柳 (“big catkin willow”, *Salix gracilistyla*) loses its leaves early and is a symbol for premature aging and weakness.

72 The *yángwū* 陽烏 is a three-legged black crow that lives in the sun and is thus a symbol for the sun. The relentless march of the sun is a symbol for the passing of life in many cultures.

73 *Sīmìng* 司命 (“Arbiter of Fate”) was the deity in charge of human fate, who recorded the allotment of years for each person and guarded the gates to the otherworld.

74 Tang Geng’ou (2: 159) argues that the graph *wén* 聞 (“to make known”) is a mistake. They do not record it.

75 *Xīng* 惺 (“intelligent”) is an alternate form of *xǐng* 醒 (“awake”).

76 S.343v, line 7.

今醒素（甦）⁷⁷之時，對兄弟子姪諸親等遺囑。⁷⁸

Now, in this time when I am awake and aware, I make these final instructions to my brothers, children, nephews, and all my relations.

These are similar to the competency clauses of modern Western wills, which usually utilize some variation of the phrase, “I, John Smith, being of sound mind...” It is important for the testator to make this declaration of competency to prevent later legal action by disgruntled relatives who may claim that he was incompetent when he drew up the will and was not aware of what he was doing.

Final Instructions and Regrets

Not all testamentary documents need to involve the transfer or division of property. The Chinese will, *yishū* 遺書 or *yizhǔ* 遺囑, can also be a repository for the final words or instructions of the deceased for his living descendants and relatives. In some cases, this simply amounts to telling everyone to *yī wú zhǔ* 依吾囑 “head my orders.” In other cases, the parents endeavor to teach a final lesson to their children on how to conduct themselves after mother and father have passed away. The model will in the booklet (S.5647) contains the most elaborate final instructions:

汝等若有孝道之心，多修福力（利）⁷⁹，以薦亡人，共請十王，無令一（陵夷）⁸⁰手足之義，忽聽讒邪。妯娌孤霜（孀）⁸¹，無違女範，莫使荊條枯梓（悴）⁸²，堂燕分飛，和光同塵，無乖反目。⁸³

If all of you have a heart that is filial, greatly cultivate (yourselves) toward the blessings and benefits (of enlightenment), make sacrifices to the deceased, and together supplicate the Ten Kings,⁸⁴ then nothing should destroy your bond as brothers,⁸⁵ nor should you listen to evil slander. If brothers' wives, widows or orphan daughters do not go against the model behavior for women, then no one can cause thorns and brambles (to grow among you), causing decay and distress (to the household), making the swallows who perch on the hall part and fly off,⁸⁶ and turning harmony and brilliance to dust, and rightness into brotherly discord.

Occasionally, the testator or testatrix expresses some regrets about leaving the world so soon. The main reasons given for the remorse are feelings that they have somehow let down their

77 *Sù* 素 (“plain”) is a loan for *sū* 甦 (“revive/awaken”).

78 S.6537v, lines 42–43.

79 *Lì* 力 (“power”) is a loan for *lì* 利 (“the benefit [of Buddhist enlightenment]”).

80 *Língyī* 令一 is possibly a loan for *língyí* 陵夷 (“to destroy/to cause to decline”).

81 *Shuāng* 霜 (“frost”) is an abbreviation of *shuāng* 孀 (“widow”).

82 *Zuó* 梓 (“to fit a handle into a socket”) is a loan for *cùi* 悴 (“haggard/distressed”).

83 S.5647, lines 28–35.

84 The *shíwáng* 十王 are the Ten Kings of Hell who preside over the trials of the deceased in Chinese Buddhist hell.

85 The phrase *shǒuzú* 手足 (“hands and feet”) signifies the close bond of brothers.

86 The *tángyàn* 堂燕 (“swallows [who perch] on the hall”), are an omen of domestic bliss, a bliss that is oblivious to impending danger. The swallows parting and flying off, represents the brothers parting ways, because of the discord sown by their wives.

children by not seeing them to adulthood, or repaid their filial debt to their parents. The most elaborate such regret is found in Stein 6537v:

吾自多生，辜負汝等，今以劣弱，死路來奔。未及恩憐，便歸空道。⁸⁷

Even though I have been reborn many times, my guilt has been shouldered by all of you. And, now because I am weak and decrepit, I rush down the road of death. I have not yet repaid [my parents'] love and affection, but I now quickly embark on the empty path.

Such language seems to suggest that wills were more common among those who died fairly young, and still had minor children. Supposedly, if all of one's children were grown, productive members of the family enterprise, it would be they who would be caring for the parents, and they who would be in nominal control of the family property.

Reasons for a Written Will

The primary reason given in the testamentary documents for a written will, as opposed to verbal instructions, is to prevent later discord in the family, the inevitable quibbling over the distribution of goods. Some examples of this clause include:

恐有爭論，立此文書，用為後憑。⁸⁸

Since I feared that there would be dispute, I set up this document so that it may later be relied on as proof.

