

ANTHONY BARBIERI-LOW

Copyists, Compilers, and Commentators:
Constructing the *Statutes and Ordinances of the
Second Year* and the *Book of Submitted Doubtful Cases*

ABSTRACT:

This article examines the textual construction of two texts, one known as *Ernian lǐlìng* 二年律令 (*Statutes and Ordinances of the Second Year*) and the other *Zouyan shu* 奏讞書 (*Book of Submitted Doubtful Cases*). They were excavated from tomb no. 247 at Zhangjiashan, Hubei province. While the *Ernian lǐlìng* text was copied out shortly before its burial in the tomb of a low-level administrator in 186 BC, it had been abstracted earlier in that year from a larger body of legal material, which, in turn, had been edited and compiled from statutes and ordinances inherited from the preceding Qin dynasty. Here, we shall unpack different layers of textual construction and distinguish among errors and variants introduced by low-level copyists, edits and embellishments made by intermediate compilers, and commentary made by experienced legal scribes or central-government officials.

KEYWORDS:

Qin dynasty, Han dynasty, law, legal history, textual transmission, textual criticism, scribes, Zhangjiashan, Zouyan shu, Ernian lǐlìng

INTRODUCTION

It has long been recognized that most of the received classical texts from ancient China are composite texts that were built up in layers over decades or centuries, passing through the hands of numerous copyists, compilers, and editors, some of whom also fulfilled the role of pseudo-authors. Scholars can unpack some of this textual history through standard methods of textual analysis, looking at grammar, diction, phonology, and intertextual clues to date the various parts of the composite text. Excavated texts, especially those that have received counterparts or parallel texts from more than one archaeological site, provide even better subjects for textual analysis, because we can observe the actual physical product of a scribe or copyist who produced a recension on silk or bamboo-slips, long before the age of printing.

In the following, we shall examine the textual construction of two excavated legal texts, *Ernian lüling* 二年律令 (*Statutes and Ordinances of the Second Year*) and *Zouyan shu* 奏讞書 (*Book of Submitted Doubtful Cases*), both excavated in 1984 from tomb no. 247 at Zhangjiashan, Hubei (186 or 185 BC).¹ The tomb belonged to a low-level administrator in south China, probably named Xin 新, who served under the first two emperors of the Han dynasty (202 BC–220 AD), before retiring from service in 194 BC. In the storage chamber of his tomb, descendants placed a bamboo basket full of texts, including mathematical, medical, legal, and military texts. Here, I will unpack the construction of the two legal texts, distinguishing among errors and variants introduced by low-level copyists; edits and embellishments made by intermediate compilers; and edits, glosses, and commentary made by experienced legal scribes or central-government officials.

THE FINAL COPYIST

Number of Copyists and Issues of Orthographic Variation

The final copyist and proofers of a text could introduce significant variants through errors, oversights, annotations, additions, and corrections. But with texts as long as the *Book of Submitted Doubtful Cases* (below, often referred to as *Doubtful Cases*) and the *Statutes and Ordinances of the Second Year* (or, *Statutes and Ordinances*) we must first address the question of how many copyists participated in their creation. Some have suggested that these two legal texts might have been copied by the tomb owner for use in his purported career as a legal scribe, but the presence of multiple hands (that is, styles of orthography and calligraphy) argues strongly against that theory. While it does appear that the 228-slip-long *Doubtful Cases* was brushed by one and the same

¹ For an account of this discovery and the history of scholarship on these texts, see Anthony Barbieri-Low and Robin D.S. Yates, *Law, State, and Society in Early Imperial China: Study and Translation of the Legal Texts from Zhangjiashan Tomb no. 247* (Leiden: Brill, 2015; hereafter abbreviated *LSS*) 1, pp. 3–25; For the official revised transcription of the texts, see Zhangjiashan ersiqi hao Han mu zhujian zhengli xiaozu 張家山二四七號漢墓竹簡整理小組, eds., *Zhangjiashan Han mu zhujian [Ersiqi hao mu] (shiwen xiuding ben)* 張家山漢墓竹簡 [二十七號墓] (釋文修訂本) (Beijing: Wenwu chubanshe, 2006; hereafter abbreviated *ZJS* 247, 2006 edn.). For another revised transcription, based on infrared photos, see Peng Hao 彭浩, Chen Wei 陳偉, Kudō Motoo 工藤元男, Waseda daigaku Chōkō ryūiki bunka kenkyūjo 早稻田大學長江流域文化研究, Jingzhou bowuguan 荊州博物館, and Wuhan daxue jianbo yanjiu zhongxin 武漢大學簡帛研究中心, eds., *Ernian lüling yu Zouyan shu: Zhangjiashan ersiqi hao Han mu chutu falü wenxian shidu* 二年律令與奏讞書, 張家山二四七號漢墓出土法律文獻釋讀 (Shanghai: Shanghai guji chubanshe, 2007). A complete, annotated English translation of the legal texts can be found in *LSS*, volume 2.

copyist, this man appears not to have participated in the copying of the other text.²

The much lengthier and complex *Statutes and Ordinances* text, with 526 slips still extant, shows evidence of having been a joint production of two or more copyists. While completely standardized orthography is not to be expected, certain variations in character construction and style of brushing particular strokes reveal at least two hands within that document. For example, one scholar points out that the orthography and calligraphy appear to change noticeably between slip nos. 63 and 64 within Article no. 8 of the section “Dao lǚ” 盜律 (“Statutes on Robbery”) (see figures 1–2).³ Notice how the graph *shǎng* 賞 (“to reward”) is drawn on the two different slips, with the very abbreviated internal strokes in the “cowrie” element below in the slip no. 64 variant, and in addition the much thicker final “foot” going to the lower right. The modal particle *qí* 其 is also drawn fairly differently on the two slips.⁴

In some cases, there might be significant variation in orthography on the very same slip. For instance, on slip no. 74, also within the “Statutes on Robbery,” the common graph *dào* 盜 (“robber”) is written in two variant styles, where the one on the right has a more complex variant of the water element (figure 3, overleaf).



Figure 1. Instance of *shǎng* 賞 on Slip No. 63 of the *Ernian lǚling Text*

All figures and single-graph details are derived from the black and white photographs published in *Zhangjiashan Han mu zhujian* [Ersiqi hao mu] 張家山漢墓竹簡[二四七號墓], edited by *Zhangjiashan ersiqi hao Han mu zhujian zhengli xiaozu* 張家山二四七號漢墓竹簡整理小組 (Beijing: *Wenwu chubanshe*, 2001).



