

WOMEN DURING THE HAN DYNASTY
THROUGH THE LENS OF EXCAVATED MATERIALS

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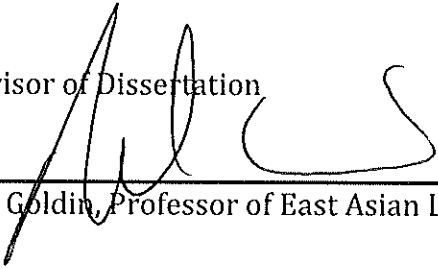
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ABSTRACT

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Paul R. Goldin

The purpose of this dissertation is to explore the life of Han women on the basis of excavated materials through four themes, namely, convict-labor, motherhood, sexual partners, and the afterlife. The sources include the Shuihudi, Zhangjiashan, and Mawangdui manuscripts along with visual representations and tomb artefacts. I argue that women were always the subject of concern either by the state or their partners. Female criminals constituted a crucial part in the government's labor force. They were expected to effectively produce offspring and raise the future population with some benefits in return under the principle of filial piety. Sexual relationships between men and women were systematically regulated by the state, while individual men focused on improving health during sexual intercourse and women received pleasure as a by-product. Only in the afterlife would the rules be more relaxed, with life as depicted inside the tomb as evidence. Excavated materials have produced a more nuanced image of Han women, as they offer new insights to our understanding of gender and sexuality during the early periods, for which we previously lacked the resources to study.

TABLE OF CONTENTS

ACKNOWLEDGMENT.....	ii
ABSTRACT.....	iii
LIST OF TABLES	vi
LIST OF ILLUSTRATIONS.....	vi
INTRODUCTION.....	1
Historical Background and Source Materials	1
Literature Review.....	5
Structure.....	9
Terminology.....	12
CHAPTER 1.....	24
Types of Female Productive Laborers	25
Crimes relating to Hard Labor.	39
CHAPTER 2.....	57
Benefits of Motherhood	58
Children's Fate.....	66
Preparing to be a Mother.....	76
CHAPTER 3.....	91
Lawful Sexual Partners	92
The Art of Seduction.....	104

Sexual Activity.....	107
Improving One's Naturally Endowed Genitals.....	117
CHAPTER 4.....	124
Productive Labor and Criminals	126
Spirit Mother.....	137
Sexual Partners.....	145
 CONCLUSION	 156
 BIBLIOGRAPHY	 158

LIST OF TABLES

Table 1: Summary Chart of Technical Terms.....	22
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LIST OF ILLUSTRATIONS

Figure 1: Salt production.	126
Figure 2: Kitchen scene. (Sichuan).....	127
Figure 3: Kitchen scene. (Shandong).....	128
Figure 4: Grain pounding.....	129
Figure 5: Various kinds of agricultural production.....	131
Figure 6: Farm.....	132
Figure 7: Market scene (1).....	133
Figure 8: Market scene (2).....	134
Figure 9: Convicts being shaved.....	135
Figure 10: Convict pits.....	136
Figure 11: Figurine of woman nursing a baby.....	137
Figure 12: Jin Midi bowing to his mother's image.....	139
Figure 13: T-shaped painting from Mawangdui.	140
Figure 14: Xiwangmu with the son deity on the right and the moon deity on the left. ..	144
Figure 15: Upper part of the T-shaped painting.....	144
Figure 16: Copulation.	146
Figure 17: Copulation (continued).....	147
Figure 18: Kissing couple on the left.....	148
Figure 19: Couple being intimate.	149
Figure 20: Kissing scene.....	149
Figure 21: Kissing and caressing.	150
Figure 22: Phallus found in Xuyi, Jiangsu, Western Han.....	151
Figure 23: Phallus found in Liaoyang, Liaoning, Western Han.	152
Figure 24: Phallus found in Yizheng, Jiangsu, Western Han.	152
Figure 25: Double-headed phallus with two cobblestones, Western Han.	153

INTRODUCTION

This dissertation examines issues relating to women in recently excavated materials from the Han dynasty (206 BC–AD 220). Women's studies is an interdisciplinary field that has been given increasing attention in the past few decades. The field started outside China, but it is now international. Excavation of tombs over the last 15 years has afforded us many relevant materials relating to gender and sexuality, which are important evidence in this study.

1. Historical Background and Source Materials

The word *Han* 漢 of the Han dynasty has subsequently been used to refer to the whole population whose ancestors might have been subjects of any states during the Warring States period. More than four hundred years of Han rule rendered it one of the most stable periods in Chinese history. However, a major part of the foundation of the empire was a holdover from the Qin dynasty (221 to 206 BC). Han administrators created laws on the basis of Qin's laws, as evidenced in the Qin legal documents from Shuihudi and the Han legal documents from Zhangjiashan. Of course, some changes were also made to suit the new regime.

The sources that constitute the backbone of this dissertation are excavated texts from the Shuihudi, Zhangjiashan, and Mawangdui tomb complexes, along with visual representations and artefacts from over twenty Han tombs across China. Shuihudi is the name of the location in Yunmeng County, Hubei, where bamboo slips were found in tomb

no.11, in December of 1975. The collection contains 1,155 slips, many of them legal documents. The tomb has been dated to 217 BC, and the texts belonged to the state of Qin during the 3rd century BC.¹ The tomb's occupant was a man named Xi 喜, who was born in 262 BC, became a scribe of the Qin in 244 BC, was promoted to the position of Prefectural Clerk in 241 BC, and was charged with a crime in 235 BC. He died in 217-216 BC.² In addition to the Qin statutes, there are models for legal investigations, a divination manual, a letter from a regional governor dated 227 BC, and a chronicle with dates from 306 to 217 BC.³ As the Qin dynasty provided many administrative models for the early Han to follow, the Shuihudi documents are particularly important for the study of the early Chinese legal system.

Zhangjiashan is the name of an archaeological site near Jingzhou, Hubei, the same province where Shuihudi texts were found. Bamboo slips were found in tomb no. 247, in December of 1983,⁴ eight years after the discovery of the Shuihudi documents. The discovery of the Zhangjiashan texts was another great contribution to the understanding of the Han legal system, medicine, mathematics, military, and calendar. The texts include a calendar indicating the date of the first day of the lunar month for the years 202 BC – 186 BC, which ends in the second year of the reign of Empress Lü.⁵ The calendar also states that the tomb owner was an official who had surrendered to Han in 202 BC and retired due

¹ Hulsewé, *Remnants of Ch'in law*, 1-2.

² Hulsewé, *Remnants of Ch'in law*, 3-19.

³ Barbieri-Low and Yates, *Law, State, and Society*, 41.

⁴ Barbieri-Low and Yates, *Law, State, and Society*, 6.

⁵ Barbieri-Low and Yates, *Law, State, and Society*, 14, 64; *Zhangjiashan* (2001), 129–30; *Zhangjiashan* (2006), 3–4.

to illness in 194 BC.⁶ A complete list of the discovered texts includes the *Statutes and Ordinances of the Second Year* (*Ernian lüling* 二年律令), the *Book of Submitted Doubtful Cases* (*Zouyan shu* 奏讞書), the *Book on Vessels* (*Mai shu* 脈書), the *Book of Calculation* (*Suanshu shu* 算數書), King Gailu of Wu (*Gailu* 蓋廬), and the *Book on Therapeutic Pulling* (*Yin shu* 引書).⁷

Three tombs were discovered at Mawangdui, Changsha, Hunan in 1973, two years before the discovery of the Shuihudi tomb. In tomb no.1 lay a well-preserved female corpse.⁸ According to Fong Chow, the tomb possessed the characteristics of a Western Han tomb. One piece of evidence of the age of the tomb is the characters on the lacquers, which contain “Majordomo of the Household of the Marquis of Dai,” *Dai Hou Jia Cheng* 軹侯家丞 and “Household of the Marquis of Dai” *Dai Hou Jia* 軹侯家. Thus, the lady must have been related to the Marquis of Dai, probably his wife. References to the Marquis of Dai can be found in the *Shiji* 史記 and the *Hanshu* 漢書.⁹ Three seals found in tomb no.2 identify the tomb owner as Li Cang 利蒼 and confirm that he held the position of Prime Minister of Changsha and that he was also bestowed with the title Marquis of Dai. According to the *Shiji* and *Hanshu*, he died in 186 BC.¹⁰

More than 1,000 items were discovered in tomb no. 3. The memorial found in the tomb indicates that it was sealed in 168 BC. According to Jeffrey Riegel’s summary of

⁶ Barbieri-Low and Yates, *Law, State, and Society*, 48.

⁷ Barbieri-Low and Yates, *Law, State, and Society*, 14; Milburn, “Gai Lu,” 101-40.

⁸ Fong and Cheng, “A Brief Report,” 17; Buck, “Three Han Dynasty Tombs at Ma-Wang-Tui,” 36.

⁹ Fong and Cheng, “A Brief Report,” 22.

¹⁰ Riegel, “A Summary of some Recent *Wenwu* and *Kaogu*,” 11.

Chinese archaeological reports, the lady in tomb no. 1 died shortly after 168 BC and was the wife of Li Cang. Their son was buried in tomb no. 3. However, the identity of the son is not clear because there is only one of Li Cang's sons mentioned in historical texts, one who died in 165 BC. The inscriptions on the lacquers are the same as those found in tomb no. 1.¹¹

There are several texts found in tomb no. 3 including the *Yijing* 易經, a text parallel in many parts of the received *Zhanguo ce* 戰國策, and two editions of *Laozi* 老子. These texts were written on silk in clerical script. The copies of *Laozi* have attracted many scholars' attention because the versions from this tomb present many variations from the transmitted texts.¹² There is a text concerning good and bad fortune based on astrology. This book is called *Tianwen qixiang zazhan* 天文氣象雜占 ("Assorted Astronomical and Meteorological Prognostications").¹³ In addition to the silk manuscripts, there are also three maps. One is a topographical map, one is a map of military installations, and another is a map of walled cities. These are considered the earliest known maps from China.¹⁴

Medical texts are also part of these manuscripts found at Mawangdui. By means of script analysis and based on textual evidence, some texts were already over forty years old at the time when they were sealed. Most of the medical texts are believed to have been

¹¹ Riegel, "A Summary of some Recent Wenwu and Kaogu," 11-12.

¹² Buck, "Three Han Dynasty Tombs at Ma-Wang-Tui," 31-32.

¹³ Harper, "A Summary of the Contents of the Ma-wang-tui," 57.

¹⁴ R.R.C. de Crespigny, "Two maps from Mawangdui," 211.

copied around 200 BC. The Mawangdui manuscripts provide evidence of the development of medical theories consistent with the *Huangdi neijing* 黃帝內經.¹⁵

In addition to these excavated documents, both on bamboo and silk, this dissertation will also examine other excavated objects and visual representations found in Western and Eastern Han tombs from Sichuan, Shandong, Henan, Hunan, Jiangsu, Liaoning, and Hebei provinces.

2. Literature Review

While there is not much evidence regarding women before the Han, there are some interesting stories from pre-Han texts. It appears that women during the time might have faced moral dilemmas, as Paul R. Goldin has pointed out. *Chunqiu* 春秋 chronicle records that Bo Ji 伯姬 (d. 543 BC), the widow of Lord Gong of Song 宋共公 died in a fire. Three notable sources comment on this incident. First, *Gongyang zhuan* 公羊傳 notes that Bo Ji refused to depart from a burning palace, because it would not be appropriate for her to go out after dark without her tutor and governess. Second, *Guliang zhuan* 穀梁傳 praises her for her action to preserve chastity, even though it cost her life. Third, *Zuozhuan* 左傳 condemns her for not acting more appropriately to the situation to save her own life. According to *Mengzi* 4A.17, under normal circumstances, males and females should not touch each other; however, if one is drowning, the other should extend his or her hand to

¹⁵ Harper, *Early Chinese Medical Literature*, 4.

help. It seems that even the elite scholars who authored these classic texts did not have exactly the same idea of how women should behave, so it is not clear whether a woman should protect her chastity at all costs or should use her judgement and act according to circumstances.¹⁶

One main source of Han women's lives in transmitted texts is *Lienü zhuan* 列女傳 (Biographies of notable women), by Liu Xiang 劉向 (79-8 BC). As the title indicates, this text includes only a small number of carefully selected female historical figures. Because Liu Xiang chose women who displayed morality in accordance with his own conception of virtue, these stories record not so much their actual lives as the ideal female image of the elite. A few women could reach a political position on a par with an emperor, such as Empress Lü, whose actions were recorded in *Shiji* and *Hanshu*, both of which dedicate one chapter to her biography.

Lienü zhuan is a collection of 125 biographies of women from ancient times. Stories are categorized according to six virtues. The six virtues are maternal rectitude *muyi* 母儀, sage intelligence *xianming* 賢明, benevolent wisdom *renzhi* 仁智, purity and obedience *zhenshun* 貞順, chastity and righteousness *jieyi* 節義, and skill in argument *biantong* 辨通.¹⁷ Lisa Ann Raphals notes that it is the first time women were expected to intellectually and morally instruct children, and also contradicts the views in *Xunzi*: “A father can beget them [children] but cannot suckle them; a mother can feed [suckle] them but cannot instruct

¹⁶ See Goldin, “Women and Moral Dilemmas,” 25-35.

¹⁷ See Raphals, *Sharing the Light*, 20.

or correct them. A *junzi* 君子 [as ruler] not only can feed them [people], but can instruct and correct them as well.”¹⁸ This passage does not, however, state that only fathers can instruct children. The text implies that neither normal fathers nor mothers can instruct them. If a parent attains the morality of a *junzi*, then a mother should be able to instruct her children as well. I am inclined to believe that the early Confucian tradition perceived women as morally equal to men.¹⁹

Another crucial source is *Nüjie* 女誡 by Ban Zhao (ca. 45-116). *Nüjie* outlines virtues and behaviors for women that Ban Zhao thought would be better for a family’s reputation. She called for female education, but her text is filled with conventional concepts such as “If a husband does not control his wife, authority and ceremony will lapse, and become deficient; if a wife does not serve her husband, righteousness and order will decline and be lacking.”²⁰ Griet Vankeerberghen claims that Ban Zhao distinguished between the primary wife and those lower than her. The distinction is implied in moral terms: the wife is the one who excels in the wifely virtues. Possession of wifely virtues was connected to a classical education, a privilege of elite families, and it also became a marker of social status. Requiring the primary wife to have high morals was an effective way for elite families to assure that the marriage ties were not threatened by women with superior sex appeal but inferior social backgrounds.²¹ It is an interesting interpretation and very likely the text was directed at elite families, but I disagree that Ban Zhao would like to distinguish

¹⁸ Raphals, *Sharing the Light*, 21.

¹⁹ See Goldin, *The Culture of Sex*, 2, 48-74.

²⁰ Goldin, “Admonitions for Women,” 188.

²¹ Vankeerberghen, “A Sexual Order in the Making,” 121-39.

between the primary wife and her husband's other women. Even though Ban Zhao used the word "wife" (*qi* 妻 or *fu* 婦), the meaning might not have been limited to the primary wife. Ordinary women might not have access to it, but the emperor's consorts could have read it. The secondary wife in an elite family could have come from another elite family as well, though usually less elite than that of the primary wife. Thus, the wifely virtues could have been expected of all legitimate female partners.

Previous research on women in the Han dynasty has mostly relied on transmitted texts such as *Shiji*, *Lienü zhuan*, *Hanshu*, and *Nüjie*.²² Some scholars have begun to research women's issues on the basis of excavated texts, for example, Bret Hinsch on an excavated Han dynasty will;²³ Li Ling and Keith McMahon on the arts of the bed chamber found in Mawangdui texts;²⁴ Paul R. Goldin on the Confucianization of the law on the basis of Shuihudi and Zhangjiashan legal texts;²⁵ Ulrich Lau on family matters and jurisdiction;²⁶ and Michael Nylan on a case from *Zouyanshu* 奏讞書, one of the Zhangjiashan legal documents, involving illicit sex.²⁷ In addition, there are translations such as Donald Harper's of the Mawangdui medical texts.²⁸ Anthony Barbieri-Low and Robin D.S. Yates have recently published a complete translation of the legal texts from Zhangjiashan with rigorous footnotes.²⁹ In addition to excavated manuscripts, there are

²² See: Raphals, *Sharing the Light*; Hinsch, *Women in early imperial China*; Guardé-Paz, "Moral Dilemmas in Chinese Philosophy."

²³ Hinsch, "Women, Kinship, and Property as Seen in a Han Dynasty Will."

²⁴ Li and McMahon, "The contents and terminology of the Mawangdui texts."

²⁵ Goldin, "Han Law and the Regulation of Interpersonal Relations."

²⁶ Lau, "The scope of private jurisdiction in early imperial China."

²⁷ Nylan, "Notes on a case of illicit sex from Zhangjiashan."

²⁸ Harper, *Early Chinese Medical Literature*.

²⁹ Barbieri-Low and Yates, *Law, State, and Society in Early Imperial China*.

also many paintings, reliefs, murals, and objects found in Han tombs that could be used to conduct research on women. However, there have been relatively few publications that make use of these materials with a focus on women.³⁰ Thus, I will build upon the foundation that the above-mentioned scholars have laid, and will rely on three types of sources, namely, received texts, excavated texts, and non-textual artifacts to create a better picture of women during the Han dynasty.

3. Structure

My dissertation is divided into four chapters. The first chapter investigates the role of female criminals in the government's labor force and the differences in sentencing regarding male and female criminals. The second chapter examines legal and medical perspectives on motherhood that defined Han women. The third chapter discusses men and women as sexual partners. The fourth chapter interprets the lives of women as represented in visual images.

The first chapter, "Female Criminals and Productive Labor," examines legal documents from Zhangjiashan regarding the legal status of female criminals and their male counterparts, especially the differences in sentencing for the same crime. Laws functioned as a tool for the state to guide its people in the direction that it desired. There were four types of female laborers who contributed to productive activity. Three types were convicts

³⁰ See Wu, "Xiwangmu"; James, "An Iconographic Study"; Barbieri-Low, *Artisans in Early Imperial China*; Poo, *Daily life in ancient China*.

who supplied the labor for the state. The main task for female criminals sentenced to hard labor usually involved food production, particularly grain and rice. However, the state could dispatch them to other jobs as needed. Female slaves were the source of productive labor within a household. They had to work according to their master's orders, and sometimes they had to attend to the master's sexual needs as well. However, the law did not allow the relatives of the master to have sexual intercourse with a female slave who did not belong to them.

The second chapter, "Legal and Medical Perspectives on Motherhood," explores the concept of motherhood that was expected of Han women and benefits that came with the role. Certain days of the month are recommended for sex because they supposedly produce male or female offspring. A text called *Taichan shu* 胎產書 among the Mawangdui manuscripts discusses various methods to conceive a child. One of many interesting findings is that the text provides instructions on how to beget girls, not just boys. The process of determining the sex for a child extends beyond the day on which the child is conceived. The other times were during the pregnancy. The afterbirth determines the sex of the next child as well. Motherhood was not just a task required of women, but also a privilege. The status of mother granted a woman the respect of her children for her entire life and responsibilities for her welfare, as filial piety was the concept behind many statutes regarding the relationship between parents and children. It would be a serious crime if children ever harmed their parents, either physically or verbally. They were required by law to take care of their elders well and would be punished severely if it was otherwise.

The third chapter, “Men and Women as Sexual Partners,” discusses women’s role as sexual partners represented in the Zhangjiashan and Mawangdui manuscripts. For example, the Zhangjiashan legal texts provide evidence of the authorities’ anxiety at the beginning of the Han dynasty, when there were still many factions that needed to be brought under control. Han law was concerned not only with many aspects of women’s lives inside their home, such as what position they should be legally assigned after being married into their husbands’ families, but also what kind of person they could marry, as the law prohibited marriage between people living in Chang’an and people from other states, which had been previously under the control of the regional lords, even if they were allied with the Han and currently governed by someone from the Liu family, such as Qi.³¹ As opposed to the Han laws, the Shuihudi documents, which date to the time before the Qin unification, were concerned with affairs that directly affected the state, and elaborate less than Han law on family matters. In addition to several graphic instructions on sex acts in Mawangdui texts, there are also instructions on how to make female partners achieve orgasm. Foreplay before sexual intercourse, such as embracing, kissing, and caressing, is considered important to make a woman desire sex with a man. However, the ultimate goal of the instructions is to nourish men’s health and extend their lifespan. The texts are concerned with both men and women as sexual partners.

The fourth chapter, “Life after Death,” looks at images of women on tomb objects. The main question of this chapter is how women were treated after death. The goddess Xiwangmu 西王母 is another major focus of this chapter, as her image appears in Han

³¹ Barbieri-Low and Yates, *Law, State, and Society*, 1196-1203.

tombs from various regions and it is clear that she was regarded as a powerful deity, more powerful than Dongwanggong 東王公, who was invented later to be her partner. The Mawangdui tombs yielded not only a great wealth of texts, but also many important non-textual objects. One of the most controversial is the T-shape painting that covered the coffin of the female tomb occupant, whose corpse was well-preserved. In addition to the Mawangdui tombs, there are other tombs, such as that of Princess Dou Wan 竇綰, the wife of Liu Sheng 劉勝, who was buried in a jade suit, an honor that she shared with her husband. This signifies that some women, at least as far as their burial vestments are concerned, could rise to the same level as their husbands. With more than 15,000 Han tombs excavated from all over China, we can peek into the lives of women as portrayed in tombs outside the capitals of the Han empire as well.

4. Terminology

Han China not only had laws that guided social behavior, but also the status within marriage was legally and systematically assigned. I will discuss sixteen technical terms related to marriage, concubinage, and sexual slavery in Zhangjiashan texts, namely, *fu* 婦、*qi* 妻、*zhumu* 主母、*houmu* 後母、*jiamu* 假母、*niezi* 孽子、*pianqi* 偏妻、*di* 嫡、*xiaqi* 下妻、*ruzi* 孺子、*liangren* 良人、*jibazi* 姬八子、*qiqi* 棄妻、*houqi* 後妻、*qie* 妾、*bi* 婢.

First, the term *fu*, which Barbieri-Low and Yates translate as “consort,” seems to be a general term that means a female partner. For example:

婦賊傷、毆、詈夫之泰（大）父母、（父母）、主母、後母：皆棄市。
 Consorts maliciously injuring, striking, or cursing the paternal grandfather or grandmother, father or mother, or principal mother or stepmother of the husband: in every case, cast [the consort] away in the marketplace.³²

The list of victims of consort abuse covers a wide range of the husband’s senior close relatives. It makes sense that *fu* should be a general term whereas *qi* refers to a principal legal wife. Logically, if a wife were to receive a punishment this harsh (cast in the marketplace), then any woman below her would not receive anything lighter.³³

There is no consensus on the meaning of the phrase *zhumu* (principal mother). *Zhangjiashan Han mu zhujian [Ersiqi hao mu]* (2001) and (2006) (these are two books with the same title) suggest that the definition should be the term that slaves used to address the master’s wife, and it indicates someone with a motherlike relationship, so it could refer to a female slave-owner who has a mother-child relationship with the criminal. Tomiya Itaru and *Senshū daigaku Ninen ritsuryō kenkyūkai* 専修大学『二年律令』研究会 (14 volumes, later will be abbreviated to *Senshū*) argue that it refers to the principal legal wife, from the perspective of a concubine, so in this case, it would refer to a child of a concubine beating or cursing the principal wife of his father.³⁴ I think *zhumu* is more likely to mean

³² Barbieri-Low and Yates, *Law, State, and Society*, 405.

³³ The group of all classes of female spouse in the Tang statute is referred to as *zhuqiqie* 諸妻妾 (various wives and concubines). See Barbieri-Low and Yates, *Law, State, and Society*, 446.

³⁴ Barbieri-Low and Yates, *Law, State, and Society*, 443; Tomiya, *Kōryō Chōkasan nihyakuyonjūnana-gō bo shutsudo Kan ritsuryō no kenkyū*, 2:25n5; Senshū (ichi), “Zokuritsu,” 143n5.

the principal legal mother, who is not the birth mother, but the wife of the father, because the term *houmu* comes together in this statute, the master's wife should be in another category.