恐後或有不亭爭論偏併，或有無智滿說異端，遂命親眷相憎，骨肉相毀，便是吾不了事。⁸⁹

I fear that later, perhaps, there will arise endless dispute over which share is larger and which is smaller, or that there will be some stupid persons who will fill you full of persuasive talk to evil ends, and thus cause the relatives to hate each other or even do physical harm to each other. This would all be because I did not understand how to handle matters.

The written proof of the parents' document is intended to settle all disputes.⁹⁰ As the second example shows, wills also warn against troublemakers from outside the family who stir up discord among the members by persuading them that their share was inequitable.

Distribution of Property

Nearly all of the model wills contain boilerplate language and fill-in-the-blank formats to provide for the actual distribution of property to the heirs. Since these are model wills, neither the actual names of individuals nor real property are mentioned. The models merely mention a list of several general categories of property such as household goods, fields, residences, livestock, all ending with the character *děng* 等 ("etc"). Sometimes, they provide a

87 S.6537v, lines 116–117.

88 P.4001, line 16.

89 S.343v, lines 5–7.

90 Similar phrasing is used in commercial contracts; see Hansen 1995.

break in the language of the document for the actual material to be entered by a copyist. The following phrases are found in the models:

謹錄如後⁹¹ (“carefully recorded as follows”),
 例（列）名如下⁹² (“list the names below”),
 抄錄支分如後⁹³ (“copy down the distribution of assets below”).

It is hard to tell from the model wills which members of the family were included in the bequests, but it can be inferred from some of the language that both sons and daughters were common recipients. In one model,⁹⁴ places are left in the form for the eldest son *zhǎngnán* 長男, the second son, *cínán* 次男, and unspecified daughters (or women), *mǒuniǚ* 某女. In other models, however, every class of relative is included. Thus, the testator had complete freedom in who would receive his assets. He was not limited by any mandatory regulations toward primogeniture or male-only inheritance.

Document Handling

One of the most interesting aspects of the model wills involves instructions for the processing of the document after it is written. Apparently, multiple copies of the will were recorded on the same piece of paper. After the will was signed, these were to be torn free and distributed to those involved as concrete proof of the will.

右件分配，并以周訖，已後不許論偏說剩。⁹⁵

Divide up the document at the right and distribute to all around. Later, people will not be allowed to argue over the equity of the split or haggle over the remainder.

右通前當自己內分配。指領已訖，後時更不得啾唧。⁹⁶

Divide up the right portion of this document and distribute it amongst yourselves. When this directive has been carried out, then later you will not be able to squabble.

It is not clear from the model wills if any of these copies were to be officially recorded or stored at the magistrate's office, as they were required to be during the Han.⁹⁷ Only division among the family is mentioned. In some of the actual wills studied in the next section, several very important local officials participate in the signing of the wills. Since only single copies of those wills exist, it is unclear if all those involved would sign each copy or not.

91 S.343v, line 8.

92 S.6537v, line 44.

93 P.4001, line 11–12.

94 S.6537v, line 114–115.

95 S.343v, line 9.

96 S.6537v, lines 115–116.

97 According to the “Statutes on Households” from Zhangjiashan, tomb no. 247, if a commoner wanted to make a directive of property division prior to his decease (*a xiānlǐng*), this had to be orally communicated to the Bailiff of the District in which he lived, who would make up a triplicate document, and forward one portion to the County, just as with population registers. See Zhangjiashan ersiqi hao Han mu zhu-jian zhengli xiaozu, *Zhangjiashan Han mu zhujian*, 54–55 (slip nos. 331–336).

Enforcement Provisions

The most fascinating section of the model wills is the enforcement provisions included by the testator to make sure that his or her commands were carried out. These provisions range from official judgment by terrestrial or spiritual authorities to postmortem visitation by the deceased. Sometimes, official and spiritual sanction are included in the same document, such as in the follow two passages from S.5647.

忽有諍論，吾作死鬼，亦乃不与擁護。⁹⁸

If there is a dispute among you, then I will become a ghost, and moreover, I will offer no protection to this household.

若有違此條流，但將此憑呈官，依格必當斷決者。⁹⁹

If there is a violation of the provisions of this will, simply take it as proof and show it to the officials. They should make a ruling according to the provisions therein.

The text of the first passage suggests that one of the tasks of a deceased ancestor is to offer protection to the household. This cannot be completely reconciled with Buddhist conceptions of purgatory and rebirth. It is a continuation of Chinese beliefs of ancestral spiritual-localism and protection that can be seen as early as the Shang oracle bones.¹⁰⁰ The second passage is the only mention in a model will of an official appeals procedure. It does not specify, however, the actual title of the official who would adjudicate such matters.

Two final examples of supernatural enforcement are included just to demonstrate the apparent glee medieval Chinese writers took in describing punishments and retributions, consistent with their general fascination with the otherworld.