Figure 2. Instance of *shǎng* 賞 on Slip No. 64 of the *Ernian lǚling Text*

² For example, the way in which the common graph *bù* 不 “not” is brushed is quite distinguishable between its uses in the *Doubtful Cases* text versus those in the *Statutes and Ordinances* text.

³ See Tomiya Itaru 富谷至, ed., *Kōryō Chōkasan nihyakuyonjūnana-gō bo shutsudo Kan ritsuryō no kenkyū* 江陵張家山二四七號墓出土漢律令の研究 (Kyoto: Hōyū shoten, 2006) 2, p. 44.

⁴ On slip no. 63, the modal particle *qí* 其 appears twice with very short extensions of the upper vertical strokes, and slightly off-center “feet.” On slip no. 64, the same graph appears quite different, with very long extensions of the upper vertical strokes, and abbreviated strokes in the midst of the graph.

Since the pattern of inking appears uniform on this slip, and thus was probably the product of one continuous session, it is possible that this orthographic variation was the result of insufficient experience on the part of the copyist, whose calligraphic hand had not yet stabilized, or possibly he was just mechanically copying what lay before him, which already contained these two variants.



Figure 3. Two instances of dào 盜 on Slip No. 74 of the Ernian lüling Text

Palimpsests

The copyists were also responsible for choosing the writing material. While it appears that most of the wood and bamboo used as writing material for administrative and legal texts in early-imperial China was freshly prepared, there was some occasional reuse. In such a case, the copyist or scribe had a metal knife (*xuē* 削 or *shūdāo* 書刀) that he could use to scrape off the old textual layer to prepare the surface for a new text. Sometimes, however, the scribe was careless, and some parts of the earlier text can still be seen on the remainder of a partially filled slip of text. Scholars must be careful in reading these palimpsest texts, to differentiate the traces of old writing from the later text. For example, on slip no. 81 of the *Statutes and Ordinances* text, which is the title slip of the section “Dao lü” 盜律 (“Statutes on Robbery”) mentioned above, towards the lower portion (but above the lower binding cord), we see the three graphs “Zheng Xian shu 鄭欽書” (“written out by Zheng Xian”). These have been interpreted by many scholars as a notation of the name of the copyist of the entire text (or at least the portion leading up to this notation).⁵ However, the three graphs appear to have been written in a different hand from that of the entire text up to that point. This casts doubt on the standard interpretation that the person named in the annotation was the copyist of the text. Robin Yates and I have suggested that this text was left over from some earlier multi-slip document that had been recycled, and that the copyist failed to clear all of the text off of the slip.⁶

⁵ See *ZJS* 247, 2006 edn., p. 20.

⁶ See *LSS* 2, pp. 458–59.

Another possible example of re-use is found on slip no. 169 of the *Doubtful Cases* text (see figure 4). In this case, directly in the midst of a legal anecdote, there is the notation

• 此以下□八月. (“From here on down...eighth month...”)⁷

These graphs appear in a character size that is smaller than that of the main text, written in a different hand, in faded and degraded black ink on the lower portion of the slip. While it is possible that these words may be some sort of notation made by a proof-reader of the text, indicating when the remaining portions of the document were to be copied (in other words, during the eighth month), I think it more likely that this is another example of reused writing material that had not been thoroughly expunged of earlier, unrelated text.



Proofreading and Correction

Considering proofreading marks, I think it is quite noteworthy that the Zhangjiashan legal texts show almost no evidence of correction or proofing. Despite the numerous mistakes in written form, and whole incorrect passages inserted within the middle of an article (described below), there is no evidence that the copyist attempted to fix these errors, or that someone else with oversight of his work attempted to correct his errors, either. There is no evidence that any graphs were erased and replaced with a corrected graph, nor any evidence of strikethroughs or marginal notations that are common in self-corrected or

☞ *Figure 4. Detail of Slip No. 169 of the Zouyan shu Text*

supervisor-corrected manuscripts. Unlike some other manuscripts from early China, there is also no final notation by a proofreader of the number of graphs in the document.⁸ Only *Statutes and Ordinances* ends with a slip that states how many different statutes and ordinances were to be found in the collection, and the total given in that notation may not

⁷ The third character from the end (just before “八月”) is not decipherable and is represented by □ in the Chinese transcription here.

⁸ For example, this is common on the fragmentary texts found in Yinqueshan tomb no. 1, or in some of the silk manuscripts from tomb no. 3 at Mawangdui.

even be correct.⁹ The numerous copying errors led Robin Yates and myself to argue that the Zhangjiashan legal texts were not actual working legal documents, written out by trained government legal scribes and used by the deceased in the course of his work, but were funerary texts copied hastily and unsystematically, specifically for burial, or possibly that they were “school texts” from a scriptorium, later sold off for burial inclusion.

Direct proof that the Qin central government did send out men to check the accuracy of statute collections and cadastral maps used by local governments comes from the administrative boards found at the site of Liye 里耶, and which represent part of the archive of Qianling county under the Qin.¹⁰ Board no. 8-173 from Liye mentions ordering county offices to send their compilations of statutes and ordinances to the County Court for “proofreading” (*chóu* 讎),¹¹ and board 6-4 mentions a Scribe Director 令史 (a highly-trained scribe with considerable local power) who was sent to Yuanling county to “proofread their statutes and ordinances” *chóu lǜlìng* 讎律令.¹² The complete absence of a proofreader’s notations or corrections in the Zhangjiashan legal texts strongly suggests that they were not official documents and had never undergone a proofreading stage.

Copying Errors

It is apparent from the nature of the errors made by the copyists of the *Statutes and Ordinances* and *Doubtful Cases* texts that the texts were sight-copies, where the manuscript being copied was placed near the copyist for visual inspection, rather than dictation-copies, where the text was read aloud to the copyist by someone else. While there are phonetic loan-graphs employed in both texts, these are fairly standard variants that were probably present in the compiled text from the very beginning. The orthographic loans and errors suggest that the copy-

⁹ See the discussion in *LSS* 1, pp. 50–51. Also, the mathematical text (*Suanshu shu* 算數書) from tomb no. 247 does contain marginal notations (below the lowest binding cord) with the names (surnames only) of those who proofread (*chóu* 讎) the text. See *ZJS* 247, 2006 edn., pp. 137, 139, 148, slip nos. 42, 56, 131.