Tomiya Itaru suggests that the term *houmu* (lit., 'later mother') appears in early texts to indicate a "stepmother," the father's principal wife after the biological mother died or was divorced.³⁵ Huang and Goldin translate the term as a "foster mother," and suggest that it refers to a principal wife who adopted a son from her husband's paternal relatives.³⁶ Another similar term is *jiamu*, which Barbieri-Low and Yates also translate as stepmother, as seen below:

諸後欲分父母、子、同產、主母、假母及主母、假母欲分孽子、假子
田以為戶者：皆許之。

For all cases of a legal heir who wishes to apportion [agricultural fields] to [his or her] father or mother, son, [sibling] born of the same [mother], principal mother, or stepmother, as well as cases of a principal mother or stepmother who wishes to apportion agricultural fields to a son by a concubine, or to a stepson, so that he can form a household: in every case, permit it.³⁷

Barbieri-Low and Yates claim that *jiamu* (lit. 'false mother' or 'borrowed mother') is some other type of stepmother, possibly a former concubine who is acting as mother. *Senshū* translates it as *keibo* 繼母 (stepmother). The main point here is that the heir is neither a relative of this woman nor the principal mother.³⁸ Huang and Goldin suggest that

³⁵ Barbieri-Low and Yates, *Law, State, and Society*, 443; Tomiya, *Kōryō Chōkasan nihyakuyonjūnana-gō bo shutsudo Kan ritsuryō no kenkyū*, 2:25–26n6.

³⁶ Huang and Goldin, "Polygyny and Its Discontents," 25.

³⁷ Barbieri-Low and Yates, *Law, State, and Society*, 801.

³⁸ Barbieri-Low and Yates, *Law, State, and Society*, 820; Senshū (nana), "Fukuritsu, Shiritsu, Koritsu," 174n3.

a former wife who remarried would be called by this term by her birth children who remained in their father's household.³⁹ Another technical term here is *niezi*, which Zhangjiashan (2001) and (2006) gloss as *shuzi* 庶子 (son born of a concubine).⁴⁰

Let us look at *pianqi*, another problematic term:

當仕為上造以上者，以嫡子。無嫡子，以偏妻子、孽子，皆先以長者。若次其父所以未傳，須其傳；各以其傳時父定爵仕之。父前死者，以死時爵。當為父爵後而傳者，仕之如不為後者。

For one who is made to serve at Sovereign's Accomplished or higher [rank], take a son of the principal wife. When there are no sons of the principal wife, take a son of a side-wife or concubine, in every case, taking the eldest first. If he is enumerated [on the household register] at his father's place [of residence], and for this reason he has not yet enrolled, wait for his enrollment; in each case, appoint him to serve at a rank based on the determined rank of the father at the time of the son's enrollment. For one whose father has died beforehand, [appoint him to serve at a rank based on the father's] rank at the time of his death. For one who matches being heir to the father's rank and is then enrolled, appoint him to serve as though he were not acting as the heir to the father's [rank] (i.e., as a non-successor-son).⁴¹

Barbieri-Low and Yates translate the term *pianqi* as side-wife. Zhangjiashan (2001) and (2006) gloss the term *pianqi* (lit., 'side-wife') as *pianfang* 偏房 (lit., 'side-bedroom'), which is also the view of Wang Zijin. Barbieri-Low and Yates explain that they translate it literally as "side-wife," to avoid confusion with another term in the legal texts that they translate as "concubine." Tomiya Itaru proposes that a *pianqi* is a wife who does not reside with her husband. *Senshū* argues that a *pianqi* could be living either with the husband's

³⁹ Huang and Goldin, "Polygyny and Its Discontents," 25.

⁴⁰ Barbieri-Low and Yates, *Law, State, and Society*, 820.

⁴¹ Barbieri-Low and Yates, *Law, State, and Society*, 839.

family or separately. She might have been rented out by her husband or shared by brothers, a situation that occurred in late imperial China, but was not accepted by the authorities.⁴² I think Tomiya Itaru and *Senshū*'s theories are less convincing. A son of a *pianqi* is second in line to inherit the rank, right next to a son of the principal wife, so I assume that *pianqi* should at least be living together with the husband's family. My interpretation is that the status of *pianqi* is somewhat similar to secondary wife. She could be a concubine who came from a higher status than other concubines, so the difference between *pianqizi* 偏妻子 and *niezi* from the example above is that the latter one is a son born of a concubine who came from a low-class family. Barbieri-Low and Yates claim that the distinction may have been merely dialectal or regional,⁴³ with which I disagree because both terms appear in the same sentence.

There seems to be no problem with the term *di*, which means the principal, legal wife of the husband.⁴⁴ Huang and Goldin add that she ranked second only to her husband, whereas any other female companions were always inferior in terms of family hierarchy despite their closer relationships with the husband.⁴⁵ The term is a synonym for *qi*, only with more emphasis on the legal status. Griet Vankeerberghen suggests that this title might

⁴² Barbieri-Low and Yates, *Law, State, and Society*, 448; Wang, "'Pianqi' 'xiaqi' kao," 147–54; Tomiya, *Kōryō Chōkasan nihyakuyonjūnana-gō bo shutsudo Kan ritsuryō no kenkyū*, 2:31–32n1; *Senshū* (ichi), "Zokuritsu," 149n1; Bossler, *Courtesans, Concubines, and the Cult of Female Fidelity*; Sommer, *Sex, Law, and Society*.

⁴³ Barbieri-Low and Yates, *Law, State, and Society*, 847.

⁴⁴ Barbieri-Low and Yates, *Law, State, and Society*, 864.

⁴⁵ Huang and Goldin, "Polygyny and Its Discontents," 16.

have meant only that her son was first in line to inherit his father's title.⁴⁶ We can see the use of the term from an example below:

疾死置後者，徹侯後子為徹侯；其無嫡子，以孺子【子】、【良】
【人】子。關內侯後子為關內侯；卿【侯】（後）子為公乘；【五】
【夫】（大夫）後子為公夫（大夫）；公乘後子為官夫（大夫）；
公夫（大夫）後子為夫（大夫）；官夫（大夫）後子為不更；夫（大
夫）後子為簪褭；不更後子為上造；簪褭後子為公士。其無嫡子，以
下妻子、偏妻子。

For a case of establishing an heir [to a rank] when a person has died of illness, the successor-son of a Penetrating Lord is made a Penetrating Lord; [for a Penetrating Lord] who does not have a son by the principal wife, use [a son] by a Young Lady or a son [by a Virtuous Lady as the heir]. The successor-son of a Lord within the Passes is made a Lord within the Passes; the successor-son of one holding Ministerial [rank] attains Royal Conveyance [rank]; the successor-son of one holding Fifth Grandee [rank] attains Grandee of the Realm [rank]; the successor-son of one holding Royal Conveyance [rank] attains Grandee of the Bureaucracy [rank]; the successor-son of one holding Grandee of the Realm [rank] attains Grandee [rank]; the successor-son of one holding Grandee of the Bureaucracy [rank] attains Service Rotation Exempt [rank]; the successor-son of one holding Grandee [rank] attains Embellished Horse [rank]; the successor-son of one holding Service Rotation Exempt [rank] attains Sovereign's Accomplished [rank]; the successor-son of one holding Embellished Horse [rank] attains Knight of the Realm [rank]. Should he have no son by the principal wife, use a son by a lesser wife or a son by a side-wife.⁴⁷

The three kinds of concubines from the example above, namely, *xiaqi*, *ruzi* and *liangren*, merit further discussion. Barbieri-Low and Yates translate *xiaqi* as “lesser wife.” Zhangjiashan (2001) and (2006) explain the term “lesser wife” (*xiaqi*) by referring to the commentary by Yan Shigu on *Hanshu*,⁴⁸ in which Yan glosses it as “like saying *xiaoqi* 小

⁴⁶ Vankeerberghen, “A Sexual Order in the Making,” 121-39.

⁴⁷ Barbieri-Low and Yates, *Law, State, and Society*, 855.

⁴⁸ *Hanshu*, 99B.4119.

妻 ‘little wife’ (i.e., a concubine).” *Senshū* points to passages in the *Hou Hanshu*⁴⁹ listing *xiaqi* alongside female slaves as those who were abducted and sold into those positions; thus, they were unofficial wives, meaning sex slaves.⁵⁰ Huang and Goldin translate *xiaqi* as “lower wife” and *xiaoqi* as “minor wife,” and suggest that she was a freewoman, not a slave.⁵¹ I agree that *xiaqi* does not refer to sex slaves. Clearly, her son could inherit a rank alongside a son by a side-wife,⁵² even though it is the lowest rank in the list above. I think *xiaqizi* 下妻子 is a synonym for *niezi*, which means a son by a low rank concubine.

According to Barbieri-Low and Yates, *chehou* 徹侯 (Penetrating Lord) was the highest rank in the Han system of ranking. It served more as a noble title than an actual rank.⁵³ Therefore, *ruzi* and *liangren*, which Barbieri-Low and Yates translate as “Young Lady” and “Virtuous Lady,” respectively, should be high-rank concubines, only lower than the principal wife. It makes sense that these ranks would be granted to only selected high-rank concubines of a man who held the highest rank.

Next, I would like to discuss another term for high-rank concubines, *jibazi* (Eight-Son-Bearing Consorts):

諸侯王得置姬八子、孺子、良人。

⁴⁹ *Hou Hanshu*, 1B.52, 63.

⁵⁰ Barbieri-Low and Yates, *Law, State, and Society*, 865; *Senshū* (hachi), “Kōritsu, Furitsu, Chigoritsu,” 230n8.

⁵¹ Huang and Goldin, “Polygyny and Its Discontents,” 21-22; Sasaki, “Handai hunyin xingtai xiaokao”; Wang, *Gushi xingbie yanfu congkao*, 219-31.

⁵² See Liu, You Zhangjiashan Hanjian Ernian luling lun Hanchu de jicheng zhidu, 30, 42, 71, 95; Vankeerberghen, “A Sexual Order in the Making,” 125.

⁵³ Barbieri-Low and Yates, *Law, State, and Society*, 666; Bielenstein, *The Bureaucracy of Han Times*, 108–9.

Regional Lords may appoint Eight-Son-Bearing Consorts, Young Ladies, and Virtuous Ladies.⁵⁴

This provides another confirmation that *ruzi* and *liangren* are high-rank concubines; only a man of high status could appoint his concubines to these ranks. Barbieri-Low and Yates translate the term *jibazi* as “Eight-Son-Bearing Consort.” According to them, *ji* is a general term meaning ‘Imperial consort.’ The words *ji* and *bazi* appear together as *jibazi* (Eight-Son-Bearing Consort) only in *Hanshu*,⁵⁵ referring to the harem of a regional lord, so *ji* is attached to *bazi* only in that special case. Hucker translates the title as just ‘Consort.’ Bielenstein translates the term as “Eighth-Rank Lady.”⁵⁶ I think Barbieri-Low and Yates’ translation is better than others; however, I do not think *jibazi* refers only to the case of a regional lord. I think *ji* refers generally to consorts of those three titles: *bazi*, *ruzi*, and *liangren*, which regional lords could appoint according to Han laws.

Qiqi and *houqi* are also terms important for successors and inheritance:

後妻無子男為後，乃以棄妻子男。

When the later wife has no male offspring to become the heir, then use the divorced wife’s male offspring.⁵⁷

While the term *houqi* (lit., ‘later wife’) undoubtedly refers to a new wife, the term *qiqi* (lit., ‘discarded wife/to discard a wife’) refers to a wife who has been divorced. It is seen elsewhere in the Zhangjiashan texts that a divorced wife is not liable for her ex-

⁵⁴ Barbieri-Low and Yates, *Law, State, and Society*, 653.

⁵⁵ *Hanshu*, 53.2416.

⁵⁶ Barbieri-Low and Yates, *Law, State, and Society*, 665; Hucker, *A Dictionary of Official Titles*, 361 no. 4385; Bielenstein, *The Bureaucracy of Han Times*, 73.

⁵⁷ Barbieri-Low and Yates, *Law, State, and Society*, 859.

husband's crimes. This term also appears in a Qin statute: "If one *qiqi* 'divorces a wife' and does not report this in writing, the fine is two suits of armor."⁵⁸

The term *qie*, which is often translated as concubines, never refers to concubines in Zhangjiashan texts. In the pre-imperial Qin laws from Shuihudi, male slaves were called *chen* 臣, while female slaves were *qie*. These terms were replaced in the Han laws by the terms *nu* 奴, for a male slave, and *bi*, for a female slave.⁵⁹ Barbieri-Low and Yates translate the term *qie* as "bondwoman."⁶⁰ Huang and Goldin translate *bi* as "bondservant."⁶¹ In *Mencius*, there are several cases when *qie* is used to refer to concubines.⁶² It is possible that the term was used legally as female slaves and colloquially as concubines during the Warring States period.

Most statutes discussed above were obviously aimed at regulating marriage and sexual relationships within the elite class. Common people usually would not have to worry about which son would inherit the father's rank, and were not even able to read the statutes. However, as Charles Sanft has proposed, the laws could be communicated to people by publicizing the punishment.⁶³ They at least should be well aware of crimes that warranted harsh punishments such as execution in the marketplace.

⁵⁸ Barbieri-Low and Yates, *Law, State, and Society*, 868; *Shuihudi*, "Falü dawen," 133, slip no. 169; Hulsewé, *Remnants of Ch'in Law*, 168 D148.

⁵⁹ Barbieri-Low and Yates, *Law, State, and Society*, 224-25; *Liye Qin jian du jiaoshi [diyi juan]*, 12 board no. 5-18.

⁶⁰ Barbieri-Low and Yates, *Law, State, and Society*, 428.

⁶¹ *Yubi* 御婢 as cohabiting bondservant, Huang and Goldin, "Polygyny and Its Discontents," 22; Zhang, "Shi Zhangjiashan Hanjian zhong de 'yubi'."

⁶² For example, "其妻妾不羞也," see *Mencius* 4B.33.

⁶³ Sanft, *Communication and Cooperation in Early Imperial China*, 140-43.

Thanks to the discovery of Zhangjiashan texts, we have gained more insight into the mind of the authorities behind the Han empire. It is quite clear that early Han law, an updated version of Qin law, was elaborate and systematic. The Han empire not only had concerns about crimes directly affecting the state, but also enforced moral guidelines through laws in order to regulate people's morality. In certain extreme cases, such as a consort's cursing the paternal grandmother of the husband, which might not negatively affect the state in any possible way, the state still had to intervene and punish the consort very severely for going against the rule of filial piety by casting her away in the marketplace for everyone to witness the punishment for such an unforgivable crime.

Table 1: Summary Chart of Technical Terms

	Barbieri-Low and Yates	<i>Senshū</i>	Tomiya	Huang and Goldin	My notes
1. <i>fu</i> 婦	Consort				General term for female companion
2. <i>qi</i> 妻	Wife				Principal legal wife
3. <i>zhumu</i> 主母	Principal mother	Principal wife of the father	Principal wife of the father		Principal legal mother
4. <i>houmu</i> 後母	Later mother or second mother (stepmother)		Father's principal wife after the biological mother died or divorced	Foster mother who adopted a son from her husband's paternal relatives	
5. <i>jiamu</i> 假母	Former concubine who is acting as mother	Stepmother		Former wife who remarried	
6. <i>niezi</i> 孽子	Son of a concubine				Son of a low-rank concubine

7. <i>pianqi</i> 偏妻	Side-wife	Wife who could have been rented out by her husband or shared by brothers	Wife who does not reside with her husband	Side-wife	Similar to secondary wife
8. <i>di</i> 嫡	Principal legal wife			Second only to her husband	Synonym for <i>qi</i> , more emphasis on the legal status
9. <i>xiaqi</i> 下妻	Lesser wife	Unofficial wife		Lower wife	Low-rank concubine
10. <i>ruzi</i> 孺子	Young Lady				High-rank concubine
11. <i>liangren</i> 良人	Virtuous Lady				High-rank concubine
12. <i>jibazi</i> 姬八子	Eight-Son-Bearing Consort				High-rank concubine
13. <i>qiqi</i> 棄妻	Discarded wife (divorced wife)				
14. <i>houqi</i> 後妻	Later wife				
15. <i>qie</i> 妾	Bondwoman				
16. <i>bi</i> 婢	Female slave			Bondservant	

CHAPTER 1

Female Criminals and Productive Labor

1. Introduction

Before the discovery of bamboo slips from Shuihudi and Zhangjiashan, there was not much evidence of common people's lives; most historical records were about the elite and royal families. Fortunately, legal documents contained in the bamboo slips from those two areas yielded a lot of valuable information regarding statutes and ordinances during the time of Qin and Han, respectively. The Qin dynasty (221 BC–206 BC), the first unified empire of China, created many administrative models that the Han dynasty (206 BC– AD 220) initially followed. This chapter will compare and contrast the Qin laws from Shuihudi and the Han laws from Zhangjiashan with regard to female criminals as productive labor. While more than half of the content in these legal texts deals with men, women were also part of the state's concerns.

This chapter argues that female criminals during the Han dynasty made up a crucial part of productive labor, mostly through the implementation of state punishment. What we have learned from these legal texts was that aside from the person's status, his or her sex factored into the punishment he or she would receive. This chapter also discusses differences in sentencing between male and female criminals: usually, women would receive a lighter punishment compared to men who had done the same crime. Hard labor was usually a sentence for serious crimes, only slightly less serious than death. Men would be made wall-builders while women would be made grain-pounders. The titles suggest that

these tasks were in high demand during the time; therefore, the government imposed them as punishment for criminals, but the government was also free to assign criminals to other tasks as needed.⁶⁴ Aside from those two prominent sentences, there were also “bond servant” or “bondwoman” and “gatherer of fuel for the spirits” or “white-rice sorter,” depending on the degree of the punishment. Grain-pounder and white-rice sorter, which designated a female criminal, strongly indicate that they were working in the food production section of the state’s labor force. Those were considered the government’s laborers while slaves mentioned in the statutes usually were private households’ laborers. Thus, criminals contributed to the productive labor during the Qin and Han periods.

2. Types of Female Productive Laborers

There were four types of female productive laborers, three of which were government laborers:

2.1 Grain-pounders

Being made a grain-pounder or wall-builder was usually a sentence for a very serious crime; its degree of punishment was next to that of being “cast away in the market place,” which referred to public execution. For example:

賊燔城、官府及縣官積聚(聚)：棄市。賊燔寺舍、民室、屋、廬舍、積聚(聚)：黥為城旦舂。

⁶⁴ See Yates, “The Qin Slips,” :291–329.

For maliciously setting fire to walled towns and government storehouses, as well as the accumulated stores of the government: cast [the criminal] away in the marketplace. For maliciously setting fire to government housing, or the houses, outbuildings, field huts, and accumulated stores of ordinary people: tattoo [the criminal] and make [him or her] a wall-builder or grain-pounder.⁶⁵

Not only would the criminal face execution, but he or she also had to endure the shame of being watched by the public. His or her family's reputation would also be affected by this punishment. More serious types of execution include cutting the body in half at the waist or carving the body into pieces. For a less serious punishment, usually the criminal would be tattooed and made a wall-builder or grain-pounder, and would have to work for the State. As can be seen in the above statute, burning walled towns and government storehouses was a more serious crime than burning ordinary people's buildings. Being tattooed meant that the criminal would be marked for life for having done a crime. Therefore, he or she had to endure both hard labor and lifelong shame, but not death. In addition to being tattooed, they could also be mutilated, depending on their crimes. Scholars disagree on how long these criminals would have to serve. Some suggest the duration of hard labor could have been five or six years, while others argue that until 167 BC, the sentence was for life.⁶⁶

There is no description of the color of grain-pounders' clothes in the Zhangjiashan texts, but Shuihudi's indicate that they wore red over their whole body. The use of red for criminals might have been continued in the early Han, but certainly not after the

⁶⁵ Barbieri-Low and Yates, *Law*, 391.

⁶⁶ Barbieri-Low and Yates, *Law*, 415.

reconceptualization of Han for the color red as corresponding to Fire *qi*.⁶⁷ The grain-pounders also had to be separated from common people and were not allowed to go through a market even if they were assigned to do errands where passing through a market might have been more efficient:

城旦舂衣赤衣，冒赤（氈），拘櫜櫛杖之。仗城旦勿將司；其名將司者，將司之。舂城旦出（徭）者，毋敢之市及留舍闔外；當行市中者，回，勿行。

Wall-builders and grain-pounders are to be dressed in red clothes and to wear red head-cloths; they are to be manacled and fettered. Capable *chengdan* are not to lead or supervise (others); those who have been nominated to lead and supervise, lead and supervise them. Grain-pounders and wall-builders who are going out for statute labour must not venture to go to the market, and they must remain outside the outer gate of the building. In case they would be obliged to pass through the market, they are to make a detour; they must not pass through.⁶⁸

The separation of convict laborers is also mentioned in the Zhangjiashan statutes as the following:

隸臣妾、城旦舂、鬼薪白粲家室居民里中者，以亡論之。

For a case in which the residence of a bond servant or bondwoman, wall-builder or grain-pounder, gatherer of fuel for the spirits or white-rice sorter is situated within a village of ordinary people: sentence him or her for abscondence.⁶⁹

Therefore, the idea of the separation was brought over to the Han regime as well. Not only would these government laborers have to endure the severity of hard labor, but they also would be shunned from society. My supposition is that the state was concerned

⁶⁷ See Loewe, *The Men Who Governed Han China, 472-490; Divination, Mythology and Monarchy in Han China*, 55-60.

⁶⁸ Hulsewe, *Remnants of Ch'in Law*, 72.

⁶⁹ Barbieri-Low and Yates, *Law*, 789.

that these criminals would harm commoners, in view of their criminal records. Since they had done a serious enough crime to put them in this situation, it might be best to keep them apart from non-elite people.

2.2 Bondwomen

Bond servants and bondwomen were another source of productive labor for the government,⁷⁰ but their sentence seemed to be less serious than those of wall-builders and grain-pounders. For example:

毀封，以它完封印=（印）之：耐為隸臣妾。

Destroying a sealing clay and using another intact, seal-impressed clay to seal it (viz., the original document): shave [the criminal] and make [him or her] a bond servant or bondwoman.⁷¹

As stated in the above statute, a criminal whose sentence was to be made a bond servant or bondwoman would be shaved (hair and beard). The purpose of shaving is similar to tattooing in the sense that it would mark him/her as a criminal, which would make him/her ashamed. But it would be temporary, as hair naturally grows back. Many scholars suggest that the duration of service for such convicts was probably three years.⁷² If that was the case, it seems that wall-builders and grain-pounders were more likely to serve their sentences for life. Judging from the above two statutes, destroying a clay sealing,

⁷⁰ Barbieri-Low and Yates note that there is inconsistency regarding whether all confiscated persons would be made bond servants and bondwomen or categorized in a separate group, see Barbieri-Low and Yates, *Law*, 941-42.

⁷¹ Barbieri-Low and Yates, *Law*, 395.

⁷² Barbieri-Low and Yates, *Law*, 428.

suggesting that the criminal might have read the contents of an official sealed envelope, is clearly a less serious crime than arson, and would warrant a commensurately lighter sentence.