如若違吾語者，吾作死鬼，掣汝門鑰（鎖）¹⁰¹，來共汝語。一毀地下白骨，万劫是其怨家。二不取吾之語，生=（生）莫見佛面。¹⁰²

If there is one who goes against my words, then I will become a ghost and pull open his locked door and have words with him. First of all, when I am below the ground as white bones, I will be his enemy for ten thousand eons. Second, if he does not follow my words, he will be reborn again and again and never see the face of the Buddha.

98 S.5647, lines 9–11.

99 S.5647, lines 11–13.

100 The Shang ancestors were thought to be constantly looking over their descendants, probably from their physical graves. They needed to be constantly propitiated with sacrifice or they could turn on their descendants in the most violent and willful manner, even helping Shang enemies in war.

101 *Suǒ* 鑰 is a variant form of *suǒ* 鎖 (“lock”, “padlock”).

102 S.343v, lines 9–11.

如若不聽母言教，願三十三天賢聖，不與善道。春（眷）¹⁰³屬不合¹⁰⁴，常惡壞增，百劫他生，莫見仏面，長在地獄，兼受畜生。若不聽知，於此為報。¹⁰⁵

If there is one who does not listen to the instructions of his mother, then I pray that the sages and worthies of the Heaven of the Thirty-Three (deities) (Sk: *Trayastrīṃśā*) do not give him a good life path; that his relatives will be discordant and will cause increasing difficulties; that for one hundred eons, he will be reborn and never see the Buddha's face; and that he reside for a long time in hell, and then be reborn as an animal. If he does not follow instructions, then this will be his retribution.

Doubtless, these are just rhetorical, literary flourishes, for no loving parent would wish eons of hell on their offspring, even the disobedient ones. It is not likely that an actual will, one with dozens of bequests, could waste valuable paper on such diatribes.

Nonspecific Date, Title, and Names

The model wills end with a generic date of *mǒu nián yuè rì* 某年月日 “some year, month, and day,” followed by a general title such as 遺書一道 “will, one example” or 慈父遺書一道 “father's will, one example.” Sometimes, the date is included in both the header and the footer to the document. More specific dates and the actual name of the testator would be filled in by the copyist who wrote the actual will. Throughout the documents, place markers are used to correctly identify the people involved. The first person mentioned (usually the testator) is referred to by the *tiāngān* designation of *jiǎ* 甲, the name of the next person mentioned is temporarily held by the place-marker *yǐ* 乙, and so on, just as was seen in the model documents described in Part One.

Actual Wills Found at Dunhuang

To the best of my knowledge, only three actual wills were discovered in cave 17 at Dunhuang.¹⁰⁶ Two of these are housed in the Stein Collection in London and a single example is stored in Paris in the Fonds Pelliot.¹⁰⁷ These documents can be confidently said to be the last testaments of actual people who lived at Dunhuang in the ninth and tenth centuries CE. Even more than the model wills just discussed, they can help us to construct a picture of how testamentary documents actually operated in late-Tang China. Examination of these rare documents reveals that the language contained in the model wills was occasionally used, though its inclusion was not mandatory. The actual wills range from pithy lists of possessions with no formal language whatsoever to detailed legal documents with multiple signatories.

103 *Chūn* 春 (“spring”) is a loan for *juàn* 眷 (“relatives,” “family”).

104 Tang Geng'ou (2: 182) transcribes this phrase as *bùhé* 不合. Yamamoto and Ikeda transcribe the phrase as *bùlìng* 不令.

105 S.6537v, lines 117–120.

106 I have only made a cursory search through the Peking and Leningrad materials in search of additional examples. I am fairly confident, however, that these three are the only examples, because the Japanese collators Yamamoto Tatsuuro and Ikeda On did not turn up any additional copies for their initial compilation of legal documents, or in their later-issued supplements.

107 S.4577, S.2199 and P.3410. I personally examined all of these examples in my visits to these libraries during November, 2000.

The Will of Yang Jiangtou

This will records the bequests of a man of modest wealth surnamed Yang 楊. The document (S.4577) is a very clearly-written manuscript on buff-colored paper, measuring 29x19 cm. It is written in well-formed calligraphy with very few orthographic errors.¹⁰⁸ The will is dated to the *guiyǒu* year, which because of the cyclical nature of Chinese year designations, could be 853, 913, or 973 CE.¹⁰⁹ The text of the will, which has never before been translated, is presented below:¹¹⁰

癸酉年十月五日申時，楊將頭遺留。

与小妻富子，伯師（侍）¹¹¹一口，又鏡架·匱子，又舍一院。妻仙子大鍋壹口。定千与驢一頭，白疊襖子一，玉腰帶兩條。定女一斗鍋子一口。定勝鑿子一，又匱壹口。

On this the fifth day of the tenth month of the *guiyǒu* year, in the middle of the afternoon watch (November 9th, 853 CE), I, Yang Jiangtou¹¹² leave these bequests to those left behind.