¹⁰ For the checking of local maps by central government authorities, see the document reconstructed in Chen Wei 陳偉, ed., *Liye Qin jiandu jiaoshi (diyi juan)* 里耶秦簡牘校釋 (第一卷) (Wuhan: Wuhan daxue chubanshe, 2012), p. 118, board no. 8-413 (412) + board no. 8-227 (224) + board no. 8-1428 (1415). Following the page number, the board number is the archaeological indication of which board was pulled from where in the mud, and the number in parentheses is a separate numbering for the board’s appearance in typeset transcription. (The pluses indicate when two fragmentary slips have been “rejoined” to form a longer original text.)

¹¹ *Ibid.*, p. 104, board no. 8-173 (173).

¹² *Ibid.*, p. 19, board no. 6-4 (4).

ists of the texts were not deeply engaged with parsing and understanding the text while copying it, and sometimes mistranscribed the graph they saw on the slip for one with a similar appearance. Of course, we do not know for certain if this occurred during the final copying of the text before it was placed in the tomb, or in a previous copying session of the text.

For example, a very common written mistake (or orthographic variant, if you wish) in early administrative and legal texts is to mistake the graph *rén* 人 (“person”) for the similarly constructed graph *rù* 入 (“to enter”). In slip no. 495 of the *Statutes and Ordinances* text, the scribe writes the compound as *chūrén* 出人 “people that exit” only at the end of the passage, but the context of the sentence and of the law actually requires a repetition of the preceding compound *chūrù* 出入 (“to exit and to enter”).

When the affair has been completed, they may exit or enter from the place where they exited or entered [originally].¹³

事已，得道出所出.

As one can see, the above two graphs are drawn similarly in the early-Han clerical script, the main difference being that the graph for *rén* 人 (the last graph above) is usually begun left of center, with a longer right “leg.” If one were copying quickly, and not engaged with the meaning of the text, this is an easy error to make.

One other example is on slip no. 195 of the *Statutes and Ordinances* text. The scribe appears to have mistakenly wrote the graph *xiào* 孝 (“filial piety”) to form the compound *xiàofù* 孝父 (filial father), which is possible in other contexts, but, here, the compound *jìfù* 季父 (father’s younger brother, that is, uncle) was clearly intended.

Engaging in illicit sexual relations, with either the wife or riding slave¹⁴ of one’s elder or younger brothers, father’s younger brothers, or father’s elder brothers ...

復兄、弟、父、柏(伯)父之妻、御婢

Once again, the two graphs *xiào* 孝 and *jì* 季 are roughly similar in appearance in early-Han clerical script, though the orthography of the upper portion is fairly well differentiated. For instance, on slip no. 176 of the *Doubtful Cases* text, the graph *jì* 季 is written as , whereas on

¹³ LSS 2, p. 1126.

¹⁴ A “riding slave” (*yubi* 御婢) was a female slave who was a personal bedroom or bathroom servant, sexually available to the male she served and in many cases having children by him.

slip no. 181 of the same text, the graph *xiào* 孝 is brushed as . Again, if the copyist were parsing the meaning of the text, and not just copying graphs mechanically, this would be an unlikely mistake to make.

Reading Marks (“Attention Marks”)

One form of original punctuation that can be seen in both literary and administrative texts from the Qin and Han periods is called an “attention mark” by Mathias Richter.¹⁵ It takes the form of an acute angle or hook (<), brushed to the lower right of a graph. In the legal texts from Zhangjiashan it has various uses. It can be used to separate names or items in a list. It can be used to separate articles of a statute that may have originally formed separate statutes. On rare occasions, it is even used to separate original text from the compiler’s commentary.¹⁶ What led Richter to coin the term “attention mark,” however, was the use of the acute-angle mark to suggest proper parsing of the text, to prevent ambiguity or misreading. In the Mawangdui *Laozi* manuscripts that he studied he found far more attention marks in those texts meant for aloud recitation or performance than in those he determined were for silent reading.

But how can we determine if the final copyist of the texts was actually reading and engaging with the text while he wrote or just copying down graphs mechanically? The presence of dozens of attention marks in the legal texts from Zhangjiashan tomb no. 247 might suggest that the final copyist of the text was engaged with its contents and was inserting the marks himself in appropriate places to separate items and to reduce ambiguity in passages where consecutive graphs might be mistakenly read as a compound if not separated. Fortunately, we have nearly identical statutes to those found in the *Statutes and Ordinances* text in an as yet unnamed and unpublished text found a few hundred yards away in the Zhangjiashan cemetery in tomb no. 336. Based on analysis of parallel passages in the two texts, Robin Yates and I determined that nearly all of the time the attention marks fall in exactly the same places. This strongly suggests that the final copyists did not insert these attention marks at all, and that they were already in the compiled text that they were copying out. Therefore, they must have been inserted by a compiler further up the chain of text creation, and

¹⁵ See Matthias L. Richter, “Textual Identity and the Role of Literacy in the Transmission of Early Chinese Literature,” in Li Feng and David Branner, eds., *Writing and Literacy in Early China: Studies from the Columbia Early China Seminar* (Seattle: U. Washington P., 2011), pp. 206–36.

¹⁶ *LSS* 1, pp. 58–62.

the copyist was not really reading for understanding, or engaging with the text he was copying out.

Ink-Dip Analysis

Another way to look at the general matter of copyist errors is through ink-dip analysis. Egyptologist James Allen productively used this technique to characterize the nature of the writing of the Heqanakht papyri of the early Middle Kingdom.¹⁷ He wanted to know whether some letters were written as an original composition by Heqanakht himself, and also some might have been dictated to a scribe. By closely examining the manuscripts, he could determine when the writer's rush pen was running low on ink (by the fainter traces), and when he would dip the pen again in ink (by a suddenly darker stroke). Allen surmised that, since dictation normally was broken up into phrase units, the pattern of ink dips in a dictated document would more regularly begin a phrase with a fresh dip of ink. He further theorized that those letters composed directly from the author's thoughts would show a much more irregular pattern of ink dipping, with more redips in the middle of phrases, or even within individual graphs. R.B. Parkinson also utilized ink-dip analysis to reconstruct the working method of the scribe who penned the famous Egyptian manuscript of the "The Tale of Sinuhe" – now in Berlin. He argued that the scribe often filled his pen "at metrically meaningful points," and thus "he was reading and scanning the poem as he copied."¹⁸

It would be beneficial if Chinese epigraphers could use similar methods to analyze the writing habits of Chinese copyists and scribes. However, because the Egyptian copyists and scribes wrote with a rush pen which held only a limited quantity of ink, and only dipped after 5–6 graphs, the contrast between the first bold stroke and the last faded one is quite pronounced. In the Chinese case, the copyists and scribes wrote with a hair brush that could hold significantly more ink, and they appeared to replenish this before the text became too faded, making it more difficult to distinguish the ink dips. Nevertheless, there are certain slips in the *Ernian lüling* text where one can distinguish these working traces and make out when the copyists of the Zhangjiashan legal texts refilled their brushes with ink.¹⁹

¹⁷ James P. Allen, *The Heqanakht Papyri* (New York: Metropolitan Museum of Art, 2002).