Another example of a crime that would warrant the sentence of being made a bondswoman was placing a trap that could harm livestock and people:

諸馬牛到所，皆毋敢穿=弄=及=置【=】它【=】機【=】，（穿弄及置它機）能害人、馬、牛者，雖未有殺傷也：耐為隸臣妾。

In those locations where horses and cattle come, in every case, do not dare to dig pitfall traps or place other mechanical snares. For one who digs pitfall traps or places other mechanical snares that are capable of harming people, horses, or cattle, although he may not yet have killed or injured [some person or some livestock]: shave [the criminal] and make [him or her] a bond servant or bondswoman.⁷³

We can infer from the above statute that horses and cattle were very important livestock, to the extent that they were considered alongside human beings as possible victims of such traps, and the sentence would be the same whether the victim was a human or a cow. However, although animals were part of the productive force that the government wanted to protect, they were not allowed to roam freely and eat people's crops as they pleased:

馬、牛、羊、（穀）彘=、（彘）食人稼穡：罰主金馬、牛 各一兩，四（穀）彘若十羊、彘當一牛，而令橋稼償主。縣官馬、牛、羊：罰吏徒主者。貧弗能賞（償）者：令居縣官。□【其】城旦舂、鬼薪白粲也：笞百。縣官皆為賞（償）主。禁毋牧彘。

Horses, cattle, sheep, boars, or sows eating other people's grain crops: fine the owner one *liang* (approx. 15.5 g) of gold for each horse or head of cattle, with four boars or ten sheep or sows matching one head of cattle, and order

⁷³ Barbieri-Low and Yates, *Law*, 701.

that [the animal owner's] grain be seized to make reparation to the owner [of the crops]. When it is government-owned horses, cattle, or sheep [that eat the grain crops]: fine the official or the one in charge of the personnel [herding the livestock]. For a case in which [the official or person in charge] is poor and is unable to make reparation [to the owner]: order him to be resident in a government office [to work off the reparation]. . . . Should it be wall-builders or grain-pounders, gatherers of fuel for the spirits or white-rice sorters [allowing animals under their care to eat other people's crops]: cane 100 [strokes]. In every case, the government will make reparation to the owner. [Those convict-laborers] shall be forbidden to herd sows [ever again].⁷⁴

The above statute also discloses that these were the kind of domestic animals owned by commoners and the government. Both livestock and grain crops were important for the economy, and there were regulations to protect them from harm. There were even cases when the government would compensate for the loss, such as when an official responsible for the damage on commoners' crops was too poor to pay the fine, or when a convict laborer damaged the crops as mentioned in the above statute.

2.3 White rice sorters

Aside from the two above mentioned sentences for women, the grain-pounder and the bondwoman, there was also a title called "white-rice sorter" (as opposed to a "gatherer of fuel for the spirits" for men), which also served as a source for government's productive labor:

鬼薪白粲毆庶人以上：黥以為城=旦=春。（城旦春）也：黥之。

For a gatherer of fuel for the spirits or white-rice sorter who strikes a freeman or [person of] higher [rank]: tattoo [the criminal] and make [him or

⁷⁴ Barbieri-Low and Yates, *Law*, 701.

her] a wall-builder or grain-pounder. For a wall-builder or grain-pounder [who strikes a freeman or person of higher rank]: tattoo him or her.⁷⁵

The above statute clearly indicates that being made a white-rice sorter was a less serious sentence than being made a grain-pounder, as the latter was a sentence for white-rice sorters who had done a crime of striking someone of a higher rank. These two titles suggest that women were usually assigned as laborers for food production, especially grain and rice. According to Barbieri-Low and Yates, the duration of the hard labor sentence for white-rice sorters was traditionally believed to be three years.⁷⁶ This claim is questionable, as bondwomen were also believed to serve three years of hard labor, and there might have been a sentencing distinction between the two, but evidence to clarify this question has yet to be found.

Another point worth noting is that the sentence for a grain-pounder was to tattoo her. There is a contradiction between this and the text below. As already discussed, wall-builders and grain-pounders were usually tattooed as part of the sentence, it is possible that they would receive another tattoo if they had done another crime when serving the sentence as stated in the above statute, but I think it is more likely that the sentence for a grain-pounder who committed a crime of striking a person of higher rank would be having her nose severed to indicate that she had done two serious crimes, the one crime that caused her to become a grain-pounder and the one that she committed while serving her term as a

⁷⁵ Barbieri-Low and Yates, *Law*, 401.

⁷⁶ See Barbieri-Low and Yates, *Law*, 439, section 2.7; Cheng Shude, *Jiuchao lükao*, 44; Shen Jiaben, *Lidai xingfa kao*, vol.1, 295–97; Hulsewé, *Remnants of Han Law*, vol. 1, 130; *Remnants of Ch'in Law*, 14–17; Barbieri-Low, *Artisans*, 227–30; Momiyama Akira, *Chūgoku kodai soshō seido no kenkyū*, 230–72; Li Junming, “Zhangjiashan Han jian suojian xingfa dengxu ji xiangguan wenti,” 126.

grain-pounder, as in the following statute, which states that a criminal who had already been tattooed would have his or her nose severed after committing another crime that warranted the sentence of tattooing:

有罪當黥，故黥者：劓之ノ。故劓者：斬=左=止=（趾）。（斬 左趾）者：斬=右=止=（趾）。（斬右趾）者：府（腐）之。女子當磔若要（腰）斬者：棄市。當斬為城旦者：黥為舂。當贖 斬者：贖黥。當耐者：贖耐。

For one who is guilty of a crime that warrants undergoing tattooing and had formerly been tattooed: sever his nose. For one who had formerly had his nose severed: sever the left foot. For one who had the left foot severed: sever the right foot. For one who had the right foot severed: castrate him. For a woman who warrants being carved into pieces and having her corpse exposed or being cut in two at the waist: cast [her] away in the marketplace. [For a woman] who warrants [having her feet] severed and being made a wall-builder: tattoo [her] and make [her] a grain-pounder. For one who warrants [being ordered] to redeem severing [of the feet]: [order her] to redeem tattooing. For one who warrants undergoing shaving: [order her] to redeem shaving.⁷⁷

The above statute also tells us that Han women would be exempted from being carved into pieces or cut in two at the waist, which were far more painful and terrifying than a normal execution. Instead, they would be cast away in the marketplace, which was a less horrifying, though still humiliating, death penalty. This statute states that a woman whose crime warranted being made a wall-builder would be made a grain-pounder; this is peculiar, as being made a wall-builder was a sentence for men only. Barbieri-Low and Yates believe that it was a different statute included in the same slip.⁷⁸

⁷⁷ Barbieri-Low and Yates, *Law*, 501.

⁷⁸ Barbieri-Low and Yates, *Law*, 519.

In addition to working in food production as grain-pounders and white-rice sorters, women would likely also work in textile production:

鄰里有女〔善織日自倍〕（惡自喜）也織曰自再五日織五尺問始織日及其次各幾何。

In a neighboring village there is a woman good at weaving, who doubles her [production each] day. In weaving, [she] says: ‘On the fifth day I [had] woven five *chi*.’ Question: on the day she began weaving and the subsequent ones, how much [was produced] in each case?⁷⁹

This statement is taken from *Suan shu shu* 算數書, a text on mathematics found together with the legal documents from Zhangjiashan. There is another example confirming that weaving was considered a woman’s job:

有婦三人長者一日織五十尺中者二日織五十尺少者三日織五十尺今織有攻五十尺問各受幾何尺其得。

There are three women; The eldest one weaves fifty *chi* in one day; the middle one weaves fifty *chi* in two days; the youngest one weaves fifty *chi* in three days. Now their weaving produces fifty *chi*. Question: how many *chi* does each deliver?⁸⁰

This is consistent with the government’s division of labor, as the titles of government prisoners/laborers were distinguished between male and female as well as their term of service: for example, wall-builders were male while grain-pounders were female.

⁷⁹ Cullen, 49.

⁸⁰ Cullen, 54.

2.4 Female slaves

There were both private and government slaves, as some scholars suggest that criminals who were sentenced to hard labor were considered government slaves,⁸¹ but the term ‘slave’ in the statutes does not distinguish between private and government slaves. According to the Shuihudi manuscripts, a slave who beat his or her child to death would be tattooed and returned to his or her master, while a slave who intentionally killed his or her child would be made a wall-builder or grain-pounder and had to work for the state.⁸² For most crimes, the slave would be tattooed and sent back to the master:

奴婢毆（毆）庶人以上：黥頰，畀主。

For a male or female slave who strikes a freeman or [person of] higher [rank]: tattoo [him or her] on the cheekbone [area of the face] and return [him or her] to the master.⁸³

This statute tells us that there was a specific area for being tattooed as a sentence, and a tattoo on the cheekbone was a mark of a more serious crime than a tattoo elsewhere on the body. Other than being tattooed on the cheekbone, a slave who committed a crime of striking a person of higher rank would not receive any other sentence from the state. This implies that the labor of slaves was regarded as comparable to that of wall-builders

⁸¹ For slavery during the Han, see Barbieri-Low, *Artisans*, ch. 6; Yates, “The Changing Status of Slaves in the Qin-Han”; Li Junming 李均明, “Zhangjiashan Han jian nubi kao”; Im Pyŏngtŏk (Lin Bingde) 林炳德, “Qin Han de guan nubi he Han Wendi xingzhi gaige”; Wang Yanhui 王彥輝, “Cong Zhangjiashan Han jian kan Xi-Han shiqi si nubi de shehui diwei”; Wen Xia 文霞, “Jianlun Qin Han nubi de falü diwei”; “Cong Qin Han nubi jianzui kuitan qi falü diwei”; “Qin Han nubi falü diwei ji qi bijiao yanjiu”; “Shi lun Qin Han jiandu zhong nubi de huji wenti”; “Jiandu ziliao suojian Qin Han nubi de susong quan”; Zeng Jia 曾加, “Ernian lüling youguan nubi de falü sixiang chutan.”

⁸² See, Shuihudi [1990], 110, “Falü dawen,” slip no. 73–74; Hulsewé, *Remnants of Ch’in Law*, 140, D59, D62.

⁸³ Barbieri-Low and Yates, *Law*, 401.

and grain-pounders, if not harsher. However, slaves served private owners, while wall-builders and grain-pounders served the state.

As indicated in the following statute, slaves who absconded would normally be tattooed on the cheekbones and returned to their master:

奴婢亡，自歸主=、（主）親、所智（知），及主=、（主）父 母、子若同居求自得之，其當論畀主，而欲勿詣吏論者：皆許 之。

For a case of a male or female slave absconding and returning voluntarily to the master or the master's relatives or friends, as well as when the master, the master's father or mother, children, or co-residents, search for and capture him or her themselves, and should [the slave] being sentenced [to undergo tattooing on the cheekbones and] returned to the master and they (viz., the master or his representatives) wish him or her not to be presented to the officials for sentencing: in every case, permit it.⁸⁴

What we know from this statute is that the master could choose not to present the slave to the authorities. It served as an incentive for the slave to return to the master voluntarily. At least, he or she would be able to escape punishment if the master so consented. Evidently, being a female slave might have been as a little better than being a male slave, as in the following statute:

奴婢為善而主欲免者：許之。奴命曰私屬ㄥ，婢為庶人；皆復 使（事）及算（算）。事之如奴婢。主死若有罪，以私屬為庶人，刑者以為隱官ㄥ。所免不善，身免者得復入奴 婢之。其亡，有它罪：以奴婢律論之。

In cases when a male or female slave acts in a good [fashion], and the master wishes to manumit [him or her]: permit it. The male slave is to be called a 'private dependent,' and the female slave is to be made a freedwoman. In every case, exempt [them] from government service obligations and poll tax. Continue to employ them as when they were male and female slaves. When the master dies or is guilty of a crime, make the private dependent a

⁸⁴ Barbieri-Low and Yates, *Law*, 581.

freedman, but the one who has been mutilated, make him a [person of] hidden-office [status]. When those who have been manumitted are not good, the one who personally manumitted them may once again enroll them as male or female slaves. [Once manumitted,] should they abscond or become guilty of other crimes: sentence them according to the “Statutes on Male and Female Slaves.”⁸⁵

Male slaves could be made private dependents if they behaved, while female slaves could become freedwomen, which was obviously a better status in that the private dependent could become a freedman only if the master died or was found guilty. The word 私屬, or ‘private dependent’ as Barbieri-Low and Yates translate, suggests that they were not completely freed, only upgraded to a higher level of servitude, which means they still had to serve their master. The statute does not clearly explain the difference between a slave and a private dependent, but I assume they might have been similar to servants. ‘Private dependent’ was a term that Wang Mang once tried to put forward in order to abolish the slave trade in 9 CE.⁸⁶

There was another way that female slaves could be manumitted, a way that was impossible for male slaves: childbirth.

□□□□【長】、次子，畀之其財，與中分其共為也及息。婢御其主而有子，主死，免其婢為庶人。

... the eldest son and secondary sons, and return to them their valuables, giving them an equitable division of what they had jointly produced, as well as the accumulation (e.g., of any property or investments, or accumulated interest). Should a female slave serve [as the sexual partner of] her master

⁸⁵ Barbieri-Low and Yates, *Law*, 583.

⁸⁶ See Barbieri-Low and Yates, *Law*, 590; Han shu, 99B.4111; Dubs, *History of the Former Han*, vol.3:286; Wang Aiqing and Wang Guangwei, “Shilun Zhangjiashan Han jian zhong de ‘sishu’ ”; Wang Aiqing, “ ‘Sishu’ xintan”; Yates, “The Changing Status of Slaves.”

and have a child, when the master dies, manumit the female slave and make her a freedwoman.⁸⁷

A female slave who gave birth to a child by her master would be set free after her master died; in other words, she did not have to continue to be a slave of her master's successor. This was one of the few avenues for female slaves to become freedwomen.

The following statute explains that a child who was fathered by a slave would be given to the master. If the mother was a commoner, the child would be given to the male slave's master, but if the mother was also a slave, the child would be given to the master of the female slave. In either case, the child was destined to be a slave. However, this treatment is not consistent throughout the law codes:

民為奴妻而有子，（子）畀奴主。婢奸，若為它家奴妻，有子，（子）畀婢主。皆為奴婢。

When an ordinary person is made the wife of a slave and has a child, the child is given to the slave's master. When a female slave engages in illicit intercourse, or becomes the wife of a slave of another family, and has a child, the child is given to the master of the slave woman. In every case, [the child] is made a male or female slave.⁸⁸

Contradictory to the above text, the statute below indicates that a child whose mother was a freewoman was also a freeman or freewoman even if the child's father was a slave. Barbieri-Low and Yates suggest that the distinction was based on whether the sexual relations were illicit or within a marriage.⁸⁹ However, because the previous code

⁸⁷ Barbieri-Low and Yates, *Law*, 861.

⁸⁸ Barbieri-Low and Yates, *Law*, 617.

⁸⁹ Barbieri-Low and Yates, *Law*, 622.

states that “when a female slave engages in illicit intercourse, *or* becomes the wife of a slave”, Barbieri-Low and Yates’ argument and translation do not support each other. *Ruo* 若 can mean many things; usually it means *like* or *as if*, but judging from the context, it should mean *or*⁹⁰, so their translation is correct, but their argument is questionable. Perhaps because this law comes from a period of transition, some inconsistency is understandable:

奴與庶人奸，有子，（子）為庶人。

When a male slave engages in illicit intercourse with a [woman who is a] freewoman, and there is a child [from the union], the child is made a freeman.⁹¹

The law prohibited sexual relations between a male slave and his mistress or close female relative of his master (mother, wife, and daughter). The male slave would receive a harsh punishment whether or not the sexual intercourse was consensual, while the woman involved would receive a lighter punishment in the case of consent and no punishment in the case of rape. Status seems to be more consequential here than gender:

奴取（娶）主、（主）之母及主妻、子以為妻，若與奸：棄市，而耐其女子以為隸妾。其強與奸：除所強。

A male slave taking his [widowed or unmarried] mistress, the mother of his master, or the wife or daughter of his master and attempting to make her his legal wife, or engaging in illicit intercourse with [such women]: cast [the slave] away in the marketplace and shave the woman or daughter [involved] and make her a bondwoman. Should he engage in illicit intercourse with her through force: remove [the crime] of the one who was forced.⁹²

⁹⁰ Like 若 in 《漢書·食貨志》：“時有軍役若水旱，民不困乏。”

⁹¹ Barbieri-Low and Yates, *Law*, 617.

⁹² Barbieri-Low and Yates, *Law*, 617.

However, a male master who had sex with a female slave would not be guilty of any crime. Female slaves would not be punished for sexual intercourse with either the master or with male slaves. They could use this opportunity to seduce their master,⁹³ and if they had a child with the master, then they would eventually be able to free themselves after the master died.

3. Crimes relating to Hard Labor.

There are many statutes concerning crimes that would warrant hard labor as a sentence, and those criminals had to be judged differently than common people if they were to commit a crime again during their term as government laborers.

3.1 Female victims

A person who committed a crime of hurting another person would be punished according to his or her social status. The “one who blinded another, broke limbs, teeth, or fingers, or dislocated joints, or severed a nose or an ear” without using objects, would merely be shaved as a punishment, whereas the one who hit a pregnant woman and made her miscarry had to be shaved and made a bond servant or bondwoman:

鬪毆變人：耐為隸臣妾。懷子而敢與人爭鬪，人雖毆變之，罰為人變者金四兩。

⁹³ There is a recipe for seducing charms in Mawangdui texts, see Harper, *Early Chinese Medical Literature*, 423: “When you wish to seduce a noble person, daub mud on the left and right sides of the gate in a rectangular band five *chi* long.” I will discuss it in Chapter 3.

Fighting with or striking a [female] person so that she miscarries: shave [the criminal] and make [him or her] a bond servant or bondwoman. For a woman who is carrying a child and dares to quarrel or fight with someone else, although the other person may strike her so that she miscarries, fine [the woman] who miscarried because of the other person four *liang* of gold.⁹⁴

This punishment was rather harsh, which indicates that the state went out of its way to protect pregnant women, probably because they were carrying future generations of subjects. The law code does mention that if a pregnant woman was the one who started a fight, she would be fined.

However, Han women were not protected from physical abuse by their husbands, who would not be guilty of any crime:

妻悍而夫毆笞之，非以兵刃也；雖傷之，毋（無）罪。

The wife acts like a scold, and the husband strikes her or canes her, but it is not with the blade of a weapon; although he may injure her, he is not guilty of a crime.⁹⁵

By contrast, according to the Qin laws from Shuihudi, a husband was not allowed to strike his wife at all. If he did hit her, but without a weapon, he would have his beard shaved as a form of punishment⁹⁶; even though this seems like a light punishment, at least his appearance would temporarily show that he was punished. If the husband hit his wife with an object, then it would be a different story, as stated in the following statute:

鬪而以刃（刃）及金鐵銳、錘、樨（錐）傷人：皆完為城旦舂。

⁹⁴ Barbieri-Low and Yates, *Law*, 403.

⁹⁵ Barbieri-Low and Yates, *Law*, 403.

⁹⁶ Hulsewé, *Remnants of Ch'in law*, 141.

Fighting and injuring another with a bladed weapon, as well as a bronze or iron spear [or other stabbing weapons or tools], metal hammer or weight, or awl: in every case, leave [the criminal] intact and make [him or her] a wall-builder or grain-pounder.⁹⁷

Han law exempted the husband from punishment only if he did not use a weapon, which means if he ever hit his wife with an object that the judge considered a weapon, he would be made a wall-builder and had to serve a long term of hard labor. I assume that the reasoning for the exemption in the case of hitting the wife without a weapon was that the husband was considered to have assumed authority comparable to that of her parent; he could teach and punish her to some extent. The statute begins with the clause “the wife acts like a scold,” so it was used in cases where the wife did not behave properly. It could also be interpreted that if the wife was well-behaved and there were witnesses that she did not make any mistakes in her conduct, the husband would not be exempted from the punishment.

On the other hand, another statute indicates that “a wife striking the husband: shave [the wife] and make [her] a bondwoman” 妻毆夫：耐為隸妾.⁹⁸ This certainly rendered the wife in a lower position than the husband, as the sentence was a lot harsher than for unrelated individuals who fought each other without a weapon (being shaved as a punishment). The wife had to endure a certain amount of hard labor, but not the harshest form of hard labor.

⁹⁷ Barbieri-Low and Yates, *Law*, 401.

⁹⁸ Barbieri-Low and Yates, *Law*, 403.

3.2 Filial piety

Filial piety was deemed a high principle in these Han statutes, as stated in the following: “教人不孝：黥為 城旦舂。Instructing others to be lacking in filial piety: tattoo [the criminal] and make [him or her] a wall-builder or grain-pounder.”⁹⁹ Filial piety was taken seriously by the government, and one who advised others against it would be punished harshly. Parents had the power to request the authorities to execute their children for lack of filial piety, which was consistent with the Shuihudi Qin statutes.¹⁰⁰ However, if the person who requested the execution was seventy years or older, he or she had to request it three times before the authority could grant the request, which could be interpreted as a hedge against senility.¹⁰¹

Han people were supposed to respect not only their parents, but also their older siblings; beating an older sibling would warrant a sentence of hard labor:

毆兄姊及親父母之同產：耐為隸臣妾。其詈詈之：贖黥。

Beating elder brothers or elder sisters as well as the [older and younger siblings] born of the same [mothers] as one's biological parents: shave [the criminal] and make [him or her] a bond servant or bondwoman. Should it involve shaming or cursing them: [order the criminal] to redeem tattooing.¹⁰²

It should be noted that the word 姊 (elder sister) was explicitly stated in the statute above. Elder brothers and elder sisters were mentioned together with aunts and uncles born

⁹⁹ Barbieri-Low and Yates, *Law*, 403.

¹⁰⁰ E18 in Hulsewé, *Remnants of Ch'in law*, 196.

¹⁰¹ Barbieri-Low and Yates, *Law*, 403.

¹⁰² Barbieri-Low and Yates, *Law*, 405.

to either of one's grandmothers. In other words, anyone who beat older siblings or aunts or uncles would be made a bond servant or bondswoman. Therefore, it could have been fine to beat a younger sibling, or the sentence would have been lighter than beating the older ones.

3.3 Reducible crimes

There was a possibility that convict laborers could be beaten to death during their sentence:

諸吏以縣官事笞城旦舂、鬼薪白粲，以辜死，令贖死。

For all those officials who, on account of government affairs, cane wall-builders, grain-pounders, gatherers of fuel for the spirits, or white-rice sorters, and [the convicts] die within the [time limit of] culpability: order [the officials] to not exercise the death penalty.¹⁰³

It could be inferred from the above statute that beating a person to death would normally warrant a death penalty. However, if an official beat a grain-pounder to death, which could happen during an interrogation due to her involvement in a crime, her death would be treated as an accident, and the official could avoid the death penalty by paying a fine.¹⁰⁴ This case is similar to parents' beating a child to death or a master's beating a slave to death:

父母毆笞子=及=奴=婢=，（子及奴婢）以毆笞辜死：令贖死。

A father or mother beating [with the hands or feet] or caning [with a bamboo rod] a child or male or female slave, and the child or male or female slave

¹⁰³ Barbieri-Low and Yates, *Law*, 407.

¹⁰⁴ See Barbieri-Low and Yates, *Law*, 451; Liu Junwen, *Tang lü shuyi jianjie*, 2:1602–5, 2059–62; Johnson, *The T'ang Code* 2:383–84, 553–54 article no. 339, 483.

dies of the beating or caning within the [time limit of] culpability: order [him or her] to reduce the death penalty.¹⁰⁵

As previously discussed, parents could ask for their child to be executed by submitting a formal request to the authorities, which implied that they could not kill their child themselves. Beating a child with one's hands or caning him or her with a bamboo rod could be interpreted as a form of punishment by parents rather than an intention to kill. Parents' power was considered comparable to that of slave masters; therefore, a master, likewise, would be able to avoid the death penalty by paying a fine for the death of his slave.

The following statute lists the amount of gold required to reduce each serious sentence, from the death penalty to banishment:

贖死：金二斤八兩。贖城旦舂、鬼薪白粲：金一斤八兩。贖斬、府（腐）：金一斤四兩。贖劓、黥：金一斤。贖耐：金十二兩。贖遷：金八兩。有罪當府（腐）者：移內官；（內官）府（腐）之。

Reducing the death [penalty]: two *jin* and eight *liang* (approx. 620 g) of gold. Reducing wall-building or grain-pounding, or gathering fuel for the spirits or white-rice sorting: one *jin* and eight *liang* (approx. 372 g) of gold. Reducing severing [of the feet] or castration: one *jin* and four *liang* (approx. 310 g) of gold. Reducing severing of the nose or tattooing [of the face]: one *jin* of gold. Reducing shaving: twelve *liang* (approx. 186 g) of gold. Reducing banishment: eight *liang* of gold. For one who is guilty of a crime that warrants castration: transfer [him] to the Inner Palace Office; the Inner Palace Office is to castrate him.¹⁰⁶

¹⁰⁵ Barbieri-Low and Yates, *Law*, 405.

¹⁰⁶ Barbieri-Low and Yates, *Law*, 511.

It should be noted that not everyone who had the money could use it to reduce their sentence. It applied only to crimes that were indicated in the statutes as redeemable, such as accidental deaths, as previously discussed.