I give to my younger wife, who is named Fuzi, one elder servant. I also give a mirror stand and a wardrobe chest. Moreover, I give her one residence. To my principal wife, Xianzi, I give a large cooking pot. To my daughter Dingqian, I give one donkey, a white, padded jacket, and two jade belts. To my daughter Dingnü, I give a cooking pot with a capacity of one *dǒu*. To my daughter Ding-sheng, I give a flat, iron cooking plate, and moreover one wardrobe chest.

Mr. Yang seems to have been a man of relative means, with two wives and three daughters. It is interesting to speculate about the dynamics of this family. Yang's younger wife is given the most valuable items in the will, a house, a servant, and some large pieces of furniture, while Yang's principal wife only gets a cooking pot. The one daughter who received the donkey and the jade belts was probably of marriageable age and needed these for a dowry.

The will of Mr. Yang utilizes none of the boilerplate language seen in the Dunhuang model wills, besides bearing a date. It is a concise and straightforward disposition of a modest estate on half a sheet of paper. It is curious, however, that no signatures appear anywhere on the document. Possibly, this manuscript was a draft of the final will, one of the heir's copies, or an official record of the event. It is also possible that this manuscript was a practice copy made by a scribe-in-training from an actual will. If blatant partiality to a younger wife were not so commonplace, one might suspect that this will was a satiric school text, a possibility which I would not rule out.

108 Giles 1957, entry no. 757.

109 Yamamoto and Ikeda guess 853 CE, Tang Geng'ou (2: 154) guesses 973 CE, and Giles guesses 913 CE.

110 Tang Geng'ou, 2: 154. Yamamoto and Ikeda, 3A: 138 (83), no. 435 [edited text]; 3B: 70, pl. 70(2) [photograph].

111 The term *bóshī* 伯師 may refer to an elder servant. In other documents from Dunhuang and Turfan, the term *shī* 師 ("master") is often a loan for *shī* 侍 ("servant"). *Kǒu* 口 is also a common counter for animals and servants.

112 Yamamoto and Ikeda surmise that *jiāngtóu* 將頭 is Yang's title, "head of a 100 family group," and not his given name.

The Will of the Nun Linghui

The testament of the nun Linghui (S.2199) is probably the best studied of all the Dunhuang wills.¹¹³ It is a securely dated and neat manuscript, complete from beginning to end, even retaining the signatures and seals of the witnesses. The title of the will, 尼靈惠唯書 is repeated on the verso side of the document, likely visible when the scroll was rolled up. The text and Giles' (modified) translation follow:¹¹⁴

尼靈惠唯 (遺)¹¹⁵ 書。

咸通六年十月廿三日，尼靈惠忽染疾病，日= (日) 漸加，恐身無常，遂告諸親，一= (一) 分析，不是昏沉之語，並是醒甦之言。靈惠只有家生婢子一名威娘，留與姪女潘娘，更無房資。靈惠遽變之日，仰潘娘葬送營辦，已後更不許諸親恠¹¹⁶ 護。恐後無憑，並對諸親，遂作唯 (遺) 書，押署為驗。

弟金剛
索家小娘子
外甥尼靈皈
外甥十二娘 [十二娘指節¹¹⁷ (joint traces)]
姪男康屯¹¹⁸ 「康屯」
外甥索計= (計)
姪男福晟 「社」¹¹⁹
姪男勝賢 「賢」勝
索郎水官
左都督成真

Will of the Nun Linghui. On the 23rd day of the 10th month of the 6th year of the Xiantong reign [November 15, 865 CE], the nun Linghui, having suddenly been stricken by illness which becomes worse every day, and fearing the impermanence of her body, hereby declares to her kinfolk that the dispositions she is making are not the outcome of a wandering mind but of one that is perfectly clear and conscious. Linghui only has one servant-girl, born in her household,¹²⁰ and known as

113 The will has been translated by Giles (1939, 1029–1030) and by Gernet (1995, 81–82).

114 Giles, 1939, 1029–1030; cf. Tang Geng'ou 2: 153; Yamamoto and Ikeda, 3A: 138 (83), no. 436 [Chinese text]; 3B: 73, pl. 73(1) [plate].

115 *Wéi* 唯 (“only”, “may it be so”) is a loan for *yí* 遺 (“to leave behind”). The two were pronounced similarly in the Tang.

116 Giles transcribes this graph as *huī* 恢 (“broad”, “great”). I follow Yamamoto and Ikeda who transcribe it as *lín* 恠 (“stingy”).

117 Giles transcribes this phrase as *zhīyìn* 指印 (“fingerprints”). I follow Yamamoto and Ikeda, who transcribe it as *zhǐjié* 指節 (“finger joints”). A tracing of her finger-joint locations stands in for her signature.

118 Yamamoto and Ikeda transcribe this graph as *tūn* 屯. Tang Geng'ou transcribes it as a non-standard graph, close to *máo* 毛.