¹⁸ See R.B. Parkinson, *Reading Ancient Egyptian Poetry: Among Other Histories* (Chichester, U.K.: Wiley-Blackwell, 2009), pp. 90–112.

¹⁹ I originally thought that the infrared photos found in the 2007 publication, Peng Hao et al., *Ernian lüling yu Zouyan shu*, would be the ideal source to reveal this pattern, since infra-

Looking at the published photographs of slip no. 379 in the “Statutes on the Establishment of Heirs” section of the *Statutes and Ordinances of the Second Year* text (see figure 5), we see that certain graphs, like the 28th graph *sūn* 孫 (“grandson”), is clearly darker, as the brush was carrying a heavier ink load. Each subsequent graph grows a little fainter, until the copyist appears to dip his brush again with more black ink for the next instance of the graph *sūn* 孫. Below is a transcription of slip no. 379. I have used bolding to indicate the first graph drawn after the ink-dip and have added modern punctuation, so one can see where the natural phrasing and termination of the sentences are located.

When a person dies without a male offspring to substitute as householder, order the father or the mother [to substitute as householder]; when there is no [surviving] father or mother, order the surviving spouse [to substitute as householder]; when there is no surviving spouse, order a daughter [to substitute as householder]; when there is no daughter, order a grandchild [to substitute as householder]; when there is no grandchild, order a great-grandchild [to substitute as householder]; when there is no great-grandchild, order the paternal grandfather or grandmother [to substitute as householder]; when there is no paternal grandfather or grandmother, order a child of a [sibling] born of the same [mother] ...

死毋(無)子男代戶, 令父**若**母; 毋(無)父**母**令寡; 毋(無)寡**令**女; 毋(無)女**令**孫; 毋(無)孫**令**耳孫; 毋(無)耳孫**令**大父母; 毋(無)大父母**令**同=產=

It appears that the copyist was dipping his brush in ink after every two to five graphs, with an interval of three graphs being the

red photography should unveil the greater concentrations of carbon-black ink from the first stroke. It appeared from this edition that certain characters stood out quite boldly, about every 2–5 graphs. Unfortunately, this was probably an artifact of the photographic process. As I was informed by an anonymous reader, the infrared photos taken by the team from Waseda University could only capture a small portion of each slip. The uneven lighting and the contrast in each photograph tended to make the graphs toward the margins of the photo lighter, and the ones in the center darker. When these photos were later merged for publication, the overlap of photos concentrated this effect. Thus, the infrared photos of the Zhangjiashan slips are useless for ink-dip analysis. Therefore, I went back to the standard photographic plates in the original 2001 publication for my analysis. See *Zhangjiashan Han mu zhujian* [*Ersiqi hao mu*] 張家山漢墓竹簡[二四七號墓], edited by Zhangjiashan ersiqi hao Han mu zhujian zhengli xiaozu 張家山二四七號漢墓竹簡整理小組 (Beijing: Wenwu chubanshe, 2001), color plate 1, p. 38, slip no. 379. I have chosen slip no. 379 of the *Ernian lüling* text, because this one was published in both color and black and white and seems fairly well preserved. The 2006 edn. was a small, cheap paperback production, whereas the 2001 edn. (having nearly the exact same title), was an expensive folio edition with all the photographs. In 2006 the editors made several key changes to the text transcriptions, without detailing these explicitly.

Though a far more extensive study would be needed on this and other manuscripts to make broad conclusions, this limited look still suggests that the copyist of the Zhangjiashan legal texts was often more concerned with the technical application of the ink and the appearance of the text, and completing the text as a mechanical process, than with reading and understanding the text as he wrote it out.

Mistaken Insertions of Text

It is quite common in manuscript cultures for scribes to make errors in copying where their vision strays to another column or line of text and a certain number of words are copied into the middle of unrelated text. Within the legal texts from Zhangjiashan, there are several examples of this, and some of them stand out quite starkly, since the nature of each statute collection is fairly well bounded by topic. For example, in Article 12 of the “Jinbu lü” 金布律 (“Statutes on Finance”) within the *Statutes and Ordinances*

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text, slip no. 436 begins with fourteen graphs of mistakenly-inserted text from some other article in the laws:

For the case of redeeming a relative [from government servitude] or purchasing [him or her from a private slaveholder]: consider [the relative] to be a freedman. Do not let him or her be acquired as a male or female slave.

有贖買其親者, 以為庶人. 勿得奴婢. [436, upper]

And yet, the remaining 32 graphs on slip no. 436 are taken up with the beginning of a long and complex article on excise taxes that continues onto two more slips.

For all cases of privately producing salt from saline ponds and soils or [natural rock] salt, boiling [seawater at the mouth of the] Ji River [or water from saline ponds along the course of the] Han River, as well as boiling brine from privately-owned wells: tax it [in cash payments]. The government is to take one portion (16.67%), while the owner/operator is to retain five portions (83.33%). For cases of mining silver: tax it in kind. The government shall provide the bellows.

諸私為鹵 (鹵) 鹽, 煮濟、漢, 及有私鹽井煮者: 稅之. 縣官取一, 主取五
釐. 采銀: 租之. 縣官給橐 (橐). [436, lower-continued]

The calligraphy does not change between the two passages given above, and in fact, based on an ink-dip analysis, the copyist kept writing directly through the error. This suggests to me that the error in copying may not have been a sight error by the final copyist, who as I have argued, did not seem to be actively engaged with the text. He just wrote down what was on the slip before him, even though it made no sense. The error was probably committed by an earlier copyist, who mistakenly copied the complete contents of a slip about redeeming slaves from another section into his section of finance, and no one corrected his error. Another possibility is that a bamboo slip (about redeeming slaves) in the text that the earlier recension was based upon fell out of the scroll and was wrongly inserted before the current text about the excise taxes. Then, all later copyists just assumed it was correctly placed and fused it with the following slip's contents (onto the same slip) in all later recensions.

THE INTERMEDIATE COMPILERS

While the final copyists of the legal texts from Zhangjiashan tomb no. 247 have left us numerous traces of their involvement with these textual productions, mostly in the form of introduced variants, copying errors, and left-over palimpsest texts, they do not seem to have been very engaged with the text or made any efforts to correct it, comment on it, or give it a particular shape. Evidence for those types of textual criticism must focus on the previous two layers up in the textual production chain, that of the intermediate compiler, who formed this particular recension from a larger body of texts, and finally to the ultimate compilers of that larger corpus.