3.4 Illicit profit

The following statute is another indication that being made a wall-builder or grain-pounder was a more serious punishment than being made a bond servant or bondwoman: illicit profit gained by the criminal served as a critical factor in determining the sentence.

盜賊（賊）直（值）過六百六十錢：黥為城旦舂；六百六十到二百廿錢：完為城旦舂；不盈二百廿到百一十錢：耐為隸臣 妾；不盈百一十到廿二錢：罰金四兩；不盈廿二錢到一錢：罰金一兩。

The illicit profit from a robbery valued in excess of 660 cash: tattoo [the criminal] and make [him or her] a wall-builder or grain-pounder; from 660 to 220 cash: leave [the criminal] intact and make [him or her] a wall-builder or grain-pounder; not a full 220 to 110 cash: shave [the criminal] and make [him or her] a bond servant or bondwoman; not a full 110 to 22 cash: fine four *liang* (approx. 62 g) of gold; not a full 22 to 1 cash: fine one *liang* (approx. 15.5 g) of gold.¹⁰⁷

Some scholars suggest that the value was calculated based on multiples of eleven.¹⁰⁸

However, the lowest value shown in the above statute is 1-22 cash, so I think twenty-two was more likely the base number.

¹⁰⁷ Barbieri-Low and Yates, *Law*, 463.

¹⁰⁸ Zhangjiashan [2001] and [2006], Shuihudi [1990], 36 “Qin lü shibazhong,” slip no. 66–67; Hulsewé, *Remnants of Ch’in Law*, 52–53, A43–A44n1.

3.5 Liability for the criminal's crime

The wife and children of a criminal were often held liable for his crime, meaning that they would be taken in by the authorities, as in the following statute:

賊殺傷父母，牧（謀）殺父母，毆（毆）詈父母，（父母）告子不孝，其妻子為收者：皆錮，令母得以爵償免、除及贖。

For one who maliciously kills or injures his father or mother, or conspires to kill his father or mother, or beats or curses his father or mother, or when the father or mother denounces the child for lack of filial piety, and his wife and children are to be impounded: in every case, [the sentence] is to carry a restriction, order that [the criminal] may not use his rank or reparation payments to commute, remove, or redeem [the punishment of impoundment].¹⁰⁹

However, if the criminal's family denounced the criminal and relayed useful information to the officials that contributed to arresting the criminal and any co-conspirators, they could escape such a fate:

劫人、謀劫人求錢財，雖未得若未劫：皆磔之。完其妻子，以為城旦舂。其妻子當望（坐）者徧（徧）捕，若告吏，（吏）捕得之：皆除望（坐）者罪。

[For one who] uses or conspires to use extortion against another person in order to seek cash or valuables, although he may not yet have obtained [the cash or valuables] or not yet used extortion: in every case, carve him into pieces and expose his corpse. Leave his wife and children intact and make them wall-builders or grain-pounders. Should his wife or children who are liable [for his crime] entirely arrest [the extortionist and his co-conspirators] or denounce [them] to the officials, and the officials arrest and catch them: in every case, remove the crime of those held liable.¹¹⁰

¹⁰⁹ Barbieri-Low and Yates, *Law*, 405.

¹¹⁰ Barbieri-Low and Yates, *Law*, 467.

This seems to go against the principle of filial piety, as the wife and children could escape their liability by reporting the scheme to the authorities, thus resulting in the criminal's being arrested and carved to pieces. It served as an incentive to report crimes, which was also found in the Shuihudi Qin laws:

「夫有罪，妻先告，不收。」妻贍（媵）臣妾、衣器當收不當？不當收。

When the husband has committed a crime and his wife first denounces him, she is not to be arrested. Are the slaves, clothes and vessels of her dowry warranted to be confiscated or are they not warranted? They are not warranted to be confiscated.¹¹¹

Paul R. Goldin suggests two rationales as to why the wife and children would be held responsible for the husband's crime. First, as members of the household and on the principle of communal responsibility, they would naturally be held liable. Second, it was likely that they had knowledge of the criminal's misconduct, and without an incentive to report it, crimes would have gone undetected.¹¹²

The following statute states that for the crime of illicit intercourse, the wife of the criminal had to be impounded unless she was abducted to be his wife or was injured by her husband. Children who had been married, held rank, or were at least seventeen were not to be impounded:

罪人完城旦、鬼薪以上，及望（坐）奸府（腐）者：皆收其妻、子、財、田、宅。其子有妻、夫，若為戶、有爵，及年十七以上，若為人妻而棄、寡者：皆勿收。望（坐）奸、略妻及傷其妻以收：毋收其妻。

¹¹¹ D149 in Hulsewé, *Remnants of Ch'in law*, 168.

¹¹² Goldin, "Han Law," 11-12.

As for the criminal [guilty of a crime that warrants] being left intact and made a wall-builder or gatherer of fuel for the spirits or higher [in severity], as well as for one who is liable for [a crime] of illicit intercourse for which he has undergone castration: in every case, impound his wife, offspring, material wealth, agricultural fields, and [plots for] homesteads. Should his offspring have a wife or a husband, or [be unmarried, but] have formed a [separate] household, hold rank, or be seventeen years of age or older, or had been the wife of someone else but be divorced or widowed: in every case, do not impound them. As for those cases in which the wife is to be impounded because [the husband] is liable for illicit intercourse, abducting her to be his wife, or injuring his wife: do not impound his wife.¹¹³

This indicates that the children who were old enough to have a separate life from the father should not be liable for their father's crime. The rationale behind this statute was probably that younger children would not be able to take care of themselves, and would become beggars or robbers, so it was probably better for the state to keep them. Another plausible explanation is that they were regarded as the father's property or part of his household until adulthood.

The following statute encourages a husband and a wife to denounce each other for a crime, in which case they would have their liability removed:

夫有罪，妻告之：除于收及論。妻有罪，夫告之：亦除其夫罪。毋（無）夫，及為人偏妻，為戶若別居不同數者，有罪完春、白粲以上：收之，毋收其子。內孫，毋為夫收。

When a husband is guilty of a crime, and the wife denounces him: remove [her liability] for impoundment as well as for sentencing. When a wife is guilty of a crime, and her husband denounces her: also remove the husband's [liability for the] crime. For one who has no husband, as well as for one who acts as a side-wife for a person, who has formed a household, or who lives elsewhere and is not enumerated together [with a husband or children on a population register], when she is guilty of a crime [that

¹¹³ Barbieri-Low and Yates, *Law*, 601.

warrants a punishment] of being left intact and made a grain-pounder or white rice sorter or higher [in severity]: impound her, but do not impound her offspring. As for grandchildren [through the male line], do not impound them because of the husband's (i.e., paternal grandfather's) [crime].¹¹⁴

It is interesting that the statute states clearly that the husband was also liable for the wife's crime, not just the other way around. In addition, the people who wrote the statute seemed to understand that it was unreasonable to punish the criminal's children if they did not live together with the criminal.

Moreover, the wife of a male slave was not liable for his crime unless he died before being arrested. It is difficult to comprehend the rationale behind this; I assume that the state needed to exact some form of compensation for his crime. If he was alive, then he would take sole responsibility for his crime, but if he was dead, then his wife and children had to be punished in his place. Another plausible reason might be to deny male slaves the opportunity of saving their family by committing suicide, as male slaves did not have much to lose except their wife and children. Barbieri-Low and Yates suggest that "the wife and children of a private slave would not be impounded for his crimes, for this would deprive the master of an inordinate amount of his property were they all to be impounded by the government."¹¹⁵ Their interpretation is based on the assumption that the wife and children of a private slave were also slaves of the same master:

奴有罪：母收其妻子為奴婢者。有告劾未逮（逮）死：收之。匿收：與盜同灋（法）。

¹¹⁴ Barbieri-Low and Yates, *Law*, 601.

¹¹⁵ Barbieri-Low and Yates, *Law*, 596.

For a [privately held] male slave guilty of a crime: do not impound his wife or offspring to make them male or female [government] slaves. For the case of one being denounced [by a commoner] or accused [by an official] and dying before being arrested: impound them (viz., the wife, offspring, and property). Hiding [persons or property] to be impounded: sharing the same categorical principle with robbers.¹¹⁶

In the Chinese text above, there is no word indicating whether the slave in the statute referred to a private slave or a government slave. I agree with the bracketed insertions by Barbieri-Low and Yates, which clarify the meaning based on the context. We know from the Shuihudi statutes that persons who had been confiscated by the state could be sold on the slave market. Infants were to be kept with their mothers, but older children could be separated.¹¹⁷

3.6 Social status as a privilege

High officials and descendants of the ruling family who committed a crime that would warrant hard labor would be given a lighter sentence than commoners. Instead of being made a wall-builder or grain-pounder, they would be made a gatherer of fuel for the spirits or a white-rice sorter, a shorter term of hard labor:

上=造=、（上造）妻以上，及內公孫、外公孫、內公耳玄孫有罪，其當刑及當為城旦舂者：耐以為鬼薪白粲。

For one who holds Sovereign's Accomplished or higher [rank] or the wife of one who holds Sovereign's Accomplished or higher [rank], as well as for a grandchild of the ruling house through the male or female lines, or a great-

¹¹⁶ Barbieri-Low and Yates, *Law*, 603.

¹¹⁷ See Barbieri-Low and Yates, *Law*, 596; Shuihudi [1990], 121 "Falü dawen," slip no. 116; Hulsewé, *Remnants of Ch'in Law*, 153 D96.

grandchild or great-great-grandchild of the ruling house through the male line who is guilty of a crime, should [the crime] warrant mutilation, as well as when [the crime] warrants being made a wall-builder or grain-pounder: shave [the criminal] and make [him or her] a gatherer of fuel for the spirits or a white-rice sorter.¹¹⁸

As seen above, high officials usually enjoyed the privilege of either by receiving a lighter punishment or redeeming their crime by forfeiting their rank. The wife enjoyed the same privileges corresponding to her husband's rank. Grandchildren of the ruling family, whether from the female or male line, would also benefit from their royal status. In the case of the male line, the benefit could go down as far as great-great-grandchildren.

The following statute states explicitly that a woman was ranked the same as her husband; thus, she could obtain the same privileges that came with her husband's rank:

女子比其夫爵。

A woman is ranked comparable to her husband.¹¹⁹

We can see that women also had some benefits of being a wife. This only applied to wives of an official with certain ranks though. They could use their husband's rank to mitigate their crime. Even though women could not become officials during most of Chinese history, at least becoming the wife of an official would come with commensurate privileges.

Not only could the rank influence the severity of the punishment, but the criminal's age was also factored into the sentence. In the following statute, we can see that elders who

¹¹⁸ Barbieri-Low and Yates, *Law*, 499.

¹¹⁹ Barbieri-Low and Yates, *Law*, 857.

were more than seventy and children who were not yet seventeen also had the privilege of not being mutilated:

公士、（公士）妻及【老】 【民】年七十以上，若年不盈十七歲，有罪當刑者：皆完之。

For one who holds Knight of the Realm [rank] or the wife of one who holds Knight of the Realm [rank], as well as for an elderly ordinary person who is more than seventy years old, or for one who is not a full seventeen years old who is guilty of a crime that warrants mutilation: in every case, leave him or her intact.¹²⁰

Children under ten years old could get by without being punished for most crimes, except murder, for which they would be made a wall-builder or grain-pounder, one level lighter than the sentence that was usually given to adults:

吏、民有罪當笞，謁罰金一兩以當笞者：許之。有罪年不盈十歲：除。其殺人：完為城旦舂。

For an official or an ordinary person who is guilty of a crime that warrants [a sentence of] being caned, and who requests to pay a fine of one *liang* (approx. 15.5 g) of gold in order to match the caning: permit it. For [one who] is guilty of a crime but who is not a full ten years old: remove [the crime]. Should [the person under ten] have killed another person: leave [the criminal] intact and make [him or her] a wall-builder or grain-pounder.¹²¹

An ordinary adult who killed another person would be given the death penalty; at the very least, he or she would be cast away in the market place. Therefore, murder was considered a serious crime for which even young children would not be forgiven, but they would have to serve a hard labor sentence instead of being publicly executed.

¹²⁰ Barbieri-Low and Yates, *Law*, 499.

¹²¹ Barbieri-Low and Yates, *Law*, 499.

3.7 Disadvantages

Aside from having to become laborers for the government, grain-pounders and white-rice sorters would be deprived of their right to denounce another person; no matter how serious the crime, the authorities would not allow them to make a denunciation at all:

年未盈十歲及毆（繫）者、城旦舂、鬼薪白粲告人：皆勿聽。

For one who is not a full ten years old, as well as for one who has been detained, or is a wall-builder, grain-pounder, gatherer of fuel for the spirits, or white-rice sorter making a denunciation of another person: in every case, do not listen to it.¹²²

In other words, those who were serving a term of hard labor would be treated like young children in terms of credibility. However, at least they would not receive any form of punishment as a result of their attempt to accuse someone. Slaves, on the other hand, would receive a severe punishment for going against their master:

奴婢自訟不審：斬奴左止（趾），黥婢顏頤，畀其主。

Male and female slaves carelessly initiating property lawsuits about themselves [to contest their slave status]: sever the male slave's left foot and tattoo the female slave on the cheekbone area of the face and return each to his or her master.¹²³

This was another difference in the sentencing of men and women during the Han period. Just as women would not be carved to pieces or cut in half, female slaves would be tattooed on the face, while male slaves would have their left foot cut off; the degree of severity greatly differed.

¹²² Barbieri-Low and Yates, *Law*, 549.

¹²³ Barbieri-Low and Yates, *Law*, 549.

3.8 Abscondence

Abscondence means escaping from one's duties or obligations. The state criminalized it because the act of absconding would deprive the state of resources for taxes and labor.¹²⁴ For the crime of absconding, an ordinary person would be shaved as the punishment if he or she had absconded for a full year; if it was for less than a full year, they would be made wall-builders or grain-pounders until the reparation was worked off.¹²⁵ However, if a woman absconded twice, she would be made a bondwoman:

女子已坐亡贖耐，後復亡當贖耐者：耐以為隸妾。司寇、隱官坐亡罪隸臣以上：輸作所官。

For a woman who has already been held liable for absconding [and has been ordered] to the reduced punishment of shaving, who later absconds again, so that she then merits [being ordered] to reduce shaving: [actually] shave [her] and make [her] a bondwoman. A robber-guard or [a person of] hidden-office [status] held liable for the crime of abscondence [who warrants a sentence of being made a] bond servant or more serious [punishment]: transport [him to labor] in a government workshop.¹²⁶

There is no mention of the punishment of the same crime for men, so I would assume that the second time they absconded, they would be punished in the same way as the first time. It appears that women were punished more severely for the crime of absconding.

¹²⁴ Liye and Yinwan documents contain statistics on the number of absconders from each county, see Barbieri-Low and Yates, *Law*, 574.

¹²⁵ Barbieri-Low and Yates, *Law*, 581.

¹²⁶ Barbieri-Low and Yates, *Law*, 581.

Either taking an absconder as a wife or being a wife of an absconder would warrant the same punishment, which was to be tattooed and made a wall-builder or grain-pounder. In other words, marrying an absconder became a crime for both the male and the female.

取（娶）人妻及亡人以為妻，及為亡人妻：取（娶）及所取（娶），為謀（媒）者智（知）其請（情）：皆黥以為城旦舂。其真罪重：以匿罪人律論。弗智（知）者不罪

Marrying another person's wife as well as taking an absconder as a wife, as well as becoming the wife of an absconder: for the wife taker, the one who is taken, and the one who acted as the go-between, when they know the facts: in every case, tattoo [the criminal] and make [him or her] a wall-builder or grain pounder. Should [the absconder's] real crime be heavier: sentence [the marrying person and the go-between] according to the statutes on hiding a criminal. For one who did not know it (viz., the facts of the situation), do not . . .¹²⁷

The above slips are not complete, but we know from the *Book of Submitted Doubtful Cases* (*Zouyan shu* 奏讞書) that even if one was not aware that one's spouse was an absconder, one would still be punished.¹²⁸ There were different opinions, but since the Commandant of the Court made that decision, I assume that it became a precedent for later judges.

4. Conclusion

Information regarding female laborers during the Han dynasty has been extracted from the Zhangjiashan statutes and ordinances as discussed in this chapter. The state

¹²⁷ Barbieri-Low and Yates, *Law*, 585.

¹²⁸ Barbieri-Low and Yates, *Law*, 1213.

addressed its demand for female labor by subjecting female criminals to hard labor. Unfortunately, the total number of laborers is not indicated in either transmitted texts or excavated texts dating to the Han period. Therefore, it is difficult to determine the proportion of female criminals in the labor force. However, we can be certain that the government took female criminals into account when it produced laws.

There were four major types of female laborers, namely, grain-pounder, bondwoman, white-rice sorter, and female slave. The first three were formal sentences indicated in Zhangjiashan statutes, while the last one usually referred to slaves owned by private households; however, there were some statutes concerning government slaves as well. The titles of grain-pounder and white-rice sorter strongly suggest that female criminals given these sentences would mostly be working in the food-production department of the government, which would have been an important section, because grain and rice were the main source of calories. Non-criminal women, I assume, would have been in food production as well, but relevant records are scarce.

CHAPTER 2

Legal and Medical Perspectives on Motherhood

1. Introduction

One of the most important roles of Han women was motherhood. Mothers were given more attention than men in the process of producing offspring, as evidenced by several excavated texts from Han tombs. Instructions regarding pregnancy and childbirth were more concerned about women than men, even though these texts were probably written for educated men.

The two tomb complexes that contain the most comprehensive and valuable texts for the study of early Western Han medicine are at Mawangdui and Zhangjiashan. Mawangdui was excavated in the 1970s, a decade earlier than Zhangjiashan; thus, the Mawangdui texts have been studied more thoroughly. In addition to texts, the Mawangdui tombs have provided many objects for art historians to debate, a topic that I will discuss in Chapter 4. Even though the Zhangjiashan tombs have yielded fewer noteworthy objects from an art-historical point of view, the significance of the bamboo slips from Zhangjiashan is comparable to that of the silk texts from Mawangdui. The most comprehensive Zhangjiashan texts are legal documents: *Ernian lüling* 二年律令 and *Zouyan shu* 奏讞書, which have already been mentioned in Chapter 1.

This chapter will discuss issues regarding Han women as mothers in the Mawangdui and Zhangjiashan texts. I argue that women, especially mothers, were an

important part of medical as well as legal literature during the Western Han, even though the concept of female and motherhood was not as systematized as in later texts. A mother also enjoyed many privileges, regardless of her status in the society.

2. Benefits of Motherhood

Seniority could limit a person's rights: as mentioned in Chapter 1, one who was seventy years or older had to denounce a child three times in order to make the authorities take heed. However, seniors usually had many privileges within their families, especially as parents. This section discusses benefits and privileges that come with the status of mothers.

2.1 Filial Piety

As partly discussed in Chapter 1, filial piety is present extensively in Zhangjiashan legal texts. As a way of promoting filial piety, Han laws would harshly punish a child who murdered or injured his or her mother:

子賊殺傷父母¹²⁹，奴婢賊殺傷主¹²⁹、（主）父母、妻、子：皆梟其首市。

For a child maliciously killing or injuring his or her father or mother, or a male or female slave maliciously killing or injuring the master, or the father, mother, wife, or child of the master: in every case, suspend their [severed] heads in the marketplace.¹²⁹

¹²⁹ Barbieri-Low and Yates, *Law*, 403.

As the above statute indicates, the law also covered the mother of a slave's master. The punishment was severe: the criminal's head would be publicly shown in the marketplace, shaming the whole family of the criminal for being unsuccessful in teaching him or her the concept of filial piety. Therefore, it was the burden of every member of the family to keep other members in line.

Striking and cursing one's mother (biological and other kinds of mothers implied in the diversity of maternal categories in the statute below) would also warrant the death penalty, even if it did not result in physical injury:

子牧（謀）殺父母，毆冒泰（大）父=母=、（父母）、段（假）大母、主母、後母，及父母告子不孝：皆棄市。

A child conspiring to kill his or her [biological] father or mother, or striking or cursing his or her paternal grandfathers or grandmothers, [biological] father or mother, stepgrandmothers, principal mother or stepmother, as well as when the father or mother has denounced the child for lack of filial piety: in every case, cast [the child] away in the marketplace.¹³⁰

Parents had the power to request the death penalty for their children by denouncing them for lack of filial piety, as stated above. Parents were placed in the highest position in the hierarchy of the family, to the extent that verbal attacks were considered on par with physical ones; whether one injured one's parent's feelings or their bodies, there was only one punishment, namely death.

¹³⁰ Barbieri-Low and Yates, *Law*, 403.

The law also prevented daughters-in-law from harming their mother-in-law either physically or verbally:

婦賊傷、毆、冒夫之泰（大）父=母=、（父母）、主母、後母：皆棄市。

Consorts maliciously injuring, striking, or cursing the paternal grandfather or grandmother, father or mother, or principal mother or stepmother of the husband: in every case, cast [the consort] away in the marketplace.¹³¹

As evidenced above, the status of motherhood granted both biological mothers and stepmothers protection against possible threats from daughters-in-law. There is no statute in Zhangjiashan indicating that women had to obey without question the mother of her husband; the implication is only that the obligations of a daughter-in-law were equivalent to those of a biological descendant, except that mothers-in-law had no power to denounce a daughter-in-law for lack of filial piety.

Children could not denounce parents for any reason; the authorities would not recognize a denunciation made by the suspect's children:

子告父母，婦告威、公，奴婢告主、（主）父母、妻、子：勿聽而棄告者市。

A child denouncing the father or mother, a consort denouncing her mother-in-law or father-in-law, or a male or female slave denouncing the master or the master's father, mother, wife, or children: do not listen to it (viz., the denunciation), but rather cast the denouncer away in the marketplace.¹³²

¹³¹ Barbieri-Low and Yates, *Law*, 405.

¹³² Barbieri-Low and Yates, *Law*, 549.

The above statute is in accordance with the concept of filial piety. Even if parents committed a crime, their child had no right to denounce them. This also covered daughters-in-law and children's slaves. Whoever in this category dared to denounce a person protected by this statute would be executed. The idea behind this statute might appear to coincide with a story in the *Analects*:¹³³

葉公語孔子曰：「吾黨有直躬者，其父攘羊，而子證之。」孔子曰：「吾黨之直者異於是。父為子隱，子為父隱，直在其中矣。」

The Governor of She declared to Confucius: "Among my people, there is a man of unbending integrity: when his father stole a sheep, he denounced him." Confucius said: "Among my people, men of integrity do things differently: a father covers up for his son, a son covers up for his father—and there is uprightness in what they do."¹³⁴

It may seem that this was the result of the Han regime's endorsement of Confucian philosophy as the state's ideology;¹³⁵ however, the Shuihudi slips from Qin contain a similar statute:

「子告父母，臣妾告主，非公室告，勿聽。」

¹³³ Goldin remarks that some Zhangjiashan legal documents show "a nascent sentiment of Confucianization," as opposed to Shuihudi's, which rarely address interpersonal relations in the law, see Goldin, "Han Law," 1-18. See also, Ch'ü, *Law and Society*, 267-79; Nylan, "Confucian Piety," 5-8; Gao Heng 高恆, *Qin Han fazhi lunkao*, 178-93.

¹³⁴ 13.18, the translation is based on Nylan, *The Analects: the Simon Leys Translation, Interpretations*, 38-39. Leys translates 直 as "integrity," but I think "uprightness" is a better choice.

¹³⁵ Scholars have different opinions regarding when Confucianism became the state-sponsored ideology. Homer H. Dubs suggests that it began with Emperor Gaozu, and completed during the reign of Emperor Yuan, see Dubs, "The Victory of Han Confucianism," 435; Michael Nylan states that it happened in 136 BC, see Nylan, "Confucian Piety," 8; Cai Liang claims that Confucian officials rose to power during the witchcraft incident during the reign of Emperor Wu of Han, see, *Witchcraft and the rise of the first Confucian empire*, 187-197; Keith N. Knapp argues that Confucian basic features of ancestor worship formed during the late Han to Six Dynasties, see Knapp, "The Confucianization of Ancestral Worship," 144.