119 Yamamoto and Ikeda transcribe this graph as *dù* 社. I follow Giles, who reads it as *shè* 社 (“club”).

120 The importance of this phrase has been the subject of some debate. Giles interprets the phrase literally, that the servant girl was born in the household. Gernet places much more importance on this line, theorizing that since the servant was born in Linghui's secular family, the monastery has no claim to her. Hansen (1995, 51–52) proposes that the phrase, “born in the household” is an insurance policy against

Weiniang, whom she is leaving to her niece Panniang. House or property she has none. Linghui trusts that after her decease Panniang will provide for the funeral, and that after all the arrangements have been made no other relatives will be allowed to be stingy or controlling. And lest her verbal instructions made in the presence of her kinfolks should not be considered trustworthy, she has drawn up this written document with signatures of witnesses to serve as proof.

[Witnesses]

Her younger brother Jingang.

Xiaoniangzi of the Suo family.

Her niece [sister's daughter] the nun Linggui.

Her niece Shierniang; [finger-joint traces of Shierniang]

Her nephew [brother's son] Kang Tun. [Signature of Kang Tun]

Her nephew [brother's son] Fusheng. [Club]

Her nephew [brother's son] Shengxian [Signature written as Xiansheng, but corrected with a flick of the brush]

Suo, Officer in Charge of the Waterways.

Supervisor-in-Chief of the Left, Chengzhen.

[Above, reverse], Her nephew [sister's son] Suo Jiji.

The will of Linghui confirms that actual wills from Dunhuang did use some of the boilerplate language found in the model wills. After the date, the will goes on to describe the desperate and near-death physical condition of the nun, and this is given as the reason a will is being drawn up at that time. Next, comes a perfect example of the competency clause, 不是昏沉之語，並是醒甦之言。 Then, the will makes final instructions for the funeral and prohibitions against interference by other relatives in these arrangements. Finally, there is a statement that the written will with signatures will serve as proof. While the will does not use every feature of the model will genre, it still follows the general format. Many features of model wills are clearly literary or rhetorical flourishes and are not even seen in every model will.

There are a few other points to note about this will. First, the nun herself and her niece Panniang, the one who received the only bequest, do not sign the will, nor are they listed as witnesses. The people listed as witnesses to the bill are an interesting mix of relatives and powerful local officials. The last one listed, Chengzhen 成真, was apparently the most powerful. His title could be translated as Supervisor-in-Chief of the Left,¹²¹ a powerful figure from the central government with censorial powers.

All the witnesses did not sign the document, but examining the signatures of those that did provides a rare glimpse into the varying levels of literacy in Dunhuang society. Linghui's niece, Shierniang, apparently is illiterate and signed the will with an outline of her finger joints. This practice was fairly common in contract signing during the Tang.¹²² Her nephew, Kang Tun 康屯, was able to sign his name, but the graph *kāng* 康 is drawn unusually large and the character

official confiscation of a servant. It was illegal in the Tang to sell a servant who entered servitude because of debt. Only members of the lower classes could be servants. By saying that the servant was born into that class, the will stipulates that she can be legally transferred to another individual.

121 Hucker 1985.

122 Hansen 1995, 9–10.

tun 屯 is written oddly. His name may have even been Kang Mao 康毛. Another nephew, Fu Sheng 福晟, signed his name with a single character which Giles reads as *shè* 社. It would be interesting to know if this Fu Sheng was an officer in any of the *shè* 社 (“clubs”, “societies”) at Dunhuang. If so, this may have allowed him to sign documents with the designation, *shè*. The final signature on the document is that of her nephew, Sheng Xian 勝賢. His level of literacy is so basic that he signs his name backwards as Xian Sheng 賢 卜 勝. The addition of a little flip-mark next to the name signifies that he meant to invert those two characters.

Will of the Monk Chong'en

By far the most detailed testamentary document found at Dunhuang is the will of the monk Chong'en 崇恩,¹²³ dated by Yamamoto and Ikeda to around 840 CE.¹²⁴ Physically, the manuscript is in terrible condition, with large portions of the document dropped out and a section of unknown length missing from the beginning. Editors have done an excellent job in trying to discern the characters and rescue some of the missing and soiled portions.¹²⁵ Due to its amazing detail and the powerful positions of the people involved, the will was studied early on by Japanese scholars of legal history.¹²⁶ Jacques Gernet has made the closest study of the document in Western languages and my heavily-revised, expanded version of his translation follows:¹²⁷