Dating the Compilation

Dating the formation of these two particular recensions of early-imperial legal texts must rely mostly on internal evidence, though archaeological dating can also be of some assistance. Through an analysis of the historical context of each item in the *Statutes and Ordinances* text, Robin Yates and I determined with some certainty when a number of the laws were issued or revised, or at least established a *terminus post quem*, a date after which it must have taken shape, or a *terminus ante quem*, a date before which it must have been formed. By obtaining a well-bracketed set of dates, we determined when the last revisions to the laws occurred, and thus when the compilation finally took shape. Here are our major findings:²⁰

Terminus post quem *evidence*:

1. "Statutes on the Composition of Judgments" nos. 1–2 (slip nos. 82–83) resulted from an imperial decree issued during late 195 BC.
2. "Statutes on Salaries" no. 7 (slip no. 463) mentions Lingzhou and Huanyin counties, which were only established in 191 and 190 BC, respectively.
3. "Statutes on the Composition of Judgments" no. 4 (slip no. 85) mentions 'king Xuan of Lü,' the posthumous title given by empress Lü to her father in 187 BC.
4. "Ordinances of Fords and Passes" no. 17 (slip no. 520) mentions a particular Regional Lord residing in the capital, which only occurred in 187 BC, or early 186 BC.

Terminus ante quem *evidence*:

1. The "Statutes on Impoundment" was later rescinded by emperor Wen in 179 BC.

²⁰ *LSS* 1, pp. 62–64.

2. In 182 BC, empress Lü issued a coin which was lighter than the one described in “Statutes on Cash” no. 1 (slip nos. 197–98).
3. “Statutes on Salaries” no. 6 (slip no. 449) mentions a Chengfu county, which was later lost to central government control in 185 BC.

Therefore, we concluded that the *Statutes and Ordinances of the Second Year* text encompasses original texts revised as late as the summer of 186 BC, but does not record important changes made to the laws and administrative geography of the empire after that year. Consequently, even though the compilation contains statutes and ordinances composed or revised over a long period of time, the date of this particular compilation can only be late in 186 BC, during the second year of the personal reign of empress Lü.

Dating the recension of the *Doubtful Cases* found in Zhangjiashan tomb no. 247 is a little more straightforward. Many of the case records in the collection carry exact dates of when the crime occurred and when the case was submitted for judgment by higher authorities. In general, the oldest cases are toward the end of the scroll and the youngest cases are toward the beginning. This suggests a process of compilation in which newer layers were added to the beginning of an older collection, lengthening the overall text. The youngest case in the collection, which starts off the current scroll, summarizes a crime which occurred on July 20, 196 BC. It was submitted by county officials to higher legal officials on September 19, 196 BC. Therefore, the date of the current recension of the *Doubtful Cases* must be between September 196 BC and when the tomb was closed in late 186 BC or 185 BC.²¹

Evidence of Compilation

There is compelling evidence that the laws present in the recension of the *Statutes and Ordinances of the Second Year* text found in Zhangjiashan tomb no. 247 were abstracted from a larger collection of statutes and ordinances that were stored in the office of the commandant of justice (*tingwei* 廷尉) in the capital and copied and circulated throughout the administrative units of the empire. The corpus of Qin and Han laws (statutes, ordinances, precedents, and analogous cases) was enormous. By the post-Han period, it numbered over 26,000 articles and more

²¹ The tomb also contained a calendar, with some personal biographical annotations, covering the years 202–186 BC. The final year recorded in the calendar (based on lunar month starting dates) was 186, so it is likely that the tomb occupant, Xin, died in that year or the year following. The stylistic evidence of ceramics and lacquers from the tomb does not contradict such a dating.

than seven million words,²² just as daunting as the many tens of thousands of Roman laws and legal decisions eventually digested into the Justinian Code of the sixth century AD. In early-imperial China, it was impractical, and probably impossible, for each county or office to copy and possess a copy of all the current laws. Just a single multi-chapter work like the *Historical Records* (*Shi ji* 史記) of Sima Qian (in 130 scrolls) would have weighed over 128 lbs. and taken up ten cubic feet of storage space.²³ The whole corpus of Qin and early Han law would probably have taken a whole grove of bamboo groves trees to produce, would have weighed nearly 2,000 lbs., and would have required a dedicated warehouse to store. So, what each county and office were required to do was to copy out those statutes and ordinances relevant to the work of their office. This is specified in a law found at the Shuihudi site as, “Each [metropolitan] office is to make out a copy of those statutes used by their office.”²⁴

Thus, the statutes found in the tomb of the scribe Xi 喜 (Shuihudi tomb no. 11) were mostly concerned with statutory labor, granary management, and inventory checking, whereas those from the tomb of the scribe Xin 新 from Zhangjiashan tomb no. 247 were concerned with criminal matters of assault and robbery, formation of legal judgments, and issues related to money, taxes, and status. The as-yet unpublished collection of statutes and ordinances from Zhangjiashan tomb no. 336 overlaps somewhat with the group of laws found in Zhangjiashan tomb no. 247, but still contains a different selection and subset of the empire’s laws. Consequently, none of these statute collections found in Qin and Han tombs in recent years represents more than a tiny fraction of the vast Qin and Han legal corpus.

Even though the statutes in the *Statutes and Ordinances* text were pulled out of a larger corpus of texts by the intermediate compilers, there is still some intertextual evidence of that larger collection. For

²² A.F.P. Hulsewé, *Remnants of Han Law*. Vol. 1, *Introductory Studies and Annotated Translation of Chapters 22 and 23 of the History of the Former Han Dynasty* (Leiden : E.J. Brill, 1955), pp. 33–34.

²³ Hsing I-tien 邢義田, “Handai jiandu de tiji, zhongliang he shiyong: yi Zhongyanyuan shiyusuo cang juyan Hanjian wei li 漢代簡牘的體積、重量和使用, 以中研院史語所藏居延漢簡為例,” in idem, *Di bu ai bao: Handai jiandu 地不愛寶, 漢代簡牘* (Beijing: Zhonghua shuju, 2011), p. 12.