Children denouncing their father or mother (and) male and female slaves denouncing their master are unofficial denunciations; they are not to be accepted.¹³⁶

Therefore, the concept of filial piety was imposed during the Qin regime at the latest, long before Confucian doctrine had become the ideology of the Han empire. This is not to argue that the Qin empire also followed Confucius. Even though filial piety was known as one of the most important ideas in Confucian thought, Confucians did not have a monopoly on the concept. In fact, other thinkers, such as Mozi, also supported filial piety:

即必吾先從事乎愛利人之親，然後人報我以愛利吾親也。然即之交孝子者，果不得已乎，毋先從事愛利人之親者與？¹³⁷

Obviously, I must first make it a point to love and benefit other men's parents, so that they in return will love and benefit my parents. So if all of us are to be filial sons, can we set about it any other way than by first making a point of loving and benefiting other men's parents?¹³⁸

Even though Confucius and Mozi had very different views, they both believed that one should love and benefit one's parents, which conformed to the basic meaning of filial piety. Han Feizi, on the other hand, argued that filial piety could lead to a dilemma between being filial to parents and being loyal to the state:

楚之有直躬，其父竊羊而謁之吏，令尹曰：「殺之，」以為直於君而曲於父，報而罪之。以是觀之，夫君之直臣，父之暴子也。¹³⁹

¹³⁶ Hulsewé, *Remnants of Ch'in Law*, 148-149.

¹³⁷ "Jian'ai xia" 《兼愛下》 in Yan Lingfeng 嚴靈峯, *Mozi jianbian* 墨子簡編, 120.

¹³⁸ Burton, "Mo Tzu," in *Basic Writings*, 47.

¹³⁹ 《韓非子：五蠹》 in Qi Lianxiu 祁連休. *Zhongguo minjian gushi shi: Xianqin zhi Sui Tang Wudai pian* 中國民間故事史：先秦至隋唐五代篇, 65.

In the state of Ch'u there was a man named Honest Kung. When his father stole a sheep, he reported the theft to the authorities. But the local magistrate, considering that the man was honest in the service of his sovereign but a villain to his own father, replied, 'Put him to death!', and the man was accordingly sentenced and executed. Thus we see that a man who is an honest subject of his sovereign may be an infamous son to his father.¹⁴⁰

Thus, Han Feizi viewed filial piety as an obstacle to law and order; the ruler should govern by rewards and punishments instead of promoting filial piety.¹⁴¹

Mourning one's parents was an important duty of a filial child. Surprisingly, one's wife was considered on par with one's parents when determining the appropriate mourning period:¹⁴²

父母及妻不幸死者已葬卅日，子、同產、大父=母=，（父 母）之同產十五日，之官。

When a father, mother, or wife who dies unfortunately has already been buried for thirty days, or when a child, [sibling] born of the same [mother], grandfather, grandmother, or a parent's [sibling] born of the same [mother] who dies unfortunately has already been buried for fifteen days, [the official must] go [back] to his office.¹⁴³

The Han government initially set a period of thirty days to mourn one's parents. This was drastically shorter than three years that Confucius suggested:

¹⁴⁰ Burton, "Han Fei Tzu," in *Basic Writings*, 105-106.

¹⁴¹ See, Sahleen, "Han Feizi," 311-361; Chen, "The Dialectic of Chih (Reason) and Tao (Nature) in the 'Han Fei-Tzu,'" 1-22; Lundahl, *Han Fei Zi: The Man and the Work*; Moody, "Rational Choice Analysis in Classical Chinese Political Thought," 95-119; Wang and Chang, *The Philosophical Foundations of Han Fei's Political Theory*; Goldin, *Dao companion to the philosophy of Han Fei*.

¹⁴² Many classical texts such as *Liji* usually describe the role of wives as the follower who has to obey the husband implying that her status is lower, but here the wife receives the same level of respect as her parents-in-law.

¹⁴³ Barbieri-Low and Yates, *Law*, 859.

宰我問：「三年之喪，期已久矣。君子三年不為禮，禮必壞；三年不為樂，樂必崩。舊穀既沒，新穀既升，鑽燧改火，期可已矣。」子曰：「食夫稻，衣夫錦，於女安乎？」曰：「安。」「女安則為之！夫君子之居喪，食旨不甘，聞樂不樂，居處不安，故不為也。今女安，則為之！」宰我出。子曰：「予之不仁也！子生三年，然後免於父母之懷。夫三年之喪，天下之通喪也。予也，有三年之愛於其父母乎？」

Zai Wo asked about the three-year mourning period, saying, “Even a full year is too long. If the gentleman gives up the practice of the rites for three years, the rites are sure to be in ruins; if the gives up the practice of music for three years, music is sure to collapse. A full year’s mourning is quite enough. After all, in the course of a year, the old grain having been used up, the new grain ripens, and fire is renewed by fresh drilling.” The Master said, “Would you, then, be able to enjoy eating your rice and wearing your finery?” “Yes. I would.” “If you are able to enjoy them, do so by all means. The gentleman in mourning finds no relish in good food, no pleasure in music, and no comforts in his own home. That is why he does not eat his rice and wear his finery. Since it appears that you enjoy them, then do so by all means.” After Zai Wo had left, the Master said, “How unfeeling Yu is. A child ceases to be nursed by his parents only when he is three years old. Three years’ mourning is observed throughout the Empire. Was Yu not given three years’ love by his parents?”¹⁴⁴

Confucius’s rationale for the three-year mourning period was that it corresponded to the time that one’s parents spent nursing and holding one in their arms; hence the child should at least return the favor by mourning his or her parents for the same amount of time. Three years of absence for an official would have caused too much disruption in managing the state, however, so the Han empire considered thirty days a more appropriate amount of time. On the one hand, it seems that Confucius’ thought conflicted with the Han statute; on the other hand, mourning was not just about taking a break from work in order to focus on

¹⁴⁴ 17.21 in D.C. Lau, *Confucius: the Analects*, 179.

the funeral, but it was about feelings toward one's parents. One could go to work and mourn for parents at the same time.

2.2 Successor

Many statutes in the Zhangjiashan texts contain a list and order of persons who would become an heir. Normally, sons would inherit households and property from their parents. However, if one died without a son, one's parent could take over the position of householder:

死母（無）子男代戶，令父若母；母（無）父母令寡；母（無）寡令女；母（無）女令孫；母（無）孫令耳孫；母（無）耳孫令大父母；母（無）大父母令同=產=子=代=戶=。（同產 子代戶），必同居數。棄妻子不得與後妻子爭後。

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 greatgrandchild [to substitute as householder]; when there is no greatgrandchild, 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] to substitute as householder. When a child of a [sibling] born of the same [mother] substitutes as householder, he or she must have been enumerated as a co-resident [with the deceased]. The child of a divorced wife may not contest with the child of a later wife about being the heir [to the householder status].¹⁴⁵

¹⁴⁵ Barbieri-Low and Yates, *Law*, 859.

The deceased's mother even came before spouses and daughters, which emphasized the higher status of the mother-in-law over the daughter-in-law consistent with the claim that domestic power and seniority usually go hand in hand. The above statute does not specify that the father had to be eligible before the mother, but rather states "father or mother," which leads to the inference that sometimes a mother could assume control of the household.

3. Children's Fate

A convict's mother was one of the close family members who had the right to make an appeal for a second trial, which could decide his fate, as there was a chance that the result after another trial could be reversed:

罪人獄已決，自以罪不當，欲乞（乞）鞫者：許之。乞（乞）鞫不審：駕（加）罪一等。其欲復乞（乞）鞫，當刑者，刑乃聽之。死罪不得自乞（乞）鞫。其父、母、兄、姊、弟、夫、妻、子欲為乞（乞）鞫：許之。其不審：黥為城旦舂。年未盈十歲為乞（乞）鞫，勿聽。獄已決盈一歲，不得乞（乞）鞫。

When a criminal's case has been decided, and the criminal himself considers that the crime does not match and wishes to make an appeal for [a new] trial: permit it. When the appeal for a trial is careless: add one degree to the crime. When one wishes to make a reappeal for [a new] trial, and warrants mutilation, mutilate [him or her] and then listen to it (viz., the second appeal). [A criminal whose] crime [warrants] the death [penalty] may not personally make an appeal for a trial. When the father, mother, elder brother, elder sister, younger brother [or younger sister], husband, principal wife, or child [of the criminal] wishes to make an appeal for a trial: permit it. Should [the appeal made by a family member] be careless: tattoo [the relative] and make [him or her] a wall-builder or grain-pounder. As for an appeal made by one who is not a full ten years old: do not listen to it.

[One whose] case has been decided for a full year may not make an appeal for a trial.¹⁴⁶

As seen above, only close relatives could request a second trial on the criminal's behalf in capital cases. However, if an appeal was made carelessly, in other words, without enough evidence, the relative who made the appeal would be sentenced to hard labor. This was to prevent the government from having to waste resources on a retrial. Therefore, a relative who decided to submit an appeal would have to face the risk of being punished as well.

The mother was the first one responsible to report her child's age to the authorities, as the phrase *chan zi zhe* 產子者 (one who gives birth to a child) indicates in the below text, which is reasonable as she would know the age of her child better than anyone else:

【諸】民皆自占年。小未能自占，而母（無）父母、同產為占者：吏以【長】比定其年。自占、（占）子、同產年，不以實三歲以上：皆耐。產子者恆以戶時占其□□：罰金四兩。

All ordinary people, in every case, are to self-report their age. For one who is young and not yet able to self-report and has no father or mother or [older sibling] born of the same [mother] to report for [him or her]: the officials are to determine his or her age, based on a comparison of [height]. Making a self-report of one's own age, or a report of one's children's or siblings' ages, which does not accord with reality by three years or more: in every case, shave [the criminal]. One who gives birth to a child is always to report the [child's age and gender (?)] at the time of the household [-register examination in the eighth month] fine four *liang* (approx. 62 g) of gold.¹⁴⁷

¹⁴⁶ Barbieri-Low and Yates, *Law*, 511.

¹⁴⁷ Barbieri-Low and Yates, *Law*, 797.

However, if one was old enough by the time this law was in effect, it was one's responsibility to self-report one's age. When a child was too young and had no mother, the father would be next in the line of responsibility. If one had no parents, then older siblings would be responsible to report one's age. Siblings were the last relatives who could report the age of a child. If a child had no such relatives, then the officials were to calculate the age by height, on the last-resort assumption that all children grew at a similar rate. If the age reported was incorrect by three or more years, then the one who reported it incorrectly would be punished. This reveals that age was an important piece of information that the state needed from everyone. One example is that age was used to determine one's service in the military.

Women might not have been viewed as equal to men, but they did assume a major role in managing the family's assets. They could even become the householder if their son died, as indicated in the following statute. This law's purpose was probably to protect grandparents from being treated badly by their grandsons. Ancient China was a society in which filial piety was considered a moral standard, so it makes sense that a grandson who lived together with his grandparents should have to take care of them well:

民大父母、（父母）、子、孫、同產、（同產）子，欲相分予奴婢、馬、牛、羊、它財物者：皆許之。輒為定籍。孫為戶，與大父母居，養之不善：令孫且外居。令大父母居其室，食其田，使其奴婢，勿貿賣。孫死，其母而代為戶。令勿敢遂(逐) 夫父母及入贅，及道（由）外取其子財。

For cases among the ordinary people of [paternal] grandparents, parents, children, grandchildren, [siblings] born of the same [mother], or children of [siblings] born of the same [mother] who wish to divide among themselves, or give to each other, male and female slaves, horses, cattle, sheep, or other valuable items: in every case, permit it. Immediately make a confirmed

recording [of the exchange]. For a grandson who forms a household, and who resides together with a grandfather or grandmother but does not nourish them well: order the grandson, for the time being, to reside elsewhere. Order the grandfather or grandmother to reside in his dwelling and be fed [from the produce of] his fields, and employ his male and female slaves, but they are not to exchange or sell off [any of the property]. Should the grandson die, his mother is to substitute [for him] and become the householder. It is ordered that she may not dare to expel the father or mother of her husband or bring in a son-in-law or appropriate, from the outside, the property of her children [who reside outside her household].¹⁴⁸

I assume that, in this case, the son was already dead, so the grandson had to take care of the grandparents in place of the son, as usually it would have been the son who had the obligation to take care of the parents, or else the son's widow, unless she remarried. I think in this case the grandson was old enough to form a household, so he was able to take care of his mother and his grandparents. It was not uncommon for a household to have three to four generations living together under the same roof.¹⁴⁹

The mother was prohibited by the above statute from bringing in a son-in-law to live in the same household with her and her daughter; Barbieri-Low and Yates suggest that the law was created in order to prevent the mother from destroying the patriarchal line.¹⁵⁰ Uxorilocal marriage was not uncommon in the state of Qin according to Jia Yi 賈誼, though it was not favored. Bret Hinsch argues that this type of marriage was part of a method to preserve wealth. *Zhuixu* 贅婿 was a term referring to a husband in an uxorilocal marriage,

¹⁴⁸ Barbieri-Low and Yates, *Law*, 801.

¹⁴⁹ See, Hsu, "The Changing Relationship," 358-70; Chang, "The Chinese Family in Han Times," 65-70; Lai, "The mourning system from Mawangdui," 43-99; Brown and de Crespigny, "Adoption in Han China," 229-66.

¹⁵⁰ Barbieri-Low and Yates, *Law*, 820.

translated by Hinsch as “pawned son-in-law.” Hinsch hypothesizes that this type of marriage occurred when a man did not have enough money to provide proper marriage gifts, so he offered (“pawned”) himself instead. Qin laws imposed many rules against men in this type of marriage, such as preventing them from becoming an official, and disposing of or giving any part of the household to others. However, they were still able to continue their role in ancestral worship.¹⁵¹ Hinsch’s hypothesis is plausible, but his translation is questionable. Another explanation is that the normal meaning of *zhui* is “superfluous,”¹⁵² but it was used for *zhui* 綴, “to continue or to join together,”¹⁵³ as a *tongjiazi* 通假字 (loan character for phonetic purpose),¹⁵⁴ so *zhuixu* might just mean “son-in-law who continues [the family line].”

Paul R. Goldin remarks that wealthy women in such marriages were the subject of complaints about the deterioration of sexual conventions. As an example, he discusses the uxorial behavior of the wife in a “Music Bureau” ballad (*yuefu* 樂府) who entertains the guests and exceeds [the value of] one husband (勝一大丈夫). According to Goldin’s interpretation, the poem hides an accusatory insinuation, as “to exceed one husband” could mean serving more than one man.¹⁵⁵ Though it is not exactly an uxorilocal marriage, the poem implies that a woman exceeding her husband would lead to illicit acts, the same way

¹⁵¹ Hinsch, “Women, Kinship,” 5-7.

¹⁵² For example, 《太玄·瑩》：“譬諸身，增則贅而割則虧。”

¹⁵³ For example, 《文選·張衡〈西京賦〉》：“左有崑函重險，桃林之塞，綴以二華。”

¹⁵⁴ Kroll also links these two words, see, Kroll, *A student’s dictionary of Classical and Medieval Chinese*, 623.

¹⁵⁵ Goldin, *Culture of Sex*, 112-13.

a rich woman who married her husband into her house would eventually cause a disaster to the patriarchal system.

The following statute indicates that women could own fields and had the right to give part of them to their son or a son born of their husband's other wives. From this law, it can also be inferred that a field was important to a household, confirming that early Han China was an agrarian society:

諸後欲分父母、子、同產、主母、段（假）母及主母、段（假）母欲分孽子、段（假）子田以為戶者：皆許之。

For all cases of a legal heir who wishes to apportion [agricultural fields] to [his or her] father or mother, son, [sibling] born of the same [mother], principal mother, or stepmother, as well as cases of a principal mother or stepmother who wishes to apportion agricultural fields to a son by a concubine, or to a stepson, so that he can form a household: in every case, permit it.¹⁵⁶

The above text specifically refers to a principal mother and a stepmother, so I assume that it was quite common for a stepson to receive property from his stepmother in order to establish his own family.

The eldest son was first in line of succession unless he was not a son of the principal wife:¹⁵⁷

當士（仕）為上造以上者，以適（嫡）子。毋（無）適（嫡）子，以扁（偏）妻子、孽子，皆先以長者。

For one who is made to serve at Sovereign's Accomplished or higher [rank], take a son of the principal wife. When there are no sons of the principal wife,

¹⁵⁶ Barbieri-Low and Yates, *Law*, 801.

¹⁵⁷ For rank inheritance, see Liu Xinning 劉欣寧, *You Zhangjiashan Hanjian*, 23-92; Li Junming 李均明, "Zhangjiashan Hanjian suofanying de ershi deng juezhi," 37-47; "Zhangjiashan Hanjian suojian guifan jicheng guanxi," 26-32; Yin Zaishuo 尹在碩, "Shuihudi qinjian he zhangjiashan hanjian fanying," 31-43; Zhu Shaohou 朱紹侯, "Xi-Han chunian jungong juezhi," 99-101.

take a son of a side-wife or concubine, in every case, taking the eldest first.
¹⁵⁸

As a rule, the principal wife's sons came first and the order went from oldest son to youngest. Thus, if one was the oldest, but born of a concubine, then one would be after all the sons of the principal wife, regardless of their age. The following stipulation indicates that, sometimes, a divorced wife's son could become an heir if the current wife did not have a son, so usually if the mother was divorced, the son would be out of the succession line even if he was the eldest son. For this case, the status of the mother is obviously central to determining the heir. Whether a son could become an heir depended on his mother's status in the household:

後妻毋（無）子男為後，乃以棄妻子男。

When the later wife has no male off-spring to become the heir, then use the divorced wife's male offspring. ¹⁵⁹

Therefore, one's mother was arguably the biggest factor in one's fate regarding inheritance and succession. In order to ensure that her son would inherit the family's wealth, a woman needed to retain her status as the lawful wife. Divorce could entail the dispossession of her sons.

Daughters had the right to inherit the rank of the father if he had no male child:

□□□□為縣官有為也，以其故死若傷二旬中死，□□□：皆為死事者。
 令子男襲其爵。毋（無）爵者，其後為公士。毋（無）子男以女；

¹⁵⁸ Barbieri-Low and Yates, *Law*, 839.

¹⁵⁹ Barbieri-Low and Yates, *Law*, 859.

母（無）女以父；母（無）父以母；母（無）母以男同產；母（無）男同產以女同產；母（無）女同產以妻。諸死事當置後。母（無）父、母、妻、子、同產者，以大父；母（無）大父以大母與同居數者

... one who is acting on behalf of the government, and for that reason dies, or is injured and dies within twenty days, ...: in every case, consider him to be one who has died while in service. Order that his male offspring inherit his [full] rank. For one without rank, his heir attains Knight of the Realm [rank]. When there is no male offspring, take a daughter [to become the heir]; when there is no daughter, take the father [of the deceased to become the heir]; when there is no father, take the mother [of the deceased to become the heir]; when there is no mother, take a male [sibling of the deceased] born of the same [mother to become the heir]; when there is no male [sibling] born of the same [mother], take a female [sibling] born of the same [mother to become the heir]; when there is no female [sibling] born of the same [mother], take the principal wife [to become the heir]. For all deaths while in service [to the government], an heir [to the rank] should be established. When there is no father, mother, wife, child, or [sibling] born of the same [mother], take the paternal grandfather [to become the heir]; when there is no paternal grandfather, take the paternal grandmother or one who is enumerated as a co-resident [to become the heir to the rank].¹⁶⁰

The mother of an official who died in office would also inherit his rank if he had no children and his father had died. The order of inheriting rank was different from the order of household inheritance; in the former, the mother came after a daughter, but the order was reversed in the latter.¹⁶¹ Next in line were siblings who were born of the same mother (同產). Thus, the mother played a key role in deciding who would inherit a dead father's rank. Half-siblings by the same father but a different mother came after those by the same mother:

同產相為後，先以同居。母（無）同居乃以不同居。皆先以長者。其或異母，雖長，先以同母者。

¹⁶⁰ Barbieri-Low and Yates, *Law*, 855.

¹⁶¹ See the previous section "Benefits of motherhood."

For [siblings of the deceased], born of the same [mother], who are eligible to become an heir, first take one who was co-resident [with the deceased sibling]. When there is none who was co-resident, then take one who was not co-resident. In every case, take the eldest first. Should they perhaps have different mothers, although one may be the eldest, first take one who has the same mother [as the deceased].¹⁶²

Though in many cases the eldest seemed to be the one who received the claim to succession first, siblings who lived together with the deceased would be considered first, even if they were younger than ones who lived separately. It is stated clearly in the above statute that one who had the same mother would have the first claim to inheritance. The law does not specify the case of half-siblings born of different fathers. The right of inheritance was established as soon as the child was conceived:

死，其寡有遺腹者，須遺腹產，乃以律為置爵、戶後。

For a case in which [a man] dies and his widow is carrying an unborn child, wait for the unborn child to be delivered, and then, according to the statutes, carry out the establishment [of the child] as the heir to the rank and householder status [of his deceased father].¹⁶³

Whether a child could inherit anything from the father depended on the mother who was carrying the child. The son, in turn, also helped raise his mother status. She had to protect her womb and herself until the child was born. It might have been difficult for her if she was a concubine and the principal wife had no son: she could be a target of jealousy,

¹⁶² Barbieri-Low and Yates, Law, 859.

¹⁶³ Barbieri-Low and Yates, Law, 857.

because her son could be handed the right to inheritance, and she could even take over the status of principal wife.¹⁶⁴

Unmarried men who lived with elderly parents would be exempted from task of transporting grain:

諸當行粟：獨與若父母居老如皖老，若其父母罷瘠（癯）者：皆勿行。金瘡、有【錮】（瘡）病：皆以為罷瘠（癯），可事如皖老。

For all cases of matching [performing the task of] transporting untreated grain: for an unmarried male who resides with his parents who are [classified as] either elderly or dim-sighted elderly, or should his parents [with whom he lives] be disabled: in every case, do not make him (viz., the unmarried male) go. [For one who has] a wound [caused by] a metal [weapon], or who suffers from a serious, chronic illness: in every case, consider him as disabled, and he may be made to serve like those classified as dim-sighted elderly.

Perhaps the reason why unmarried men were excused in such cases was that transporting grain required a lot of time and travel from home, and elderly or disabled parents would not have anyone to take care of them if their son were away for a long time. The law also makes it clear that chronic disease was also considered a kind of disability. The state placed the responsibility of caring for senior citizens on their son's shoulders in the guise of filial piety. However, if the son was married, he would not be in this category,

¹⁶⁴ For example, Empress Lü who was notorious for her cruelty towards Liu Bang's concubines. “太后遂斷戚夫人手足，去眼，燬耳，飲瘠藥，使居廁中，命曰「人彘」。” See, “呂太后本紀” in *Shiji* 史記; Empress Jia, first wife of Emperor Hui of Jin, killed many concubines when they became pregnant. “賈妃酷妒，手斫數人，或以刀戟擣孕妾，子乃隨刃墮地。” See, “惠賈皇后,” in *Wangyin Jinshu* 王隱晉書; Empress Chen, first wife of Emperor Wu of Han, who lost favor to Wei Zifu due to her infertility. “十餘年而無子，聞衛子夫得幸，幾死者數焉。上愈怒。” See, “外戚傳上” in *Hanshu* 漢書.

because his wife or children could take care of his parents while he was in the government service.

4. Preparing to be a Mother

Though Han women were expected to become mothers, the Mawangdui medical texts directed their instructions to male readers, indicating that men also had to take responsibility for reproduction.

4.1 Begetting a child

The very first paragraph of the Mawangdui text *Taichan shu* 胎產書 serves as an introduction indicating that its purpose is to explain how to produce offspring:

禹問幼頻曰：我欲殖人產子，何如而有？幼頻答曰：月朔已去汁□，三日中從之，有子。其一日男，其二日女也。故人之產也，入於冥冥，出於冥冥，乃始為人。¹⁶⁵

Yu asked Youth Multiplier: “I wish to propagate people and engender children. How is it that this occurs?” Youth Multiplier replied: “After menstruation is finished and the fluid..., have intercourse with her over the next three days and there will be a child. If on the first day, it is a boy; if on the second day, a girl. Thus when human beings are engendered, having entered into obscure darkness and exited from obscure darkness, they first become humans.”¹⁶⁶

¹⁶⁵ Zhou, *Mawangdui yi xue wen hua*, 334.