◇田莊◇

鐸各壹孔，鑱各壹張，鑄各壹□，椀疊各□□，□□□
 具，車壹乘，樓（樓）壹具，種壹副，粟樓（樓）壹具□□□□
 □人供使¹²⁸王祿般施入三世淨土寺充□□□授無窮地兩突，延康地
 兩突，車牛 卜 乘（乘牛）驢、農具，以當寺文籍，隨事支給。
 施入合城大眾微薄房資，雙劍緋壇柒條，袈裟一條□□
 汗衫壹，紫綾夾裙衫壹對，□□京褐夾綾裙衫壹對，□
 綾襖子壹青綾裡，紫□□□裡，緋綾□□□
 錄（綠）絹蘭（襪），白練汗衫壹，赤黃綾夾袴兩腰，緋綾被□□□
 鶴子皮裘壹領，紫綾纓，故王□裘壹領，紅袖纓，
 紫綾履壹量，京皮靴壹量并靴韁，拾伍兩金銀間腰帶壹□
 銀椀壹枚，故赤黃綾三衣襖子壹，白方氈壹領，龍鬚席□
 朱裡椀壹，銅椀壹，銅疊子壹，墜銅盤子壹，蟹疊子□
 髹（漆）疊子肆，畫油木盛子貳并蓋，畫油木鉢子貳并蓋，畫油□

123 P.3410.

124 The document could be dated slightly later by cross-referencing the figures mentioned in the will. A man named Zhang Zhongxin 張忠信 was the donor of a wall painting that can be dated to 865 or 925 CE. Cf. Waley 1931, 248.

125 Tang Geng'ou, 2: 150–152; Yamamoto and Ikeda, 3A: 135 (86), no. 433 [edited text]; 3B: 63–64, pls. 63–64 (140–141) [photographs]. See also the catalog entry in Soyumié 1983.

126 Niida Noboru 1937, 639–642.

127 Gernet 1995, 82–83. This is based on the English translation of his book, not on the French original. Gernet combined or glossed over many of the specific articles given as bequests, which I attempt to translate here.

128 These two graphs are written between the columns, closest to the words *rénwáng* 人王.

畫油醬壘子貳，木油醬壘子貳，醬醋杓子貳，銅匙筯壘□
 畫木壘子拾，蜀胡木盤壘，五歲草驢壘頭，肆歲父驢□頭
 青剛鞍几壘，錄（綠）石枕壘枚，籐（籐）裘杖壘，絹扇壘柄
 三世淨土寺所有傢具什物·車乘·供養具·佻衣、並別有文籍。□
 歲草馬壘疋（匹），充賣（買）寺南宅壘軀（區），舍肆口並院落。
 崇恩前後兩政為所由，於常住三寶，或貨價忘取，不□
 招業累，將八窠上錦壘張，施入都司。
 報恩寺常住大床壘張，踏床壘張，新車盤壘，施入仏殿□□
 用。
 与姪僧惠朗□□壘張，白練裡草錄（綠）交緣，拾伍兩銀梳壘
 表姪卜¹²⁹弟大將閻英達，紅綿襖子壘緋絹裡
 外生鄧猪□□信，□□，尼嚴定，已上五人□□
 縹壘□。
 吳三藏，紫綾袈裟壘條，紫綾廬山帽子一頂
 翟僧統，青□□□長袖壘，草錄（綠）蘭（欄），紫◇
 梁僧政，青綺夾長袖壘，緋縹絲蘭◇
 已下僧政·法律·法師及諸寺老宿·禪律大¹³⁰子一頂。
 優婆姨清淨意，比至無常已來，支菴渠上地貳拾畝。先
 清淨意師兄法住在日，与牯牛壘母子，翻折為五頭。一任受
 用。与白綾壘疋，方耳鐺壘口，柒兩銀蓋壘，小牙盤子□
 面。沙弥宜娘，比至清淨无常已來，承事清淨意，不許東西，无常
 已後，一任隨情取意，放汝寬閑。肆歲特牛壘頭，布放修功德。清
 淨意無常已後，資生活具少小之間亦与宜娘。
 僧文信經數年間，与崇恩內外知家事，劬勞至甚，与耕
 牛壘頭，冬糧參碩。
 媧柴小女，在乳哺來，作女養育，不曾違逆遠心，今出媧事人。已經
 數載，老僧買得小女子一口，待老僧師終畢，一任与媧柴驅使，莫令為賤。崇¹³⁰
 崇恩亡後衣服，白綾鞵壘量，浴衣一，長絹禪壘，赤黃綿壯
 袴壘腰，京褐夾長袖壘，蜀職紫綾壯襖子壘領，紫綾裙衫
 壘對，紫綾柒條，袈裟壘條，紫羅廬山冒（帽）子壘頂，覆面
 綿壘屯，覆面青沙壘段。
 上尚書剝草馬壘疋（匹）。墜銅尺五面，悉羅壘。
 姪僧惠朗「惠」
 表弟大將閻「英達」
 姪都督索「旗」
 姪虞侯索
 姪兵馬索「榮徹」
 姪女夫「張忠信」
 姪女夫「張忠均」。

129 The little graph 卜 inserted next to the graph *zhi* 姪 indicates that this was a mistake and should be ignored.

130 One of the *chóng* 崇 graphs here is extraneous.

[...] country estate [...]

