

Formation of Time-Limited Compulsory Labour Punishment

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The Shuihudi bamboo manuscripts, unearthed from a Qin tomb in Yunmeng 雲夢, Hubei province, led to our new insight that the compulsory labour punishment, classified into five grades, was not limited in time during the Qin dynasty. While there are different views on this matter, this hypothesis now come to be widely accepted. From this viewpoint, Han emperor Wen's decree on penal system reform, including the phrase, "Having completed their term, criminals should be released," should be regarded as the first order to fix the term of compulsory labour in Chinese history.

After the publication of *Ernian lüling* 二年律令 at the end of 2001, some scholars pointed out the possibility that all, or some types, of labour punishment had definite terms even before Wendi. Having studied the bases of this new assertion, the author reached the conclusion that main forms of labour punishment had no fixed term and that a few types of term-limited labour punishment were considerably different from the main ones because they were imposed on particular persons, such as convicts, or in some particular circumstances.

Until the Wendi reform, labour punishment had been classified according to standards other than terms. Although the hardness of labour was considered to be a main standard, *Ernian lüling* informs us that there were various factors that determined the differences between each form of labour punishment. For example, the wife, young children, and property of a *chengdanchong* 城旦舂 convict, which was the heaviest form of labour punishment, were confiscated, and sometimes sold by the empire. This was the reason which made this labour punishment heavier than any others. In addition, mutilation was one of the characteristics of *chengdanchong* because it is certain that mutilated criminals were set to work as *chengdanchong*. On the other hand, relatives of *lichenqie* 隸臣妾, the second heaviest labour punishment, were not confiscated, though they were forbidden to live in a normal residential area. As a result, they had to move to the work place along with the convict. Besides, the

status as *lichenqie* was inheritable, and their children were unable to escape from hard labour. Children of *sikou* 司寇 convict were registered as common citizens, and were allowed to live in a normal residential area. Relatives of fixed-term labour convicts were probably to be treated in the same way as *sikou*.

In the first year of the Wendi reign (BC 179), the regulation regarding confiscation was abolished, and thus an important factor dividing *chengdanchong* from *lichenqie* disappeared. Moreover, mutilating punishment was also abolished in the 13th year of Wendi. There were still other standards for classification, but it became almost impossible to rank each labour punishment according to these standards alone. The fact that definite terms were introduced into the hard labour system along with the abolition of mutilating punishment tells us that the labour punishment system was at this stage no longer sustainable without time limits as a standard. A labour punishment system linearly structured by a single standard came into existence through the above process.

From a different angle, we should not overlook that the abolition of mutilating punishment and the introduction of definite terms in the labour punishment system achieved an identical practical effect, that is, cost reduction. Both changes must have reduced the number of convicts and cut the expenditure to sustain these labour forces. State slaves were liberated in the Wendi reign, and this policy also intended the same goal as mentioned above. Facing attacks of the Xiongnu and the threat from marquises, it was no doubt an important political issue to reorganize and rationalize the hard labour system including the military. We have to regard Wendi's penal system reform as an effort toward rationalization and economization.

Some problems concerning the election system in the Wei, Jin and the Southern Dynasties

— Focusing on the *shizhong lingwei* 侍中領衛 —

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In the Eastern Jin and Southern dynasties, the criteria of promotion were not official ranks 官品 but the cleanness=discreetness 清濁 of office. Therefore, sometimes bureaucrats were promoted by concurrent posts.

In this paper I examine how the positions of the bureaucrats change by holding posts concurrently, focusing on the cases of *shizhong* 侍中 (Palace Attendants) who were also *neihao jiangjun* 內號將軍 (Generals of Palace Guards, also called *xisheng* 西省) concurrently. A typical example is the *shizhong lingwei* 侍中領衛 which refers to a *shizhong* who was also a *zuoyouwei jiangjun* 左右衛將軍 (Left and Right Guard)

The bureaucrats of the Southern Dynasties were promoted as follows: 侍中→列曹尚書→吏部尚書, 中領軍・中護軍→尚書僕射, 領軍・護軍將軍→尚書令. Parallel to this route, variations of *shizhong* and *neihao jiangjun* were ordered as follows: 侍中→侍中領五校尉→侍中領前軍・後軍・左軍・右軍將軍→侍中領驍騎・游擊將軍→侍中領左右衛將軍 (→尚書令).

Without *shizhong ling zuoyouwei jiangjun* 侍中領左右衛將軍, these variations of *shizhong* were off-duty and only functional as the status of bureaucrats because bureaucrats were often nominated to these posts when they were sick.

The reasons why variations of *shizhong* and *neihao jiangjun* were ordered are as follows:

1. The *shizhong lingwei* was highly estimated because, from the end of the Eastern Jin to the beginning of Song dynasty, those who nominated to the *shizhong lingwei* often controlled the political situation.
2. *Shizhong* was regarded as a very desirable position, so bureaucrats wanted to be *shizhong* even against the promotion route. Therefore, those who were nominated to *shizhong* rank held *neihao jiangjun* ranks concurrently as a promotion and finally variations of *shizhong* were ordered to the ranking

which led to *shizhong lingwei*.

3. The *sanqi changshi* 散騎常侍 (Regular Mounted Attendant without specified appointments/Cavalier Attendant-in-ordinary) was tossed around as a concurrent position from Wei and Jin dynasty. The *neihao jiangjun* was a good replacement for *sanqi changshi* to the authorities which wanted to quit tossing.

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China's Native Opium Market, 1870 s- 1906

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Previous research on opium in late Qing China has mainly focused on imported opium, this paper discusses China's native opium market of this period. China's native opium was produced in interior regions and sold much to the coastal regions. Because of China's vast area, internal trade was far more important than external trade. Since the Maritime Customs has left behind more complete sources on external trade, research on external trade are far more abundant than those on internal trade. From the scattered but numerous materials, this paper sketches a picture of one internal trade of such a large economy as traditional China.

In China's native opium market, provinces with shortages in opium supply also had exports, provinces with surpluses also had imports, inter-provincial and even nationwide circulation was extremely common, and every opium production region responded keenly to the state of opium production in distant areas. Water and land transport were both important in linking production regions with markets. Water transport costs less expensive than land transport, but made it easier for the government to collect taxes, so its costs were not necessarily lower than land transport. Since the opium that each province produced had different grades, lower quality opium tended to be marketed inter-provincially to poor regions or the poor in wealthy regions, and vice versa. The size of circulation networks of various

grades of native opium was profoundly influenced by the amount of their production. But, the fact that middle- and low- grade Sichuan opium's nationwide circulation network was the largest could also be explained by the biggest share of poor people in the whole population. Apart from a small amount of native opium sold to Southeast Asia and Russia, China's native opium was mostly sold on the domestic market as China itself constitutes a big market for the lower grade opium.

William G. Skinner believed that there was extremely little interaction between the nine regions he divided for China, because trade between each of the regions was limited by high-cost, unmechanized forms of transport and long distances. For the native opium discussed in this essay, because its unit price was high, its markets were not limited by high-cost unmechanized transport and long distances. Rhoads Murphy deemed that the treaty ports had little connection with interior China. In addition to pointing out their close relation, this paper also reveals many important distribution centers outside of the treaty ports for distributing native opium.