¹⁶⁶ Harper, *Early Chinese medical literature*, 378.

The above text briefly mentions *yueshuo* 月朔, or menstruation, so it could be said that menstruation also plays an important role in human procreation according to this text. One noteworthy point is that this passage gives instructions for having both a boy and a girl, without asserting any prejudices against girls.

Whether or not the cycle of ovulation was known, there must have been some rudimentary calculation centered on the three days after menstruation. Harper suggests that the clause “entering and exiting obscure darkness” refers to the penis penetrating the vagina,¹⁶⁷ which makes sense. You Pin 幼頻, or what Harper translates as Youth Multiplier, is obviously a made-up name specifically coined for discussing procreation; this technique was frequently used in classical Chinese texts.¹⁶⁸ In addition to certain optimal days for intercourse, the afterbirth also figured in the process of obtaining the desired sex for the next child:

字而多男無女者而欲女，後□□□□胞埋陰垣下。多女無男，亦反取胞埋陽垣下。¹⁶⁹

If when giving birth you have mostly boys and no girls, and you wish to have a girl, after....bury the afterbirth beneath a Yin oriented wall. If you have mostly girls and no boys, bury the afterbirth beneath a Yang oriented wall.¹⁷⁰

¹⁶⁷ Harper, *Early Chinese medical literature*, 378.

¹⁶⁸ For example, Lao Ai 嫪毐, the man who seduced Qin Shihuang's mother with his big penis. 嫪 means a person who lacks morals or adulterer. See, “Lü Buwei Liezhuan” in *Shiji*. For a discussion of epithets, see Goldin, *After Confucius*, 6-18.

¹⁶⁹ Zhou, *Mawangdui yi xue wen hua*, 335.

¹⁷⁰ Harper, *Early Chinese medical literature*, 381.

The above text reflects a problem that might have recurred during the time, namely having too many children of the same sex. It is worth noting that the text starts with instructions for families that had no female children and wished to have a girl. This is somewhat surprising, because girls seemed to be at a disadvantage in early imperial China. I believe that imbalance of any kind was not consistent with the ancient Chinese's mind; the concept of equilibrium between Yin and Yang is deeply rooted in many Chinese classical texts, especially the *Yijing* 易經. There is also another guideline for people who wished to have a girl:

欲產女，取烏雌雞煮，令女子獨食肉飲汁，席□。¹⁷¹

If you wish to give birth to a girl, boil a black hen; have the woman alone eat the meat and drink the liquid; and sit on a mat [?].¹⁷²

Apparently, there were many ways to have a girl, but the text does not explain how many of these methods had to be practiced in order to produce a girl. When a couple desired a child in general, it was recommended that both the husband and wife imbibe medicinal liquor:

求子之道曰：求九宗之草，而夫妻共以為酒，飲之。¹⁷³

The way to seek a child. Search for *jiuzong* herb. Then the husband and the wife together make liquor with it and drink it.¹⁷⁴

¹⁷¹ Zhou, *Mawangdui yi xue wen hua*, 335.

¹⁷² Harper, *Early Chinese Medical Literature*, 383.

¹⁷³ Zhou, *Mawangdui yi xue wen hua*, 335.

¹⁷⁴ Harper, *Early Chinese Medical Literature*, 383.

Therefore, the burden of procreating was not solely on the woman's shoulders. The above text indicates that both husband and wife shared the responsibility. The character *gong* 共 (together) emphasizes that both had to make the *jiuzong* liquor.

4.2 Pregnancy

The Mawangdui texts relate that a child develops inside the womb for ten months. The notion of ten lunar months of pregnancy was also attested in other cultures.¹⁷⁵ The texts explain in detail how a life was formed and how a mother-to-be should care for her body each month:

一月名曰流刑，食飲必精，酸羹必熟，毋食辛腥，是謂財貞。二月始膏，毋食辛臊，居處必靜，男子勿勞，百節皆病，是謂始藏。¹⁷⁶

In the first month it is called 'flowing into the form.' Food and drink must be the finest; the sour boiled dish must be thoroughly cooked. Do not eat acrid or rank foods. This is called 'initial fixture.' In the second month it first becomes lard. Do not eat acrid or stinking foods. The dwelling place must be still. For a boy there must be no exertion, lest the hundred joints all ail. This is called 'first deposition.'¹⁷⁷

The first two months of gestation were probably the most uncertain time and contributed to the miscalculation that early Chinese physicians might have made in presuming the start time of pregnancy. Modern medical textbooks count the time of gestation by weeks, and childbirth usually occurs forty weeks after the first day of the last

¹⁷⁵ See, Goldin, *Culture of Sex*, 165n.31; Taylor, *The Prehistory of Sex*, 159.

¹⁷⁶ Zhou, *Mawangdui yi xue wen hua*, 334.

¹⁷⁷ Harper, *Early Chinese Medical Literature*, 378-379.

menstruation, or thirty-eight weeks after fertilization.¹⁷⁸ Thus, the time of gestation in Mawangdui texts coincides with the modern medical knowledge if it was counted from the last menstrual period, which was probably the case.

The third month has a relatively long description:

三月始脂，果隋宵效，當是之時，未有定儀，見物而化，是故君公大人，毋使侏儒，不觀沐猴，不食蔥薑，不食兔羹；□欲產男，置弧矢，□雄雉，乘牡馬，觀牡虎；欲產女，佩簪珥，紳珠子，是謂內象成子。¹⁷⁹

In the third month it first becomes suet, and has the appearance of a gourd. During this time, it does not yet have a fixed configuration, and if exposed to things it transforms. For this reason, lords, sires, and great men must not employ dwarves. Do not observe monkeys. Do not eat onion and ginger; and do not eat a rabbit boiled dish....you wish to give birth to a boy, set out bow and arrow,...male pheasant, mount a male horse, and observe the male tiger. If you wish to give birth to a girl, wear hairpins and earrings at the waist, and wear a pearl belt. This is called 'inner imaging to complete the child.'¹⁸⁰

The text indicates that the suet would transform into things that the mother saw; thus, she should avoid dwarves and monkeys, so that the child would not be born like them. During the third month, there seemed to be another chance at deciding the sex of the child, after the day on which the couple had intercourse. The focus seems to be on how a mother should use her mental ability to create a child as she desired. Later in the text, there are several guidelines on how to beget a boy during the third month:

懷子未出三月者，吞雀甕二，其子男也。一曰：取雀甕中蟲青背者三，產吞之，必產男，萬全。一曰：以方咀時，取蒿、牡、蜚蛸三，治，

¹⁷⁸ Abman, *Fetal and neonatal physiology*, 46–47.

¹⁷⁹ Zhou, *Mawangdui yi xue wen hua*, 334.

¹⁸⁰ Harper, *Early Chinese Medical Literature*, 379.

If a woman who is still within the third month of pregnancy swallows two *jueweng* (caterpillar cocoons), the child is a boy. Another: If you swallow alive three blue-backed bugs from inside *jueweng* (caterpillar cocoons), you invariably give birth to a boy. Myriad perfection. Another: When (the fetus) is just at the stage of the “chewed mass” take *hao* (artemisia), *mu*, and *pixiao* (mantis egg-case) – three substances. Smith and drink them; and you invariably give birth to a boy. Already tested. Another: Pass one half *sheng* of urine....is firm and has little fluid. Another: Take larvae from a beehive and the penis of a dog. Dry and smith them. Have the pregnant woman drink them, and she gives birth to a boy. Another:...fresh fish....eat it....dry and smith them. Toss into liquor...., and the pregnant woman gives birth to....the third month you cannot....gives birth to a boy. Another: take a black....the man alone eat the meat and drink the liquid. The woman sits on a mat of fine reeds [?].¹⁸¹

¹⁸¹ Harper, *Early Chinese Medical Literature*, 382.

image of a boy by looking at them and consuming them. It is interesting that the last method specifically required the man to eat the meat and drink the potion; thus, the husband would also participate in choosing the sex of the baby as well.

In sum, there were three chances to influence the sex of the child: first, when burying the placenta of the previous child; second, during intercourse; third, during the third month of pregnancy. Each is more of a means *to increase the probability* of producing the desired sex than a surefire method.

The fourth month marks the beginning of the elements factoring into the development of the fetus:

四月而水授之，乃始成血，其食稻麥，鱣魚□□，以清血而明目。五月而火授之，乃始成氣，宴起□沐，厚衣居堂，朝吸天光，避寒殃，其食稻麥，其羹牛羊，和以茱萸，毋食□，以養氣。¹⁸³

In the fourth month Water is bestowed on it, and blood first forms. The appropriate foods are rice, wheat, mud eel..., which clarify the blood and brighten the eyes. In the fifth month Fire is bestowed on it, and vapor first forms. Rise late and...wash the hair. Wear a thick layer of clothing and remain inside the house. At dawn inhale heaven's rays and avoid harm from the cold. The appropriate foods are rice and wheat; the appropriate boiled dishes are beef and mutton, mixed with *zhuyu* (evodia); and do not eat..., thereby nurturing the vapor.¹⁸⁴

Water is the first of six elements bestowed on the fetus, and blood as the first sign that a human is formed during the fourth month. *Qi* came later in the fifth month. Constance A. Cook and Xinhui Luo note that the Fire element and the graph *qi* 氣 has had these

¹⁸³ Zhou, *Mawangdui yi xue wen hua*, 334.

¹⁸⁴ Harper, *Early Chinese Medical Literature*, 379-380.

associations since at least the fourth century BCE.¹⁸⁵ The kind of food appropriate for the fourth and fifth months seems to be similar: rice and wheat. Basically, the mother should eat more grains during these months, presumably to increase energy, and keep herself at home; however, exercise and going out are recommended in the sixth month:

六月而金授之，乃始成筋，勞□□□，出遊於野，數觀走犬馬，必食□□也，末□□□，是謂變腠□筋。□□□□。七月而木授之，乃始成骨，居燥處，毋使定止，□□□□□□□□□□，飲食避寒，□□□□□□□□美齒。¹⁸⁶

In the sixth month Metal is bestowed on it, and muscle first forms. Exercise...; go out to wander in the countryside; frequently observe running dogs and horses. You must eat without... This is called 'changing the skin's webbed pattern and....muscle.... In the seventh month Wood is bestowed on it, and bone first forms. Occupy heated places, and do not become immobilized.... With drink and food, avoid things that have a cooling effect...and fine teeth.¹⁸⁷

Contrary to previous months, for which the text recommends staying inside and avoiding animals, during the sixth month the mother should take a walk in the countryside and look at dogs and horses. As the muscles are formed during this month, it is likely that the text suggests exercising and looking at running animals as a way to improve the baby's muscular function. After the bones are formed in the seventh month, is the text still recommends against staying still, which also indicates that more exercise is better during this time. It is unfortunate that the characters containing information on the eighth, ninth, and tenth months are not clear:

¹⁸⁵ Cook; Luo, *Birth in ancient China*, 50.

¹⁸⁶ Zhou, *Mawangdui yi xue wen hua*, 334.

¹⁸⁷ Harper, *Early Chinese Medical Literature*, 380.

八月而土授之，乃始成膚革，□□□□□□□□，是謂密腠理。九月而石授之，乃始成毫毛，□□□□□□□□□□□□□□□□□□□□伺之。十月氣陳□□，以為□。¹⁸⁸

In the eighth month Earth is bestowed on it, and skin and hide first form.... This is called ‘tightening the skin’s webbed pattern. In the ninth month stone is bestowed on it, and filament hairs first form....await it. In the tenth month the vapor spreads to form [?].¹⁸⁹

The six elements (Water, Fire, Metal, Wood, Earth, and Stone) associated with each part of the body are also mentioned in the text called *Huaishen* 懷身, which is part of the Japanese collection *Ishinpō* 醫心方, compiled in 982.¹⁹⁰ It is possible that the texts included in *Ishinpō* are much older than the compilation date. Gil Raz provides a chart comparing *Taichan shu*, *Huainanzi* 淮南子, and *Ishinpō*, showing many similarities.¹⁹¹ According to Cook, the earliest record of prenatal development is the text called *Tang zai Chimen* 湯在啻門 in Qinghua collection of looted manuscripts, dated to the fourth century BCE, and it is possible that ancient physicians obtained the information by observing miscarriages and cutting open the womb.¹⁹² She links the possibility of caesarean section to tales of “split-side birth” *xie sheng* 脅生 in early Chinese texts.¹⁹³ Facilitating labor and delivery was also a concern for pregnant women:

¹⁸⁸ Zhou, *Mawangdui yi xue wen hua*, 334.

¹⁸⁹ Harper, *Early Chinese Medical Literature*, 381.

¹⁹⁰ Cook; Luo, *Birth in ancient China*, 49-50.

¹⁹¹ Raz, “Birthing the Self,” 186-187.

¹⁹² Cook, *Birth in ancient China*, 47-51.

¹⁹³ Cook, *Birth in ancient China*, 93-107.

懷子者，為烹白牡狗首，令獨食之，其子美皙，又易出。欲令子勁者，
□時食母馬肉。¹⁹⁴

If a pregnant woman prepares boiled *bai mugou* heads and she alone eats them, the child is beautiful and radiant, and also emerges easily. If you want to make the child vigorous, at the time ofeat the flesh of a mother horse.¹⁹⁵

Not only would the potion help with the child's complexion, but it would also help when the mother went into labor; the benefit of drinking this liquid seemed very appealing for mothers-to-be. Harper suggests that *bai mugou* is a species of insect, probably a mole cricket.¹⁹⁶

4.3 Burying the afterbirth and postpartum care

The practice of burying the placenta was considered crucial both for mothers and newborn babies. The Mawangdui text *Zaliao fang* 雜療方 (Recipes for various cures) suggests burying the afterbirth properly:

禹藏埋胞圖法：埋胞，避小時，大時所在，以產月，視數多者埋胞□。字者已，即以流水及井水清者，熟酒浣其胞，孰捉，令母汁，以故瓦甌母蕪者盛，善密蓋以瓦甌，令蟲勿能入，埋清地陰處久見日所。使嬰兒良心智，好色，少病。¹⁹⁷

The method of the afterbirth-burial chart for entombment according to Yu. When burying the afterbirth, avoid the location of the Small Period and the Great Period. According to the month of birth, look for the number that is highest to bury the afterbirth. After having given birth, thoroughly wash the afterbirth with clear flowing water and well water. Wipe thoroughly until there is no liquid. Put it in an old pottery slotted steaming-pot that is free of grime. Cover very tightly with a pottery bowl so that bugs cannot enter.

¹⁹⁴ Zhou, *Mawangdui yi xue wen hua*, 335.

¹⁹⁵ Harper, *Early Chinese Medical Literature*, 381-382.

¹⁹⁶ Harper, *Early Chinese Medical Literature*, 381.

¹⁹⁷ Zhou, *Mawangdui yi xue wen hua*, 331.

Bury it in unspoiled ground in a Yang position at a place where the sun shines long. This ensures that the infant has a bright mind, a good complexion, and few ailments.¹⁹⁸

As stated above, the purpose of burying afterbirth was for the health of the next child. Sabine Wilms suggests that the reason why Chinese people buried the afterbirth was that they believed in the power of earth: the soil would continue to nurture the placenta, which was a representative of the child.¹⁹⁹ Therefore, after months of pregnancy, a mother would next have to worry about how and where to appropriately bury the afterbirth. Whether or not this method worked, at least it would afford the mother the peace of mind that she had done everything she could to ensure her next child's health. Burying the placenta is emphasized again in *Taichan shu*:

必熟灑澣胞，又以酒澣□□□□□□□□小□□□□□□□□□□□□□□以瓦甌，毋令蟲蟻能入，而□□□□□□□□見日所，使嬰兒無疔，曼理，壽□。²⁰⁰

You must thoroughly wash the afterbirth, and wash it again with liquor....pottery bowl, so that bugs and ants cannot enter. Then....a place where the sun shines. This ensures that the infant does not have scabbing, has lustrous skin, and is longlived...²⁰¹

The information is the same as in *Zaliao fang*, only with different wording. Thus, the practice of burying the placenta was important enough to be mentioned in two different

¹⁹⁸ Harper, *Early Chinese Medical Literature*, 367-368.

¹⁹⁹ Wilms, "Childbirth customs in early China," 67-68.

²⁰⁰ Zhou, *Mawangdui yi xue wen hua*, 334-335.

²⁰¹ Harper, *Early Chinese Medical Literature*, 381.

Mawangdui medical texts. In addition, there were remedies to “increase the inside and benefit the interior”:

益內利中：。取醇酒半杯，溫之勿熱毀雞卵，注汁酒中，撓，飲之恆以旦末食時飲之始飲，飲一卵，明日飲二卵，明日飲三卵，其明日復飲二卵，明日飲一卵。恆到三卵而卻到一卵復益。恆以八月，二月朔日始服，飲□□□□。服之二時，使人面不焦，口唇不干，利中益內。²⁰²

To increase the inside and benefit the interior. Warm one half cup of pure liquor without letting it get hot. Break a chicken egg and pour the liquor. Stir, and drink it. Always drink it at dawn before eating. When you begin to drink, drink one egg; the next day drink two eggs; and the day after drink three eggs. On the day after than again drink two eggs, and the next day drink one egg. Always decrease after reaching three eggs; and after decreasing to one egg, again increase. Always begin ingesting (the eggs) on the first day of the eighth and second months. Drink. Ingesting in these two seasons makes a person's face not become wizened; the month and lips are not dry; and it benefits the interior and increases the inside.²⁰³

Taken out of context, this may look like a prescription for nourishing organs inside the body. However, perhaps it was not just a general recipe. The passage is alongside the method of burying the afterbirth in *Zaliao fang*; thus, it may have been intended for women who had just given birth. Those women would have been very weak and would need to be nurtured back to health. The recipe also indicates the benefit of the face's not becoming wrinkled, which women would usually be more concerned with than men. “The inside” (*zhong* 中) and “the interior” (*nei* 內) could even refer to the vagina, because if the writers wanted to discuss organs, they would have written the word *zang* 臟 (organ) to refer to

²⁰² Zhou, *Mawangdui yi xue wen hua*, 331-332.

²⁰³ Harper, *Early Chinese Medical Literature*, 368.

inner organs, as in *Shiwen* 十問.²⁰⁴ Furthermore, the next recipe offers the following benefit: “the interior has an abundance of essence-fluid” 中多精汁.²⁰⁵ The character *jing* 精 could refer to “vaginal secretions” for women or “semen” for men.²⁰⁶ This suggests that the prescription would help increase either the moisture inside the vagina or the amount of semen inside its repository. The phrase *neizhong* 內中, which Harper also translates as the inner chamber (vagina), is also found in connection with the afterbirth burial:

埋胞席下，不疔癢。內中□□□□以建日飲。²⁰⁷

Bury the afterbirth beneath a mat to prevent scabby itch. Inside the inner (chamber)....and drink on an “establishment day.”²⁰⁸

Therefore, the practice of burying the placenta and the postpartum care for women’s private parts were perceived as two aspects of the same therapy. Harper suggests that the liquid that the mother drank could have been the water that had been used to bathe the infant,²⁰⁹ as a similar instruction appears later in the text:

字者已，即燔其蓐，置水中，□□嬰兒，不疔癢。及取嬰兒所已浴者水半杯飲母，母亦无余病。²¹⁰

After having given birth, incinerate the straw bedding. Put it in water, and....the infant to prevent scabby itch. In addition, have the mother drink one half cup of the water used to bathe the infant and the mother will have no further ailments.²¹¹

²⁰⁴ See Harper, *Early Chinese Medical Literature*, 385 and Zhou, *Mawangdui yi xue wen hua*, 336.

²⁰⁵ Harper, *Early Chinese Medical Literature*, 369 and Zhou, *Mawangdui yi xue wen hua*, 332.

²⁰⁶ See Goldin, “Sexual Vampirism,” 286.

²⁰⁷ Zhou, *Mawangdui yi xue wen hua*, 335.

²⁰⁸ Harper, *Early Chinese Medical Literature*, 381.

²⁰⁹ Harper, *Early Chinese Medical Literature*, 381.

²¹⁰ Zhou, *Mawangdui yi xue wen hua*, 335.

²¹¹ Harper, *Early Chinese Medical Literature*, 383.

Presumably the straw bedding was burned to eliminate contagion. It is not clearly stated what was put in the water; however, it was not the bedding, as it had already been incinerated. Harper supposes that it is the baby that was put in the water.²¹²

5. Conclusion

The legal texts from Zhangjiashan and medical texts from Mawangdui complement each other in constructing the image of Han women in the role of mothers. The legal texts contribute to the social aspects of motherhood while the medical texts impart the knowledge of the biological aspects. Being a mother during the early Han came with both responsibility and benefits. The status of a parent was the highest in the family, and the mother was usually the one who managed household affairs while the father was out working. The hierarchy of wives predetermined the future of their children. Regardless of his merit or competence, it would be difficult for the son of a low-rank concubine to inherit his father's rank and property, unless all the eligible heirs born of the higher-rank wives had already died.

Sex plays a crucial role in the Mawangdui medical texts in the process from intercourse to reproduction. In addition to writing, there are also explanatory diagrams. It is notable that the texts do not discuss the complications of giving birth, which are explicitly treated in later texts such as *Beiji qianjin yaofang* 備急千金要方 and *Furen daquan liangfang* 婦人大全良方. However, with their comprehensive approach to the role of

²¹² Harper, *Early Chinese Medical Literature*, 383.

mothers, Zhangjiashan and Mawangdui manuscripts still shed light on previously unknown issues of social and biological motherhood.

CHAPTER 3

Men and Women as Sexual Partners

1. Introduction

In addition to productive and reproductive labor, Han women also provided themselves as sexual partners. The state regulated sexual relationships and offspring from those relationships in order to keep track of the population. Men of high social status were allowed to have multiple sexual partners with different designated titles. As discussed in Chapter 1, a sexual relationship between a male slave and female master was prohibited, but one between a female slave and male master was allowed, and she was not allowed to have a sexual relationship with other males without her master's consent. Thus, it seems that the state-controlled women's sexual relationships were controlled more strictly than those of men.

In addition to knowing how reproduction works, as discussed in Chapter 2, men were also expected to know how to satisfy their partners sexually. Male genital health care was also crucial, as there are many methods to enlarge and erect the penis.

This chapter argues that the burden of sexual performance was on men. Zhangjiashan legal documents yielded information on hierarchies and restrictions regarding publicly approved sexual partners, and the Mawangdui medical manuscripts provide formulas to improve sexual performance. The texts from these two tombs

complement each other in constructing an image of gender and sexuality during the early Han.

2. Lawful Sexual Partners

The Han empire established regulations concerning sexual partners within the family. Only state-approved couples were allowed to have sexual intercourse; otherwise, the act was illicit. Incest has been a serious crime at least since the Shuihudi Qin code, for which the punishment was beheading:

同母異父相與奸，可（何）論？棄市。

When (children of) the same mother (but) of different fathers fornicate with each other, how are they to be sentenced? By beheading.²¹³

No official document approves incest; it was a taboo or a subject of criticism.²¹⁴ The Zhangjiashan law elaborates on the statute to explain that a victim of incestuous rape would not be punished, whereas the Shuihudi legal texts do not specify this:

同產相與奸，若取（娶）以為妻，及所取（娶）：皆棄市。其強與奸：除所強。

[For a brother and sister] born of the same [mother] who engage in illicit intercourse together, or [a brother] who takes [a sister] and attempts to make her his legal wife, as well as the [sister] whom he attempted to take in marriage: in every case, cast [the corpse of the criminal] away in the marketplace. Should he engage in illicit intercourse with her by force, exempt the one who was forced.²¹⁵

²¹³ Hulsewé, *Remnants of Ch'in law*, 169.

²¹⁴ See, Goldin, "Copulating with One's Stepmother," 56-69.

²¹⁵ Barbieri-Low and Yates, *Law*, 617.