For each one spade, one sickle, one saucepan, bowls and plates, each [...] one cart, one animal-drawn seed plow, one seed-broadcaster (?), one millet seed plow, one copy of the *Renwang Jing* are bequeathed in perpetuity to the Jingtū monastery [...] two estates at Wuqiong, two estates at Yankang, draught oxen, saddle asses, and agricultural tools have been distributed according to the register deposited in the said monastery.

The following goods belonging to his monastic cell are left to the community of the entire town; seven pieces of doubly-corded, crimson felt, one *kāṣāya*, [...] one shirt, one suit made of fine purple damask silk, one tan suit lined with damask silk, one silk damask outer coat, with green silk damask inner garment, purple [...] inner garment, crimson damask, [...] green thick-silk one-piece garment, one white-silk shirt, two red and yellow damask stocking pants, crimson damask blankets, [...] one crane-skin cloak, purple, un-patterned damask silk, a 'former kings' pelt, un-patterned silk robe with red sleeves, one pair of purple damask silk shoes, one pair of fine leather shoes from the capital with felt shoe-liners, a belt set with fifteen ounces of gold and silver, one silver bowl, one antique, three-layered silk cowl of red and yellow damask, one square white-felt cloak, a sitting-mat woven from 'dragon's beard' grass (*Juncus effusus*), one bowl with vermilion lacquer interior, one copper bowl, one copper plate, one hanging copper platter, a southern-barbarian-style plate, four black-lacquer plates, two painted-wood serving containers with lids, two painted-wood bowls with lids, painted [...], two painted sauce plates, two painted stands for sauce containers, two ladles for sauces or vinegar, one set of copper spoons and chopsticks, ten painted-wood plates, one wooden platter of barbarian Sichuan wood, a she-ass of five years and an ass of four years, one saddle-shaped, low-profile table of blue-green steel, one malachite stone pillow, one rattan staff covered in leather, and one silk fan.

With regard to the furniture, provisions, wagons, devotional objects and Buddha vestments held by the Jingtū Monastery, there is a separate register.

[...] the mare of X-years shall be used toward the purchase of the house to the south of the monastery, comprising a main courtyard building with four outbuildings.

The goods held by Chong'en as a result of his two terms as monastic administrator at the Perpetual Abode of the Triratna, or outstanding loans, not [...], the accumulated *karma* he has summoned, take one piece of eight-nested, high-quality brocade, and make these over to the treasurer of the monastery.

A large 'perpetual' bed from the Bao'en Monastery, a footrest, and a new tray in the form of a wheel, made over to the Buddha Hall for its use.

To his nephew, the monk Huilang, he leaves one piece of [...], white silk undergarment with grass-green hem, and one bowl worth fifteen ounces of silver.

To his cousin, the general Yan Yingda, a red cotton outer-garment, with crimson silk undergarment.

To his nephew (sister's son) Deng Zhu[], [...]

[...] to the nun Yanding. Aforementioned are five persons [...]

[...] one set of reins [...]

To Tripitaka Wu: one purple silk damask *kāṣāya*, one purple silk damask Lushan hat.

To Director of Monks, Zhai: blue-green [...] robe with long sleeves, grass-green one-piece garment, purple [...]

To Monk Administrator, Liang: one blue-green robe with long sleeves, vermilion silk, one-piece garment [...]

[...] later Monk Administrators, Keepers of the Rules of the Order, Buddhist teachers, virtuous elders of the various monasteries, the monks of the Chan and Lu Vinaya sects [...] one hat.

As for the female lay disciple, Qingjing Yi, up until the time of her death she is to be given the estate of twenty *mu* along the Zhigu canal and a cow that had been given to her elder brother Master Fazhu in his lifetime, and its calves, altogether five head. Also give her a bolt of white damask silk, a square saucepan with handles, the body of a lamp worth seven ounces of silver, and a small ivory dish.

As for the novice Yi'niang, up until the time of Qingjing's death, Yi'niang is to serve her. She will not be permitted to disobey. After the death of Qingjing, I set her free to follow her wishes. She may also have a four year old cow to assist her in cultivating her merit. When Qingjing Yi is dead, all among her meager life possessions are also to be given to Yi'niang.

To the monk Wenxin, who for many years has been his counselor in family matters inside and outside the monastery and who has exerted himself unstintingly, he leaves a plough ox and three *shi* of wheat as winter provisions.

Little Wachai, whom he had raised from infancy and who had grown up without ever disobeying or showing herself ungrateful, he now marries off. The little household servant girl, whom Chong'en had bought some years ago to attend to him in his old age, he bequeaths to Wachai to take into her service, and in order that she may not be demeaned.

Clothing left behind by Chong'en: one pair of white silk damask socks, one bathing robe, one pair of long silk trousers, one pair of pants, of red and yellow cotton, one tan robe with long sleeves from the capital, one large outer-coat, woven in Sichuan of purple damask, one suit of purple damask silk, seven strips of purple damask silk, one *kāśāya*, one purple-gauze Lushan hat, a cotton veil, and a green veil.