²⁴ See Shuihudi Qin mu zhujian zhengli xiaozu 睡虎地秦墓竹簡整理小組, eds., *Shuihudi Qin mu zhujian 睡虎地秦墓竹簡* (Beijing: Wenwu chubanshe, 1990), p. 61, “Qin lü shibazhong,” slip no. 186; A.F.P. Hulsewé, *Remnants of Ch’in Law: An Annotated Translation of the Ch’in Legal and Administrative Rules of the 3rd Century B.C. Discovered in Yün-meng Prefecture, Hupei Province, in 1975* (Leiden: E.J. Brill., 1985), p. 86, A97.

example, the slips placed (incorrectly) by the modern editors as Article 6 of the “Wang lǜ” 亡律 (“Statutes on Abscondence”) refers to the manumission process for privately-held slaves. Toward the end, it makes reference to another statute:

Should, [once manumitted,] they abscond or become guilty of other crimes: sentence them according to the “Statutes on Male and Female Slaves. [163]

其亡, 有它罪: 以奴婢律論之。

The referred-to text, “Statutes on Male and Female Slaves” (“Nubi lǜ” 奴婢律), is not present in the *Statutes and Ordinances* text, so this textual cross-reference is to another statute in the larger collection to which officials could gain a copy.

In Article 9 of the “Hu lǜ” 戶律 (“Statutes on Households”) and Article 12 of the “Zhihou lǜ” 置後律 (“Statutes on Establishment of Heirs”) there is a cross-reference to a “Statutes on Freedmen” (“Shuren lǜ” 庶人律), which appears to have delimited the status of freedman and what rights or obligations it entailed.²⁵ The text of this statute is also not found in the *Statutes and Ordinances* text, and is thus another “unresolved cross-reference.” If the tomb occupant was an official in charge of adjudicating many cases of slaves and manumitted freedman, he most likely would need to get official copies of these two sections as well.

For the other legal text from Zhangjiashan tomb no. 247, the *Doubtful Cases*, the nature of the intermediate compilation (that is, the formation of this particular recension) is more controversial. While scholars like Cai Wanjin, Ulrich Lau and Michael Lüdke have argued that the twenty-two case-records in the text were also abstracted by regional officials from a larger collection compiled and promulgated by the imperial court, just as with the *Statutes and Ordinances* text, Robin Yates and I suggested that this compilation may have been more of a “bottom-across” production than a “top-down” one orchestrated by the central government. We suggested that low- to mid-level legal scribes may have circulated among themselves small collections of model legal cases they had access to, and compiled compilations like the *Doubtful Cases* on their own, with minimal or no central government oversight.²⁶

²⁵ See *LSS* 2, p. 795, no. 9; 2, p. 861, no. 12.

²⁶ *LSS* 1, pp. 97–109. See also Cai Wanjin 蔡萬進, *Zhangjiashan Han jian “Zouyan shu” yanjiu* 張家山漢簡奏讞書研究 (Guilin: Guangxi shifan daxue chubanshe, 2006), pp. 44–54; Ulrich Lau and Michael Lüdke, *Exemplarische Rechtsfälle vom Beginn der Han-Dynastie: Eine kommentierte Übersetzung des Zouyanshu aus Zhangjiashan/Provinz Hubei* (Tokyo: Research Institute for Languages and Cultures of Asia and Africa [ILCAA], Tokyo University of Foreign Studies, 2012).

One of the key pieces of evidence in our argument is the apparent embellishment added to several of the cases by legal scribes, who accentuated certain aspects of the cases to make scribes “heroic” and who even added whole sections of text in one case to change the outcome. For an example of the latter scenario, consider Case no. 21. The original case ended with a widow convicted of disrespecting her dead husband and her mother-in-law by having sex with her lover near the coffin of the deceased. At some point after the original case was written down, a scribe added a new manuscript section after this in his own compilation and changed the outcome of the case, having a judicial scribe named Shen overturn the logic of the original ruling by the commandant of justice with a clever argument of his own, pointing out the legal technicality that the investigators had failed to catch the couple in the act, and arguing on legal principles that it was not possible for the widow to commit a crime of disrespect since her husband was no longer alive.

Robin Yates and I also argued that the scribes played with the names in the text, creating sound puns and visual jokes, in order to entertain each other and poke fun at their adversaries (such as the Ruists, or, Confucians). It is unlikely that the commandant of justice in the capital would have orchestrated, or even sanctioned, such embellishment and fabrication in an official compilation. Therefore, we suggested that even though the ultimate source of some of the pieces in the collection may have come from a central government archive, the particular and extraordinary shape taken by this recension was the result of the work of low-level scribes from several places.

In the recension of the *Book of Submitted Doubtful Cases*, there are other traces of the intermediate compilation of this text, beyond the embellishments and additions made to the text by legal scribes. For example, one can see that several of the cases were significantly shortened for inclusion in the collection, specifically by removing appendices or other attachments that would have accompanied the original documents. We know this because at the close of certain cases there is a summary of the length of the case and its appendices, which does not correspond to the number of slips currently present in the recension. For instance, Case no. 22 mentions the memorial being sent to the king on 22 wooden boards (*dié* 牒), usually containing at least two columns of writing each, whereas the presently surviving case takes up 31 single-column bamboo slips. Similarly, Case no. 14 was originally a memorial submitted to the director of the palace receptionists on seven wooden, multi-column boards, whereas in the current recension, it only occupies

six single-column, wooden slips. Clearly, the case summary was abbreviated or appendices of evidence or testimony were removed.

THE ORIGINAL AUTHORS AND COMPILERS AT COURT

Ultimately, all law in Qin and Han China derived from the oral authority of the emperor (or before that title was created in 221 BC, the king of Qin). The emperor's spoken pronouncements carried the weight of law, but the emperor could also encourage the drafting of legislation on some subject, or his ministers could do so first. Ultimately, however, the emperor's verbal approval was required for the legislation to be enacted. While new ordinances (*ling* 令) were always being drafted to deal with contemporary issues, or to actually run government offices, the statutes (*lü* 律) of the empire were supposed to form the backbone of the legal system and were far more conservative. In fact, the text of some statutes remained relatively stable for more than a thousand years, from the early Qin period all the way through the Tang dynasty and beyond, with only minor updates to technical terms such as punishment names and social classes.²⁷

When the Han dynasty replaced the defunct Qin dynasty in 206 BC, they inherited the great mass of Qin laws that had accumulated over the preceding two centuries. Dynastic turnover was the greatest opportunity to engage in serious textual criticism, to sift through all the old laws and decide which to reissue for the current regime. A comparative analysis of Qin and Han laws reveals that the Han did not thoroughly revise the Qin laws they inherited, choosing only to make minor updates to terminology and penalties. They never took the opportunity to promulgate a thorough and consistent "code," as was done at the outset of later dynasties like the Tang.