The law only mentions the prohibition of incest between siblings, but not other relatives. Therefore, I assume that incest between brothers and sisters was more common than other kinds;²¹⁶ thus, the state needed to publicly declare the act illicit. Though there was no explicit statement regarding sexual relations between parents and children, such acts would certainly be considered as against filial piety²¹⁷ and norms of the society. Thus, it would result in harsh punishment; at a minimum, public execution could have been in order.

It is implied in the following statute that someone who absconded from a marriage would be deprived of the right to marry again. As discussed in Chapter 1,²¹⁸ the crime of absconding was a serious threat to the state; the government harshly punished everyone involved in the remarriage:

取（娶）人妻及亡人以為妻，及為亡人妻：取（娶）及所取（娶），
為謀（媒）者智（知）其請（情）：皆黥以為城旦舂。其真罪重：以
匿罪人律論。弗智（知）者不□

Marrying another person's wife as well as taking an absconder as a wife, as well as becoming the wife of an absconder: for the wife taker, the one who is taken, and the one who acted as the go-between, when facts are known: in every case, tattoo [the criminals] and make them wall-builders or grain pounders. Should [the absconder's] real crime be heavier: sentence [the persons who marry and the go-between] according to the statutes on hiding

²¹⁶ Three examples from *Zuozhuan*: Lord Xiang of Qi had a sexual relationship with his sister and later plotted to murder her husband, Lord Huan of Lu (Durrant, Li, and Schaberg, *Zuo traditions*, 83-135); the alleged incest between Nanzi and her brother, Song Zizhao, occasioned a song (Durrant, Li, and Schaberg, *Zuo traditions*, 1729-1818; Goldin, *A Concise Companion to Confucius*, 153-163); and Cui Wuzi, who insisted on marrying a woman of his own clan (Durrant, Li, and Schaberg, *Zuo traditions*, 1136-1138; Smith, "Zhouyi Interpretation From Accounts in The Zuozhuan," 433-435).

²¹⁷ Han Fei accused Shun of being unfilial by taking his mother as his concubine, see Goldin, "Copulating with One's Stepmother," 63; Many cases of stepson-stepmother incest are discussed in this article, such as the stories of Lord Xuan of Wei, Lord Xian of Jin, and Liu Jian, Prince of Jiangdu, all of whom fornicated with their father's concubines.

²¹⁸ See section 3.8 Abscondence in Chapter 1.

a criminal. For one who did not know [that the marriage was illegal], do not . . .²¹⁹

In case the absconder was not immediately detected, anyone who married or acted as the go-between for the criminal would be charged with hiding a criminal in addition to that of being involved with an absconder. The fact that marrying another person's wife warranted the same punishment presupposes that it would cause the same degree of damage to the state. Not only would it endanger the patriarchal family system in the family, but it would also lead to chaos in population registration. Even if a husband did not know that his wife was a fugitive, he was liable:

吏議：「符有【名】數明所，明嫁為解妻。解不智（知）其亡。不當論。」或曰：「符雖已詐（詐）書名數，實亡人也。解雖不智（知）其請（情）當以取（娶）亡人為妻論：斬左止（趾）為城旦。」廷報曰：「取（娶）亡人為妻論之。律白。不當瀦（讞）。」

The officials deliberated: "Fu had her [name] and related accounts at Ming's place, and Ming married her off as Jie's legal wife. Jie did not know that she had absconded. [Jie] ought not to be sentenced." Someone objected: "Fu had fraudulently written down her name and related accounts; in fact, she was an absconder. Although Jie was not aware of the facts of the matter, he ought to be sentenced for 'marrying an absconder as a legal wife': severing of the left foot and being made a wall-builder." The report of the [Commandant of the] Court stated: "Sentence him under 'marrying an absconder as a legal wife.' The statutes are clear. It should not have been referred for decision by higher authority."²²⁰

Some officials recorded in the above case sympathized with Jie, who married an absconder unwittingly, and proposed that he should be released. However, in the final trial,

²¹⁹ Barbieri-Low and Yates, *Law*, 585.

²²⁰ Barbieri-Low and Yates, *Law*, 1213.

the man was judged guilty. There is a similar statute in Shuihudi texts concerning marriage between the absconders:

女子甲去夫亡，男子乙亦闖亡，相夫妻，甲弗告請（情），居二歲，生子，乃告請（情），乙即弗棄，而得，論可（何）（也）？當黥城旦舂。

The woman A leaves her husband and absconds; the man B also unauthorizedly absconds. They become man and wife. A does not inform him of the circumstances; only after two years, when she has born children, she informs him of the circumstances. B thereupon does not repudiate her. They are caught. How are they to be sentenced? They warrant tattooing and being made a wall-builder and a grain-pounder (respectively).²²¹

It is implied that if the man divorced her after knowing that she had absconded, he would not be punished. However, since he decided to remain married to her, the legal inference was that he intended to marry an absconder, who was also another man's wife, as his wife. Furthermore, he himself was also an absconder. This man would have committed three crimes by the Zhangjiashan law's standards.

Usually an official would receive a lighter punishment than a commoner for the same crime, but for having sexual intercourse with another man's wife, the opposite was true: a commoner would be made a wall-builder (and his wife a grain-pounder), but an official would be castrated:

諸與人妻和奸，及其所與：皆完為城旦舂。其吏也，以强奸論之。

For all those who engage in consensual illicit intercourse with other men's wives and for those with whom [they have fornicated]: in every case, leave [the criminal] intact and make [him or her] a wall-builder or grain-pounder.

²²¹ Hulsewé, *Remnants of Ch'in law*, 168.

Should [the man] be an official, sentence him according to [the statutes on] engaging in illicit intercourse through force.²²²

Presumably, this law was to protect commoners from being abused by officials: the latter could not just take the wife of a lower-class person. Another reason might be that officials were held to a higher standard in such cases.

The following statute could be considered an early mention of eunuchs in Chinese law. It is like “an eye for an eye”: if a man polluted a woman’s chastity, his genitals would be cut off:

强與人奸者：府（腐）以為宮隸臣。

For one who engages in forcible illicit intercourse with another person: castrate [him] and make [him] a palace servant.²²³

We can at least be certain that during the Han, castration was used as a form of punishment. Goldin suggests that Sima Qian was punished as though he had committed a sex crime or to have had some implied sexual element, but “his licentiousness was intellectual rather than carnal.”²²⁴ The connection between sexual activity and political scheming was already discussed by Han Fei, who argued that the most sexually favored consort would prosper and have her son become the heir. Thus, “the woman who copulates the most is the most powerful.”²²⁵

²²² Barbieri-Low and Yates, *Law*, 617.

²²³ Barbieri-Low and Yates, *Law*, 617.

²²⁴ Goldin, *Culture of Sex*, 80.

²²⁵ Goldin, *Culture of Sex*, 77-81; 41-42.

It is reasonable that a man who abducted a woman by force for the purpose of marrying her, even if he did not rape her, should be punished especially severely, because abduction requires planning:

强略人以為妻及助者：斬左止（趾）以為城旦。

For one who forcibly abducts a person and attempts to make her his wife, as well as for the one who assists [him]: sever the left foot [of the criminal] and make [him] a wall-builder.²²⁶

If he also raped her, he would presumably have faced the harsher punishment of castration. The law code also discourages others from abetting by punishing anyone who assisted in this act with the same punishment.

The law also prevented brothers, uncles, and nephews from having sexual intercourse with each other's wives. The law tried to prohibit any kind of sexual relations within the family that was not within the bounds of marriage, and this extended to female slaves of one's relatives, who were not one's own slaves:

復兄、弟、孝（季）父、柏（伯）父之妻、御婢：皆黥為城旦舂。復男弟兄子、孝（季）父、柏（伯）父子之妻、御婢：皆完為城旦舂。

Engaging in illicit sexual relations with either the wife or the sexually exploited slave of one's elder or younger brothers, or one's father's younger or elder brothers: in every case, tattoo [the criminal] and make [him or her] a wall builder or grain-pounder. Engaging in illicit sexual relations, with either the wife or the sexually exploited slave of the male children of one's younger or elder brothers, or the sons of one's father's younger or elder brothers: in every case, leave [the criminal] intact and make [him or her] a wall-builder or grain-pounder.²²⁷

²²⁶ Barbieri-Low and Yates, *Law*, 619.

²²⁷ Barbieri-Low and Yates, *Law*, 619.

Given that seniors usually occupied a higher status in the family, it is understandable that the elders in the family would receive lighter punishments than juniors. It should be noted that this statute uses the word *fu* 復 (to repeat)²²⁸ and *yu* 御 (to ride, to drive) instead of *jian* 奸 (to fornicate) to mean *illicit intercourse*. They are synonyms, with an underlying sexist implication for 御 that slave women were like horses for men to drive like a charioteer.

The Zhangjiashan corpus states clearly that the victim of rape was not guilty of a crime, which indicates the law's intention to protect female victims of sexual violence. The prohibition of irregular sexual relationships among family members, often mentioned, indicates that the state was quite concerned about how to keep family units under control. In addition to promoting legitimate household registration, controlled sexual behavior within the family helped in other ways to stabilize the state's legal system. For example, the inheritance system would become chaotic if family members fornicated and produced offspring whose father was impossible to determine.

A Han woman could be named her husband's heir if he died without a son. If she remarried, she would have to yield the householder status to her new husband. This rule was probably intended to discourage women from remarrying:

寡為戶後，予田宅，比子為後者爵。其不當為戶後，而欲為戶以受殺田宅，許以庶人予田宅。毋（無）子，其夫=；（夫）毋（無）子，其夫而代為戶。

²²⁸ *Fu* here is used in the sense of *bao* 報, a technical term for copulating with a brother's wife, see: Goldin, "Copulating with One's Stepmother," 59.

When a widow becomes a householder, present [her] with agricultural fields and homestead [plots], [in amounts] comparable to those for the rank of a child who becomes an heir. For one who should not become heir to householder status, and yet wishes to constitute a household in order to receive fewer agricultural fields and homestead [plots], it is permitted to use [the level of] freeman [status to determine the amount] of agricultural fields and homestead [plots] to give [to her]. When [a widow] has no children and [marries a new] husband, then the husband is to substitute [for her] and become the householder.²²⁹

However, if she divorced her new husband, she could become the sole owner of the inherited property again. Thus, the husband enjoyed the status of householder only as long as the marriage lasted. Both this statute and the following show that, during the early Han, it was not uncommon for women to divorce and remarry. In addition, it was normal for women to own property, such as an agricultural field or a household, and the rights to such property were not transferred to her husband:

女子為戶，毋（無）後而出嫁者：令夫以妻田宅盈其田宅。（宅）不比，弗得。其棄妻，及夫死，妻得復取以為戶。棄妻，畀之其財。

For the case of a woman who forms a household and has no heir, yet goes out to marry: order the husband to use the wife's agricultural fields and homestead [plots] to complete [the allotted maximum amount of] his agricultural fields and homestead [plots]. When the homestead [plots] are not adjoining, he may not acquire them. In the case where the wife [later] is divorced, as well as if the husband dies, the wife may acquire them again and use them to form a household. When a wife is divorced, return her property to her.²³⁰

²²⁹ Barbieri-Low and Yates, *Law*, 863.

²³⁰ Barbieri-Low and Yates, *Law*, 861.

This was to protect a woman who married a poorer man, so that he could not plot to marry her in order to take her property. Some women from wealthy families might have been given a house or a field by their parents as a legacy,²³¹ which would remain her property after divorce in the same way as a dowry. Women would be deprived of the right to own a household once they entered a marriage:

為人妻者不得為戶。民欲別為戶者：皆以八月戶時。非戶時勿許。

One who has become another person's wife may not form [her own separate] household. For a commoner who desires to separate [from his or her current household] and form [a new] household: in every case, [this is permissible] during the time of the household [-register examination], in the eighth month. When it is not the time of the household [-register examination], do not permit it.²³²

The above statute implies that a single woman could separate her household from that of her parents. Becoming a man's lawful sexual partner seemed to come with disadvantages concerning property, as a woman would have to yield her assets to her husband. From the state's point of view, it was essential to register the wife in the husband's household. As the statute specifies that the wife was not allowed to form a household, it could be assumed that the husband was able to form many separate households, most likely for his concubines, mentioned in another statute:

諸侯王得置姬八子、孺子、良人。

Regional Lords may appoint Eight-Son-Bearing Consorts, Young Ladies, and Virtuous Ladies.²³³

²³¹ See Hinsch, "Women, Kinship, and Property," 1-20.

²³² Barbieri-Low and Yates, *Law*, 803.

²³³ Barbieri-Low and Yates, *Law*, 653.

The above statute confirms that the Han regime regulated sexual relationships among people of all classes, even regional lords. Allowing them to have special hierarchical positions for their wives, in imitation of the imperial harem, was a privilege, because the imperial government still needed these allies in order to keep the empire stable during the early stages of the dynasty. However, daughters of regional lords were not allowed to be called princesses:

諸侯王女毋得稱公主。

A daughter of a Regional Lord may not be called 'Princess.'²³⁴

This was to remind regional lords that they did not govern independent territories, and the term 公主 *gongzhu* or princess was reserved for female members of the Liu clan in the imperial palace only. Daughters of a regional lord were supposed to be called 翁主 *wengzhu*.²³⁵

In addition to the previous examples from *Ernian lüling*, there is another interesting case from *Zouyan shu* regarding the status of regional lords:

詰闐：「律所以禁從諸侯來誘者，令它國毋得娶它國人也。闐雖不故來【誘】，而實誘漢民之齊國；即從諸侯來誘也。何解？」

Lan was cross-examined: "[One of] the reasons the statutes prohibit people 'coming from [the territories of] the Regional Lords to lure' is to render persons unable to marry persons from other states. Although you did not intentionally come [to lure], yet, in reality, you lured a person of the Han to

²³⁴ Barbieri-Low and Yates, *Law*, 655.

²³⁵ See Barbieri-Low and Yates, *Law*, 666.

go to the Qi state; this, in fact, is ‘coming from [the territories of] the Regional Lords to lure.’ How do you explain [this]?”²³⁶

Lan, who came from the former state of Qi during the Warring States period, was supposed to transport a woman from Qi to Chang’an, the capital of Han empire, but he ended up taking her as his wife and tried to bring her back to Qi. According to Barbieri-Low and Yates, during the early Han, the government controlled only the western and central parts of the old Qin empire. The remote areas to the east and south were under the control of the regional lords. This case shows once again that the early Han was not yet a completely unified empire.²³⁷ Imposing such control over sexual relationships between people from different territories was obviously a policy to dissipate the awareness of regional identities after relocating subjects from regional states to the Han capital.

There is a notorious and stunning case that cannot be ignored in this chapter. A woman whose husband had recently died had sexual intercourse with another man in a room next to the one containing the coffin. Her mother-in-law found out and reported the act to the authorities. The woman was originally adjudged as lacking filial piety and was to be made a grain-pounder. However, an official named Shen argued against the sentence:

有（又）曰：「有死父，不祠其冢三 日，子當何論？」廷尉穀等曰：「不當論。」「有子不聽 生父教，誰（孰）與不聽死父教罪重？」穀等曰：「不聽死父教毋（無）罪。」有（又）曰：「夫生而自嫁，罪誰（孰）與夫死而自嫁罪重？」廷尉穀等曰：「夫生 而自嫁，及取（娶）者：皆黥為城旦舂。夫死而妻自嫁、取（娶）者毋（無）

²³⁶ Barbieri-Low and Yates, *Law*, 1199.

²³⁷ Barbieri-Low and Yates, *Law*, 1196.

罪。」有（又）曰：「欺生夫，誰（孰）與欺死夫罪重？」穀等曰：「欺死夫毋論。」

[Shen] further stated: “Someone has a dead father and doesn’t sacrifice at his tomb for three days. What sentence does the son deserve?” Commandant of the Court [Gou] and the others said: “He does not deserve being sentenced.” [Shen further stated]: “There is a son who does not obey his living father’s instructions, and one who does not obey his dead father’s instructions. Which is the more serious crime?” Gou and the others said: “There is no crime in ‘not obeying a dead father’s instructions.’ ” [Shen] further stated: “To marry oneself off while one’s husband is still living, or to marry oneself off while one’s husband is dead, which is the more serious crime?” Commandant of the Court Gou and the others said: “For one who marries herself off while her husband is still alive, as well as for one who takes such a woman in marriage: in every case, tattoo [the criminal] and make [him or her] a wall-builder or grain pounder. She who marries herself off after her husband is dead and the one who takes her in marriage are both without guilt.” [Shen] further stated: “To show contempt for a living husband, or to show contempt for a dead husband, which is the more serious crime?” Gou and the others said: “Showing contempt for a dead husband is not to be sentenced.”²³⁸

A wife’s duties to her husband were consistent with a son’s duties to his father. According to Shen’s argument, it seems that the duty of being filial would end after the parent or husband died. Though disrespecting one’s parents after they died was frowned upon, it was not a crime that warranted a sentence. Thus, being filial was a requirement when the parent was alive, but merely a sign of virtue after that person died.

The surprising outcome of this case has drawn several scholars’ attention. Nylan notes that though the punishment for being unfilial was to be executed and cast away in the marketplace, one of the statutes clearly dictates that a woman shared her husband’s rank; thus, her sentence was lowered in the first trial because her late husband had been an

²³⁸ Barbieri-Low and Yates, *Law*, 1385.

official.²³⁹ Goldin suggests that the first charge against the woman in question was based on the assumption that she had offended her mother-in-law, not her husband.²⁴⁰ Barbieri-Low and Yates suspect that this story was invented for literary purposes, and does not actually record events.²⁴¹

After discussing the state's regulation of sexual relationships recorded in the Zhangjiashan documents, which reflected notions of morality that early Han rulers imposed on their subjects, we now should turn to the later Mawangdui manuscripts, which show how Han men perceived sexual behavior for their own benefit, as opposed to that of the state.

3. The Art of Seduction

Seduction could be a means for a woman to acquire a man of higher status in order to legally upgrade her own status within the society; for example, a female slave who gave birth to the master's child could be granted manumission after the master's death, as discussed in Chapter 1. This section begins my discussion of sexual behavior from the perspective of individuals rather than the state. Seduction served as the starting point of sexual activity. Many instructions concerning seduction are provided in the section in the Mawangdui texts called *Zajin fang* 雜禁方. Harper translates this as "Recipes for various

²³⁹ Nylan, "Notes on a case of illicit sex from Zhangjiashan," 36.

²⁴⁰ Goldin, "Han Law," 17-18.

²⁴¹ Barbieri-Low and Yates, *Law*, 1375-79.

charms,” but I would say “Formulas for [various] *forbidden* charms.” The formulas are not only for sexual seduction, but have other miscellaneous uses:

又犬善嗥於壇與門，塗井上方五尺。夫妻相惡，塗戶方五尺。欲微貴人，塗門左右方五尺。多惡夢，塗牀下方七尺。姑婦善鬥，塗戶方五尺。嬰兒善泣，塗綉上方五尺。²⁴²

When there is a dog that likes to bark in the courtyard and gateway, daub [mud] on the well in a rectangular band of five square *chi*. When husband and wife dislike one another, daub mud on the doorway...[in] a rectangular band of five square *chi*. When you wish to seduce a noble person, daub mud on the left and right sides of the gate in a rectangular band of five square *chi*. When you have frequent foul dreams, daub mud beneath the bed in a rectangular band of five square *chi*. When the husband's mother and his wife like to fight, daub mud on the doorway in a rectangular band of five square *chi*. When an infant likes to cry, daub mud on the window in a rectangular band of five square *chi*.²⁴³

The range of use for these formulas is from making a dog stop barking to seducing someone of higher status than oneself. The only difference is the place where mud would be daubed, and in one instance its size. It is possible that the charm was believed to have a calming effect, as most of the results were to draw people together (husband and wife, daughter-in-law and mother-in-law, and a noble person and oneself), or to calm a person from nightmares, and calm dogs and babies. Li and McMahon remark that seductive charms were used by women,²⁴⁴ but I would say the opposite was also probable. The victim of seduction was likely to be a noble lady, as many indications in the Mawangdui texts suggest that the instructions were for male readers. The above text might make it seem as

²⁴² Zhou, *Mawangdui yi xue wen hua*, 343.

²⁴³ Harper, *Early Chinese Medical Literature*, 423.

²⁴⁴ Li and McMahon, “Mawangdui texts on the arts of the bedchamber,” 158.

though seducing a noble person was acceptable, but the word *jin* 禁 (forbidden) in the topic suggests that this kind of charm was probably done in secret. There is another charm that would definitely not be allowed under early Han law:

取東西向犬頭，燔冶，飲，夫妻相去。²⁴⁵

Take *quantou* that faces east-west. Incinerate and process it. Give it to the husband and wife to drink, and they will be driven apart.²⁴⁶

As previously discussed, taking another person's wife would warrant a harsh punishment. It can be inferred that the above charm was against the law, as it was a scheme to destroy a marriage, and seduce another man's wife. A similar charm is also found in *Ishinpō* 醫心方 (a Japanese collection of Chinese medical texts, compiled in 982).²⁴⁷ There are three other seductive charms recorded in the same section of *Zajin fang*:

取兩雌雉尾，燔冶，自飲之，微矣。取雄雉左爪四，小女子左爪四，以熬熬，並冶，傳，人得矣。取其左眉置酒中，飲之，必得之。²⁴⁸

Incinerate and process the tails of two female doves. Drink [the product] yourself, and seduction will occur. Take four nails from the left claw of a male dove and four nails from the left hand of a young girl. Scorch in a saucepan, combine, and process. Rub it on a person and that person will be obtained. Put [hair from] a person's left eyebrow in liquor and drink it. You invariably obtain the person.²⁴⁹

The first charm in the above text seems like a general seductive drug without a specific target, for use when one wanted to attract others. The second one needed to be

²⁴⁵ Zhou, *Mawangdui yi xue wen hua*, 343.

²⁴⁶ Harper, *Early Chinese Medical Literature*, 424.

²⁴⁷ See, Harper, *Early Chinese Medical Literature*, 424.

²⁴⁸ Zhou, *Mawangdui yi xue wen hua*, 343.

²⁴⁹ Harper, *Early Chinese Medical Literature*, 424.

applied on the target, more difficult to achieve. The third one is probably the most difficult, as the main ingredient is hair from the target's left eyebrow, which would require scheming to acquire. It is the only charm that guarantees the result with the phrase *bi de zhi* 必得之 (invariably obtain the person).

The juxtaposition of charms and medicines in the Mawangdui manuscripts suggests that early Han physicians would have placed them in the same category. Our commonplace distinction between such charms as superstitious (or at best scientifically unproven) and medicines whose efficacy is established by clinical trials, would not have been shared by the early Chinese, who would have perceived the benefits of both.

4. Sexual Activity

Preparations for sexual activity were mostly men's concern. On the one hand, it seems that women would benefit without any such preparations on their part; on the other hand, men did it for themselves, as sexual intercourse was not thought to go smoothly if women did not also enjoy the act. In any case, this recipe would benefit both participants:

益甘□伏苓去滓，以汁肥豕。以食女子。令益甘中美。取牛腮燔冶之，
□乾薑，茵桂皆並□，□□囊盛之，以醯漬之，入中。²⁵⁰

Increasing Craving: ...pine truffle and discard the dregs. Use the liquid to fatten a suckling pig. Feed it to the woman. It makes her increase in sweetness and makes her inside become fine. Incinerate and process the inner part of cow horn...dried ginger and curled cinnamon. Combine them...put in a sack. Soak it in gruel vinegar and insert into the inside.²⁵¹

²⁵⁰ Zhou, *Mawangdui yi xue wen hua*, 321.

²⁵¹ Harper, *Early Chinese Medical Literature*, 336.

Zhong 中 (inside) in the above text is an obvious euphemism for the vagina,²⁵² as it appears in the description of the result of feeding the medicine to the woman. Harper translates the first *gan* 甘 as “(sexual) craving,” but the second one as “sweetness,” which he interprets as “succulence”²⁵³ inside the vagina. I take it as more literal than that. This text could be an early mention of men performing oral sex for women. *Yi gan* 益甘 probably refers to increasing sweetness of the vaginal fluid. An instruction for removing pubic hair would also be useful for this purpose:

去毛：欲去毛，新乳始沐，即先沐下，乃沐，其洩毛去矣。²⁵⁴

To Remove Hair. If you want to remove hair—when (a woman) who has newly given birth shaves for the first time, if she first shaves the lower (body) and then shaves her hole, the hair will be removed.²⁵⁵

The above text gives directions to remove pubic hair when the woman was in the early state of breastfeeding (*xin ru* 新乳). In addition to aesthetic reasons, it can probably be inferred that this was also for the sake of cunnilingus.