To the Board President Bao, one mare, a five-sided, suspended ruler made of copper, and one *xiluo*.

His nephew, the monk Huilang [signed: Hui]

His cousin, the general Yan [signed: Yingda]

His nephew, the Supervisor-in-Chief Suo [signed: Qi]

His nephew, the Marquis of Yu, Suo;

His nephew, the adjutant Suo [signed: Yingche]

The husband of his niece, [signed: Zhang Zhongxin]

The husband of his niece, [signed: Zhang Zhongjun].

Based on this evidence, it is clear that Chong'en was a very wealthy monk who was related to some very powerful people. He was probably a member of the Suo 索 clan and related to the Yan 閻 family, both powerful clans in the Shazhou area. The will describes several bequests to monastic institutions, relatives, students, and friends. It is interesting to note that the will mentions another document, deposited at the Jingtū Monastery 淨土寺, which detailed the bequests of agricultural property and livestock made to that institution. Later, it is also mentioned that there is a "separate register" held by the same monastery that details the bequests of furniture, vestments, and other movable objects. The passage about the lay disciple and the novice, which Gernet chose to exclude or could not clearly read, reveals an interesting example of religious servitude. The novice was required by her deceased master to serve the female lay disciple Qingjing Yi for as long that person was alive. After her death, the novice would inherit all the disciple's possessions.

The will, as it is preserved, uses none of the boilerplate language seen in the model wills described above. One could presume that the missing preamble to the will of such an impor-

tant man would have included some of the features of the will genre. As with the will of the nun Linghui, only a few of the witnesses have signed the actual will. Two of these men are very powerful military officials, but they are probably attending this signing ceremony as close relatives in addition to acting in their official capacity. In sum, the will of the monk Chong'en demonstrates how complex and detailed the testament of a wealthy man from a powerful family could be. Such a document allows little room for flowery or rhetorical language, being comprised of dozens of individual bequests, contained in several different documents.

The wills from Dunhuang provide a fascinating glimpse into the legal system and family politics of the ninth and tenth centuries. The model wills demonstrate a sophisticated legal language, intimately tied to contract law. Careful provisions are made to stipulate the mental competency of the testator, and official and spiritual enforcement is provided to prevent violation. The model wills also contain a great deal of florid, melodramatic language that was probably optional and did not find its way into many real wills. The models also contain interesting clues as to how multiparty documents were handled, distributed, and recorded.

The actual wills found at Dunhuang provide a much more intimate and complex context for the practice of inheritance. The situations of real individuals are usually more complex than the models, and the actual wills demonstrate a strong emphasis on the detail needed to avoid ambiguity. Though the database of actual wills is probably too small to make very many conclusions, the testators in the actual wills seem to have relatively complex estates. Mr. Yang had two wives to divide his estate between, with a definite preference for who should get the lion's share. The nun Linghui seems to have been grappling with a conflict between her religious life and the wishes of her secular household. Since she had no possessions save for one servant, the big point of contention seemed to be the nature of the funeral she wanted. On this question, she wanted no interference. The monk Chong'en was a very powerful man who needed three wills to dispose of all his property and make all his wishes known. In his will, a great deal of ink was used to control the lives of servants and disciples he left behind, showing the same reluctance to give up control of household affairs seen in the very first will known from the Han. All this makes one wonder if wills were ubiquitous in China or only used for complex estates where disputes could arise. If a man had only a couple adult sons from the same wife, one could assume that they would collectively inherit the entire estate and continue to manage it until they saw fit to divide it and go their separate ways.

Conclusion

Model documents constituted a key element of the Chinese administrative and legal system. Their intellectual justification stemmed from the Legalist precept that each person and each official have a defined role and proper models to carry out that role. The model documents were vital to the smooth functioning of the bureaucracy, because they standardized written communication and minimized the number of exceptions that had to be handled as special cases. Two additional points are worth repeating. First, standardizing account registers based on model formats allowed for the accurate and efficient collection of financial and census data, especially the collation of data by higher units. The type of summary accounts pre-

sented to the Emperor on New Year's Day during the *shàngjì* 上計 ceremony, which included statistics on population, land under cultivation, and tax revenues, would have been impossible to generate had lower-level units each used an arbitrary format to report such data. Second, model forms served as 'school texts,' enabling scribes-in-training to learn the proper words and phrases necessary to compose legal and administrative texts. This was particularly helpful to military scribes serving in the northwest, who may not have had the same level of literacy as scribes serving in the capital and provincial bureaucracies. Simple, boilerplate forms allowed them to carry out their duties without becoming entirely literate. The Tang model wills provide an interesting example of how models could serve as school texts. It appears that the models themselves became an independent, creative genre and began to pick up more and more florid phrases from literature, growing more distant from the actual production of wills for real clients. Thus, they began to serve as more broad school texts for acquiring general literacy, rather than literacy in a specific document format. Further research could test this observation more fully and investigate other aspects of the historical development of the use of model forms in pre-Song China.

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