To give just one example of the deep history of some of the statutes found in the *Statutes and Ordinances* text, Article 7 of the "Tian lü" 田律 ("Statutes on Agriculture") from Zhangjiashan tomb no. 247 (ca. 186 BC) contains a nearly identical text to that seen in a royal mandate on agriculture made by king Wu of Qin in 309 BC, and found in tomb no. 50 at the site of Haojiaping in northern Sichuan.²⁸ So, despite more than a century of violent conquest, imperial foundation, technical advances, and dynastic turnover, the Qin law remained nearly unchanged into the early Han. The weight of tradition of the "former kings" was very great, even if those kings belonged to a fallen and discredited dynasty.

²⁷ See *LSS* 1, pp. 219–42.

²⁸ For a detailed side by side comparison of the two texts, see *LSS* 2, pp. 710–11, n. 47.

Updated Terminology

A compilation of statutes or legal cases, some of which have a textual history of more than a century, can be quite difficult to read without the updates to language and the commentary provided by a legal specialist. Outdated terms need to be replaced with contemporary terms, rare and specialized graphs need to be explained, and official titles and place-names need to be updated as well. Based on my reading of the Zhangjiashan texts, I would argue that nearly all of these edits and commentary were made by someone higher up in the legal hierarchy, such as a clerk in the office of the commandant of justice or the commandant himself. They were certainly not made by the low-level copyist who wrote out the physical texts we now have, nor were they likely made by the abstractor of this recension, who took them from a larger body of legal texts.

When the Han empire was established in 202 BC, it inherited a large body of laws from the preceding Qin, many of which had been rescued before the destruction of the Qin capital through the foresight of the Han minister, Xiao He 蕭何. The *Statutes and Ordinances of the Second Year* represents the earliest extant collection of Han laws, and from them we can see that the Han adopted Qin law wholesale, with only minor updates to the terminology in the laws and a slight adjustment in some punishment levels. For example, in the transition from the Qin laws to the Han laws, certain technical terms that were common during the Qin were universally replaced by new terms during the early Han. This may have been done to update the language to current usage, since the Qin laws were often quite conservative in their language, or it may have been done to better reflect the regional dialect or cultural and legal heritage of the new Han rulers, who come from the south and east, in the lands formerly occupied by the state of Chu. Therefore, where the Qin legal statutes found at the Shuihudi site always refer to fines by the term *zī* 貲, with their valued listed in terms of suits of armor, shields, or armor laces, the Han laws from Zhangjiashan converted all these fines to cash amounts in gold, referred to by the word *fá* 罰. So, some legal official in the capital, when revising the traditional Qin laws for use by the Han, had to change all of these terms and amounts concerning fines, but occasionally he slipped up, and a reference in Qin style made it through. For instance, in Article 5 of the “Xing lǜ” 興律 “(Statutes on Levies)” (slip no. 401) from Zhangjiashan tomb no. 247,

the word *zī* 貲 is still used to refer to a fine, whereas every other fine in the whole text had been converted to the word *fá* 罰.²⁹

Name Taboos

Another type of revision and correction which appears to have taken place when these statutes were compiled by central government authorities was the tabooing of names. It was standard practice during the Han dynasty for the personal name of the emperor to be tabooed from general usage. When it appeared in an official document or an official title or place name, it had to be replaced by a synonym to avoid sullyng the name of the sovereign. The First Emperor of Qin was named Ying Zheng 嬴政, so in Qin documents the word *zhèng* 政 (“governance”) and the cognate *zhèng* 正 (“upright” “to rectify”) were frequently, though not always, replaced with the word *diǎn* 典, which carries some similar connotations. This was a major hassle, since *zhèng* was a very common word. The word for the first month of the lunar year, *zhèng yuè* 正月 had to be changed to *diǎn yuè* 典月. Chen Wei has recently argued (in his oral presentations of a paper on this topic) that the name of the First Emperor was not consistently tabooed during his own reign, but the taboo was more consistently enforced during the reign of his son as Second Emperor of Qin, possibly as a mark of filial piety. Several of the *diǎn* for *zhèng* substitutions remain in the legal texts from Zhangjiashan, despite the fact that the taboo on the word *zhèng* ended with the fall of the Qin.

The founding emperor of the Han also had a common word in one form of his name, Liu Bang 劉邦, where *bāng* 邦 was a common word for “the state,” and was seen in Qin laws in reference to the core territory of the Qin state and in official titles like *xiangbang* 相邦 (chancellor of state), held by men like Qin minister, Lü Buwei. The Han had to change this official title, and all its appearances in earlier documents, to *xiangguo* 相國, using the synonym for country, *guó* 國, instead of *bāng* 邦, to avoid the taboo on the founding emperor’s personal name. Luckily, most Han rulers after emperor Wu (r. 141–87 BC) were given much rarer personal names, so tabooing became less of a burden on official scribes.

Sometimes, the Han editors also slipped up with the taboos. Article 2 of the “Ju lǜ” 具律 (“Statutes on the Composition of Judgments”) (slip no. 83) in the *Statutes and Ordinances* text uses the word *yíng* 盈 “full,” which was the personal name of Han emperor Hui (r. 195–188 BC),

²⁹ *LSS* 2, pp. 886–87.

the son of empress Lü, who had only died in 188 BC. In the parallel text preserved in the *Han shu* 漢書 (*History of the Former Han Dynasty*), the word *yíng* has been replaced by the synonym *mǎn* 滿, which also means “full.”³⁰

Commentary

For the legal texts from Shuihudi tomb no. 11, the collection of legal statutes was accompanied by a separate scroll, called by archaeologists *Falü dawen* 法律答問 (“Answers to Questions on Legal Principles and Statutes”), which both explained archaic language and answered fine points of interpretation of the law. The *Statutes and Ordinances* text from Zhangjiashan tomb no. 247 was not accompanied by any such legal commentary text, but there were a couple comments inserted into certain articles in the statutes, and one instance in the legal-case collection, *Book of Submitted Doubtful Cases*, that served to explain archaic or abstruse terms to the reader. For instance, in Article 13 of the “Zei lü” 賊律 (“Statutes on Assault”),

For one who conceals in his possession arrows poisoned with either aconitine or *zhuo* poison, as well as one who concocts aconitine poison: in every case, cast [the criminal] away in the marketplace. Some call *zhuo* poison by the name ‘*xi* poison.’ When offices of the government located in the counties are ordered by Imperial instructions to make [poison] and possess it, do not apply this statute. [slip no. 18]

有挾毒矢若謹(堇)毒 $\angle$ 、糴(蘓),³¹及和爲謹(堇)毒者:皆棄市 $\angle$.或命糴(蘓)謂鬻毒 $\angle$.詔所令縣官爲挾之,不用此律. [18/C11]

The intruding explanation “Some call *zhuo* poison by the name ‘*xi* poison’” was probably added by legal compilers during the early Han, when they were updating the Qin and pre-Qin statute collections that they had inherited. Since the same poison could be represented by many different regional variants, *zhuo* probably represented some Qin-capital dialect form. The Han commentators added a further name that this same poison was known by in their own time (*xi* poison), so that officials who used this article could be clear of what was being referred to. Even though the commentarial passage is set off from the statute text around it by attention marks “ $\angle$ ”, the commentary text was brushed by the same copyist as brushed the rest of the text. The

³⁰ LSS 2, pp. 498–99; Ban Gu 班固, *Han shu* 漢書 (Beijing: Zhonghua shuju, 1962) 2, p. 85.

³¹ Cui 糴 (polished grain) is an orthographic loan for *zhūo* 蘓 (also written 蘓, 蘓, or possibly 蘓) (a particularly fatal type of aconite poison).

ink-dip analysis shows that he copied the whole slip continuously, and the size of the commentary text is the same as the surrounding text. In the later imperial tradition, commentary to a text is usually drawn smaller than the main text, or in double columns, so as to distinguish it from the main text. It is possible that this commentary was set off in some more distinctive way (such as size or offsetting) in whatever edition was being copied for burial, but the final copyist may have just incorporated the commentary into the main text.

Case no. 20 of the *Doubtful Cases* is a fictional story, presented in the form of a legal proceeding, collated along with actual and embellished legal cases from the Qin and Han periods. The story is set in the state of Lu (Confucius' home state) during the seventh to sixth centuries BC, though there are so many anachronisms in the legal process implied, in the references to Ruists in a time before Confucius was even born, and in economic terminology (such as the use of gold as currency), that Robin Yates and I concluded that the story was actually written during the late-third century BC in the state of Qin. The opening part of the story reads:

In an earlier time, the laws of [the state of] Lu [stated]: "Robbing [items valued at] 1 cash up to 20 [cash]: fine one *liǎng* (approx. 15.5 g) of gold. More than 20 and up to 100 [cash]: fine two *liǎng* (approx. 31 g) of gold. More than 100 and up to 200 [cash]: make [the criminal] a white convict. More than 200 up to 1,000 [cash]: leave [the criminal] intact and make [him or her] a singer."

[The laws of the state of Lu] also stated: [174] "For all those who deceive their superiors about government affairs: sentence them according to the categorical principle on white convicts. For one who is guilty of two crimes [matching] the punishment of being made a white convict: add one degree to his or her crime."

A 'white convict' is comparable to the current 'bond servant' or 'bondwoman.'

A 'singer' is comparable to the current 'wall-builder.'

● 異時魯灋(法)【曰】: “盜一錢到廿: 罰金一兩。過廿到百: 罰金二兩。過百到二百: 爲日(白)徒。過二百到千: 完爲倡。”有(又)曰: [174/E39] “諸以縣官事訖其上者: 以日(白)徒灋(法)論之。有日(白)徒罪二者, 駕(加)其罪一等。”日(白)徒者, 當今隸臣妾、倡, 當城旦。

Some archaic elements were inserted into the story, in the form of the names of old penal titles "white convict" and "singer," to lend the story some archaic authenticity. Since these terms would have been unfamiliar to most Qin and Han legal scribes, who were the intended

audience for this compilation, the author, or a later editor of the story, inserted commentary to explain the contemporary equivalents of these archaic penal titles, as seen in the last two sentences in the above translation. In my opinion, this commentary was merely a literary device. The archaic penal titles were used, along with the updating commentary, to lend the fictional story a greater impression of being a genuine legal case from antiquity, which it certainly was not.

CONCLUSION

Through this analysis of the textual composition of the *Statutes and Ordinances of the Second Year* and the *Book of Submitted Doubtful Cases* texts from Zhangjiashan tomb no. 247, I hope to have demonstrated that copyists, compilers, commentators, and editors at various stages helped to shape the text we now have today. I have argued, on the basis of sight copying errors, attention marks, ink-dip analysis, and gross insertion errors, that the final copyists of the texts were merely making mechanical replications and were not closely engaged with the text. The intermediate compilers of the two texts created them from a larger body of texts, and this abstraction has left traces in the form of unresolved cross-references and inaccurate totals of slips mentioned in the texts. In the *Doubtful Cases*, we have further evidence that the compilers embellished some of the legal cases, even inserting whole passages of new text, in order to enhance the reputation of the scribal class, and possibly to entertain their colleagues who read such compilations. Finally, I have shown how imperial court officials, who edited the legal materials from which the intermediate compilations were drawn, had to continually revise the laws they inherited from earlier reigns in order to keep the language current and to taboo the names of the rulers of the present dynasty. They also had to insert commentary to explain archaic language or terms in regional dialects.

Of course, the archaeologists and editors of the modern edition, including translators such as Robin Yates and myself, have also had a major impact on how the text is read and perceived. The archaeologists recorded the dispersed locations of the bamboo slips in the waterlogged tomb in which they were found, and editors in China spent years reconstructing the order of the text and transcribing the ancient graphs into modern typeset characters. Editorial teams in China and Japan then provided glosses and voluminous annotation to understand the meaning of individual words and passages. Finally, the translators Yates and myself drew on this earlier work to create a modern critical

edition in the foreign language of English to present to readers, adding a further layer of interpretation. Thus, these modern Chinese and Japanese editors and English translators have inserted themselves into the long textual history of these productions, standing now alongside the perfunctory copyist, the overzealous and embellishing compiler, and the diligent and reformist Han government official whom I have introduced in this paper. If an ancient text is to be read, to remain relevant, and continue “to live,” such textual scholars and editors, both ancient and modern, must continually breathe life into it with their work of textual criticism.

LIST OF ABBREVIATIONS

- LSS* Anthony Barbieri-Low and Robin D.S. Yates, *Law, State, and Society in Early Imperial China*
- ZJS247, 2006 edn.* Zhangjiashan ersiqi hao Han mu zhujian zhengli xiaozu 張家山二四七號漢墓竹簡整理小組, eds., *Zhangjiashan Han mu zhujian [Ersiqi hao mu] (shiwen xiuding ben)* 張家山漢墓竹簡 [二十七號墓] (釋文修訂本)