Below is a recipe to facilitate the sexual intercourse:

便近內：為便近內方：用顛棘根剗之，長寸者二升，善灑之；又取全黑雄雞，合翼成□□□三雞之心腦胸，以水二升泊故鐵鬻，並煮之。以藷堅稠節者爨之，令大沸一，即□□□去其滓，以其清煮黑鷺犬卒歲以

²⁵² For the list of terms for male and female genitals, see Li and McMahon, “Mawangdui texts on the arts of the bedchamber,” 160-163.

²⁵³ Harper, *Early Chinese Medical Literature*, 336.

²⁵⁴ Zhou, *Mawangdui yi xue wen hua*, 322.

²⁵⁵ Harper, *Early Chinese Medical Literature*, 338.

上者之心肺肝□，以藿堅稠節□□□□□□□ □英□□□□五物□□以□□□□□□以
 舖食食之，多少恣。²⁵⁶

To Facilitate Approaching the Inner (Chamber). Recipe to facilitate approaching the inner (chamber). Cut up two thirds *dou* of asparagus root into pieces one *cun* long, and wash well. Also take a whole black rooster, closing the wings to make...the heart, brain, and breast of three chickens. Pour two *sheng* of water into an old iron kettle, and boil them together. Cook using firm reeds with close-set joints (as fuel). Let it come to a full boil once, then...and discard the dregs. Use the clear liquid to boil the heart, lung, liver, and...of a black male dog that is one whole year old or older. Use firm reeds with close-set joints...*jue*...five substances.... Eat it at the late afternoon meal, in whatever amount you wish.²⁵⁷

This is the first of several formulas relating to sexual intercourse. This recipe also makes use of animal organs, indicating that it could be relatively expensive. The text does not state the dosage; thus, it is perhaps a supplement rather than a therapy. It does not specify whether male or female should take this concoction, or the information could have been lost in the missing characters. Ostensibly, it is more likely that the female should be the one receiving this medicine, as the very beginning it says *bian jin nei* 便近內 (facilitate approaching the inner; in other words, making it easier to go inside); hence, the purpose of this potion would seem to be to redress difficulty or pain when the penis was entering the vagina.

By contrast, the following recipe indicates clearly that it was to be used on both male and female:

陰乾牡鼠腎，治，取邑鳥卵潰，並以塗新布巾。臥，以抵男女。²⁵⁸

²⁵⁶ Zhou, *Mawangdui yi xue wen hua*, 322.

²⁵⁷ Harper, *Early Chinese Medical Literature*, 339.

²⁵⁸ Zhou, *Mawangdui yi xue wen hua*, 323.

Another. Dry rat testes in the shade, and process. Crack open *yi* bird eggs, combine (with the processed testes), and daub it on a new cloth napkin. When going to bed, wipe the male organ and the female organ with it.²⁵⁹

The use of rat testes in medicine for sexual activity is striking, another instance of *yi xing bu xing* 以形補形, a type of homeopathic magic discussed in Chapter 2.²⁶⁰ On the other hand, *shen* 腎 could have been kidneys or gizzards instead of testes. This text may be an early mention of sexual lubricant in China. Many other formulas headed *bian jin nei* 便近內 also describe various lubricants to help ease the process of entering the vagina. The euphemisms for penis and vagina are quite simple, namely, *nan* 男 (male) and *nü* 女 (female), as opposed to the following recipe:

一曰：治巾，取楊思一升，赤蟻一升，蟹螯廿，以美□半鬥並漬之掩□□□其汁，以漬細布一尺。已漬，暘之，幹，復漬。汁盡，即取穀、椅桐汁□□□塗所漬布，乾之，即善藏之。即用之，操以搯玉策，馬因驚矣。楊思者，□□□□狀如小□□而齧人。²⁶¹

Another. To prepare napkins. Take one sheng of *yangsi*, one *sheng* of red ants, and twenty *banmao* (blister beetles). Soak them together in one half *dou* of fine..., covering...the liquid. Soak one *chi* of finely woven cloth in it. After it has soaked, dry over heat. When dry, soak again. When the liquid is gone, take *gu* (paper mulberry) and *yitong* (paulownia) liquid..., and daub it on the cloth that was soaked. Dry it, then store well. When engaging in intercourse, rub the jade whip with it, and the horse will then be startled. *Yangsi*... Its shape is like a small...and bites people.²⁶²

²⁵⁹ Harper, *Early Chinese Medical Literature*, 343.

²⁶⁰ A method of using the same type of organ in animals to improve the same organ in human, see "Preparing to be a mother" in Chapter 2; Chen Jianing 陳家寧, "Gu wenxian zhong 'yi mou bu mou' yiliao linian yuanliu xiaokao, 218-22; McCartney, "An Illuminating Example of Homeopathic Magic," 21-22; Angutek, "Homeopathic medicine and magic," 29.

²⁶¹ Zhou, *Mawangdui yi xue wen hua*, 322-23.

²⁶² Harper, *Early Chinese Medical Literature*, 341-42.

The above text uses *yu ce* 玉策 (jade whip) and *ma* 馬 (horse) as euphemisms for male and female genitalia, respectively. This corresponds to the verb *yu* 御 (to ride) in a Zhangjiashan text discussed in the previous section. Here, the horse does not refer to a slave woman, but to any women. During the sex act, Han women might have been viewed as sex slaves for men to whip and ride like a horse. Many ingredients mentioned above are poisonous bugs, which might cause burning sensation to the vagina; hence, the horse would be startled.

In addition to difficulties when entering the vagina, the density of semen after ejaculation was also a concern:

用少：男子用少而清，□□□□□□□□□□雄二之血和丸，大如酸棗，以為後飯。²⁶³

Scantness When Engaging in Intercourse. If a man experiences scantiness when engaging in intercourse and (semen) is clear,...male bird. Blend with the blood of the two to make balls the size of a *suanzao* (sour jujube). Use after the meal.²⁶⁴

It is not clear that the author believed the clarity of semen would affect the quality of sexual intercourse. Clarity may have been an indication of internal injury.²⁶⁵ Whether it was for aesthetic or health reasons, if the semen appeared to be clear instead of dense, Han men would likely be concerned and seek a cure.

²⁶³ Zhou, *Mawangdui yi xue wen hua*, 325.

²⁶⁴ Harper, *Early Chinese Medical Literature*, 348.

²⁶⁵ *Qianjin yaofang* and *Waitai biyao* list it as one of the injuries associated with sex, see Harper, *Early Chinese Medical Literature*, 348.

The section called *He yin yang* 合陰陽 (Joining Yin and Yang) illustrates various sex positions and provides instructions for making the woman reach orgasm and want yet more sex with the man. The section begins with foreplay:

凡將合陰陽之方，握手，土揜陽，揜肘房，抵腋旁，上灶綱，抵領鄉，
揜拯匡，覆周環，下缺盆，過醴津，陵勃海，上常山，入玄門，禦交
筋，上欲精神，乃能九視而與天地侔存。²⁶⁶

The recipe for whenever you will be conjoining Yin and Yang: Grip the hands, and emerge at the Yang side of the wrists; Stroke the elbow chambers; Press the side of the underarms; Ascend the stove trivet; Press the neck zone; Stroke the receiving canister; Cover the encircling ring; Descend the broken basin; Cross the sweet-liquor ford; Skim the Spurting Sea; Ascend Constancy Mountain; Enter the dark gate; Ride the coital muscle; Suck the essence and spirit upward. Then you can have lasting vision and exist in unison with heaven and earth.²⁶⁷

The text is written in rhymed verse and makes use of metaphors. For example, 方 (*paŋ)、陽 (*laŋ)、房 (*[Cə-N-]paŋ)、旁 (*[b]ʰaŋ)、綱 (*kʰaŋ)、鄉 (*qʰaŋ)、 and 匡 (*k-pʰaŋ) all share the *-aŋ,²⁶⁸ and *ru xuan men* 入玄門 (enter the dark gate) refers to the penetration of the vagina by the penis.²⁶⁹ Such euphemisms were often used to deal with sex scenes from at least the time of *Shijing* 詩經.²⁷⁰ However, the text later becomes more explicit in describing sexual intercourse:

²⁶⁶ Zhou, *Mawangdui yi xue wen hua*, 311.

²⁶⁷ Harper, *Early Chinese Medical Literature*, 412-15.

²⁶⁸ Old Chinese reconstructions are based on the system in Baxter and Sagart, *Old Chinese : a new reconstruction*.

²⁶⁹ For more details of the metaphors, see Harper, *Early Chinese Medical Literature*, 412-15.

²⁷⁰ See Goldin, *The Culture of Sex*, 8-47; "Imagery of Copulation in Early Chinese Poetry," 36-66; Middendorf, *The language of desire and erotic love in the Classic of Odes*.

癰息者，內急也：喘息，至美也：綦哀者，玉策入而癢乃始也；吹者，鹽甘甚也；齧者，身振動，欲人之久也。²⁷¹

When there is convulsive breathing, the inside is tense; when there is panting, she feels culminant delight, when there is continual moaning, the jade whip has entered and excitation then commences; when there is blowing, rapturous craving is intense; when there is biting, her body shakes and she wants the man to continue for a long time.²⁷²

The above text explicates the woman's audible responses as an indication of her sexual delight. These are all the signs that showed men they were on the right track. The last sentence reminds men that a woman's orgasm ("great completion") could not be hurried. The following passage concludes the section:

大卒之徵，鼻汗唇白，手足皆作，尻不傳席，起而去，成死為薄。當此之時，中極氣張，精神入藏，乃生神明。²⁷³

The signs of great completion: the nose sweats and the lips are white; the hands and feet all twitch; the buttocks do not adhere to the bed mat, but rise up and away. When she becomes corpse-like, she spreads out. Precisely at this time *qi* expands in the central bourne. Essence and spirit enter and are deposited, then engendering spirit illumination.²⁷⁴

The above text describes female orgasm and associates it with the movement of *qi*. Harper interprets *qi er qu* 起而去 (which he translates as "rise up and away") as the woman's buttocks rising from the bed, but I am more inclined to agree with Ma Jixing that it refers to the man, who should stand up and leave.²⁷⁵ The main purpose of making the

²⁷¹ Zhou, *Mawangdui yi xue wen hua*, 342.

²⁷² Harper, *Early Chinese Medical Literature*, 420-21.

²⁷³ Zhou, *Mawangdui yi xue wen hua*, 342.

²⁷⁴ Harper, *Early Chinese Medical Literature*, 422.

²⁷⁵ Ma Jixing, *Mawangdui gu yishu kaoshi*, 1002.

woman reach orgasm was probably to absorb the *qi* that she would emit, and the man would need to restrain himself by pulling away his penis in order to avoid spilling his own *qi*.²⁷⁶

There is a similar situation later in the text:

出卧，令人起之，怒释之，曰积气；几已，内脊毋动，翕气，抑下之，静身须之，曰待赢；已而洒之，怒而舍之，曰定倾。²⁷⁷

When getting out of bed, to have the other person make it erect and let it subside when angered is “accumulating *qi*.” When nearly finished, to not let the inner spine move, to suck in the *qi* and press it down, and to still the body while waiting for it is “awaiting fullness.” To wash it after finishing and let go of it after becoming angered is “securing against upset.”²⁷⁸

All three practices mentioned here refer to suppressing the urge to ejaculate and letting the penis return to its flaccid state in order to preserve one’s *qi*. I agree with Harper that Li and McMahon misinterpret this passage as describing the man’s orgasm and ejaculation.²⁷⁹ Even though the use of water to wash the penis after finishing appears in a different recipe that indicates ejaculation,²⁸⁰ here it refers to using water to cause the erect penis to subside without ejaculating.

The text called *Tianxia zhidao tan* 天下至道談 (Discussion of the ultimate Way under Heaven) and *He yin yang* share many parallel passages, which indicate that the

²⁷⁶ See Goldin, *The Culture of Sex in Ancient China*, 6-7; “Sexual Vampirism in Ancient China,” 285-307; Van Gulik, *Sexual Life in Ancient China*, xxi-xxii; *Erotic Colour Prints of the Ming Period*, I, 12; Furth, “Rethinking Van Gulik,” 125-46.

²⁷⁷ Zhou, *Mawangdui yi xue wen hua*, 345.

²⁷⁸ Harper, *Early Chinese Medical Literature*, 430.

²⁷⁹ See Harper, *Early Chinese Medical Literature*, 430; and Li and McMahon, “Mawangdui texts on the arts of the bedchamber,” 173.

²⁸⁰ See the next section, “Improving One’s Naturally Endowed Genitals.”

Mawangdui medical texts are a group of manuscripts of similar genres. The section asserts that acquiring a woman is a skill that men need to master:

人人有善者，不失女人，女人有之，善者獨能，毋予毋治，毋作毋疑，必徐以久，必微以持，如已不已，女乃大怡。²⁸¹

What all men enjoy without exception is women. Only a skilled man is capable of possessing a woman. Do not give, but do not control; do not initiate, but do not hesitate. It must be slow and prolonged, and must be light and sustained—as if pausing but not pausing. The woman then is greatly delighted.²⁸²

Wile translates the first sentence as “Among all skills possessed by men, a knowledge of women is indispensable,”²⁸³ which better captures the meaning than Harper’s translation, as the first *shan* 善 (skill) should mean the same as the second one. The above text evokes the phrase *wuwei er wu bu wei* 無為而無不為 (One does nothing yet nothing is left undone)²⁸⁴ in *Laozi* 48, which is not surprising because a version of *Daodejing* was also found among the Mawangdui manuscripts. The phrase refers to doing things without letting others know that one is doing it; hence, it appears as if one does nothing. This interpretation is supported by another passage that discusses the greatest ruler, “when their task is done and work complete, their people all say, “this is just how we are” (功成事遂，百姓皆謂我自然) in *Laozi* 17.²⁸⁵ Thus, the same strategy should be carried

²⁸¹ Zhou, *Mawangdui yi xue wen hua*, 346.

²⁸² Harper, *Early Chinese Medical Literature*, 437.

²⁸³ Wile, *The Chinese sexual yoga classics*, 83.

²⁸⁴ Tr. Ivanhoe, *The Daodejing of Laozi*, 51.

²⁸⁵ Tr. Ivanhoe, *The Daodejing of Laozi*, 17; for a discussion regarding the notion of “Daoism,” see Sivin, “On the Word “Taoist” as a Source of Perplexity. With Special Reference to the Relations of Science and Religion in Traditional China,” 303-330.

out with women. It suggests that in order to win a woman's heart, men should approach women slowly, as if not approaching, so as not to scare her off. This advice also coincides with how to have a sexual intercourse with a woman and satisfy her:

牝牡之理，為之弗得，過在數已。娣樂之要，務在遲久。苟能遲久，女乃大喜，親之兄弟，愛之父母。凡能此道者，命曰天士。²⁸⁶

If when having intercourse he is unsuccessful, the blame can be placed entirely on haste. The essential task in the pleasures of play is to be slow and prolonged. If only he can be slow and prolonged, the woman then is greatly pleased. She treats him with the closeness she feels for her brothers, and loves him like her father and mother. Whoever is capable of this way is designated "heaven's gentleman."²⁸⁷

The above text reeks of incest. It advises men to have slow and prolonged sex with women, then advertises that this method would make the woman feel as close to the man as to her brothers. The love for parents might have been considered the highest form of love; comparing it with the love for a man is understandable. The relationship between sisters and brothers might have been viewed as similar to that of lovers, which links to the issues of sibling incest discussed above, in the section "Lawful sexual partners"; many brothers and sisters had very intimate relationship, sometimes to the extent that they fornicated with each other like lovers, and the frequency of this kind of incest caused the state to intervene by making it explicitly illegal. Though women were a source of great pleasure, the text does suggest that men restrain their lust:

²⁸⁶ Zhou, *Mawangdui yi xue wen hua*, 347.

²⁸⁷ Harper, *Early Chinese Medical Literature*, 438.

人產而所不學者二，一曰息，二曰食。非此二者，無非學與服，故貳生者食也，損生者色也，是以聖人合男女必有則也。²⁸⁸

When a person is born there are two things that do not need to be learned: the first is to breathe and the second is to eat. Except for these two, there is nothing that is not the result of learning and habit. Thus, what assists life is eating; what injures life is lust. Therefore, the sage when conjoining male and female invariably possesses a model.²⁸⁹

Douglas Wile incorrectly translates the first sentence as “There are two things that human beings fail to study.”²⁹⁰ Harper’s translation makes much more sense. Since breathing and eating are the only activities that do not need to be learned, sexual intercourse should be learned from the writings of sages. The text suggests that having too much sex would injure one’s body (including its *qi*). One must learn how to have proper sexual intercourse in order not to injure oneself. Proper sex will prolong life, but improper sex will destroy it. Thus, sex is a double-edged sword that one needs to wield properly.

5. Improving One’s Naturally Endowed Genitals

One Mawangdui text asserts that the penis is the most crucial source of *qi* in the male body, and hence important to a man’s health and longevity:

王子巧父問彭祖曰：“人氣何是為精乎？”彭祖答曰：“人氣莫如脬精。脬氣菀閉，百脈生疾：脬氣不成，不能繁生，故壽盡在脬。”²⁹¹

Wangzi Qiaofu asked Ancestor Peng: “Of man’s *qi*, which is the most essential?” Ancestor Peng replied: “Of man’s *qi* none can compare with

²⁸⁸ Zhou, *Mawangdui yi xue wen hua*, 345.

²⁸⁹ Harper, *Early Chinese Medical Literature*, 432.

²⁹⁰ Wile, *The Chinese sexual yoga classics*, 81.

²⁹¹ Zhou, *Mawangdui yi xue wen hua*, 338.

penile essence (I.e., semen). When the penile qi is clogged and blocked, the hundred vessels produce illness. When the penile *qi* is not perfected, (*or* mature), you cannot procreate. Thus, longevity lies entirely with the penis.²⁹²

The above text is another indication that the Mawangdui medical manuscripts were written for educated men. Although the word *ren* 人 is not gendered, Harper is justified in translating it as “man” here, as the text concerns the penis. A healthy penis means a healthy body; a sick penis means a sick body. Longevity is mentioned in association with procreation and penile *qi*, which could mean not only that a man with a healthy penis could live long, but also that his *qi* could also be transmitted to many generations because of his potency.

The fact that there are many formulas in the Mawangdui manuscripts relating to the size and rigidity of the penis implies that Han men were very concerned about this topic. The following text appears at the beginning of a section called *Yangsheng fang* 養生方 (Formulas for nurturing life). It implies that nurturing the penis was the key to good health:

老不起：□□□□□□□□臭可□□□□□□□□□□□□□□□□□□□□和
則□乃□□□□□□下□一日：□□以顛棘為醬方：刈顛棘長寸□節者三斗，
□□□□□□之，以藿堅稠節者爨，大沸，止火，沸定，復爨之。不欲
如此，二斗半□□□□□□，以故瓦器盛，□為剛炊秫米二斗而卒之。氣
熟，□旬□寒□即幹□□□□□□沃之，居二日而□漿。即已，近內而飲此漿
一升。□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□
雖□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□□使人即起。²⁹³

Non-erection due to great age....aroma...blended,
then...then....Another..., recipe for making fermented beverage with

²⁹² Harper, *Early Chinese Medical Literature*, 400.

²⁹³ Zhou, *Mawangdui yi xue wen hua*, 319.

asparagus. Cut up three *dou* of asparagus into one-*cun* long...segments...it. Cook using firm reeds with close-set joints [as fuel]. When it comes to a full boil, stop the fire. When the boil subsides, cook again. If you do not wish to do it like this, two and a half *dou*....Put into an old pottery vessel....prepare two *dou* of glutinous spiked millet, cooking vigorously, and pour water into it. When the *qi* is spent,...ten days...cold..., then dry....and pour over it. Let it sit for two days and ...fermented beverage, and then it is finished. Drink one *sheng* of this fermented beverage when approaching the inner (chamber). The fermented beverage....Store the liquid.....and pour over it, until the sourness and sweetness...and drink it. Even....It makes a man immediately have an erection.²⁹⁴

This formula advertises the potion as effective immediately, while other formulas do not state how long after ingestion the penis would rise. As can be seen, the process of making this medicinal beverage is complicated, as it requires chopping, boiling, cooking, drying, storing, and fermenting. There is another recipe to treat erectile problems:

不起：為不起者，旦為善水粥而□□，以厭為故，
 □□□□□□□□□□然，而□出之，如此二，且起矣。勿□□有益二日
 不用□□以□水□之□□□□□把，用□□，已後再歠一，已後三□，不過三
 歠，理後用□□。其歠母相次□□□□□□歠。若已施，以寒水濺，母
 □□必又歠。飲食□□□棄水已必以□□□□□氣鉤仰之，比□，稍以鼻出氣，
 □□復氣。□老者□²⁹⁵

Non-erection. To treat someone who cannot achieve erection, at dawn prepare gruel made with good-quality water and...Take satiation as the standard...., and...take it out. Twice like this, and it will become erect. Do not....water...it....handful, use.... After that, drink one (dose) a second time. And after that...a third time, not exceeding three drinks. After it becomes a jade rod, engage [in intercourse]...When drinking it, do not follow with....drink. If (the semen) is already spent, splash with cold water, without...you must drink again. Drink and food...After eliminating water, you must use...the *qi*, make the mouth round and raise it,...exhale a little of the *qi* through the nose.²⁹⁶

²⁹⁴ Harper, *Early Chinese Medical Literature*, 328-29.

²⁹⁵ Zhou, *Mawangdui yi xue wen hua*, 319.

²⁹⁶ Harper, *Early Chinese Medical Literature*, 329-30.

Harper does not translate the last phrase, containing *laozhe* 老者 (old person), but it is another crucial cue signifying that old men would be among those who need this formula. *Cheng* 程, which Harper translates as “jade rod,” is used as a euphemism for the erected penis. Harper also suggests that the use of cold water after ejaculation was to make the penis return to the flaccid state, as the same instruction appears in *Ishinpō* with this explanation.²⁹⁷ The text implies that the medicine was so effective that the erection would not subside unless it splashed with cold water. Another formula suggests washing the male genitalia to improve rigidity:

灑男：□□□□□□□□□□□□□□三斗，漬梓實一斗五日，以灑男，男強。
298

Washing the male organ....three *dou*, and soak one *dou* of *zi* (catalpa) fruit for five days. Wash the male organ with it, and the male organ becomes strong.²⁹⁹

The aim of this text is unclear; it is not said to cure erectile dysfunction. *Nan* 男 (male) is another clear euphemism for the penis. In addition to potency, penile size was also important to Han men:

加：以五月望取萊，藺，陰乾治之，又治白松脂之□□□□□□□□□□各半之，善裹以韋，日一飲之。每飲，三指撮入酒中，□□□□□□□□□□力善行。雖旦暮飲之，可也。³⁰⁰

Augmentation. Collect *lai* (chenopodium) and *xian* (eupatorium) in the fifth month on the full-moon day. Dry them in the shade and process. Also process white pine resin that is...., using half of each. Wrap well in leather. Drink it once a day. Each time you drink, put a three-fingered pinch into

²⁹⁷ Harper, *Early Chinese Medical Literature*, 330.

²⁹⁸ Zhou, *Mawangdui yi xue wen hua*, 321.

²⁹⁹ Harper, *Early Chinese Medical Literature*, 334.

³⁰⁰ Zhou, *Mawangdui yi xue wen hua*, 319-20.

liquor....strength and excel in traveling. Drinking either at dawn or at dusk is permissible.³⁰¹

An erection was essential for procreation, as a flaccid penis would not be able to penetrate the vagina. Size, on the other hand, would relate more to sexual satisfaction than mere reproduction. Even though Sima Qian portrayed Lao Ai 嫪毐, a man with an immense penis, as corrupt and stupid, his organ was so desirable that it attracted the attention of the Dowager Queen by the rumor that it was as large as an axle.³⁰² There are many more formulas concerning the size of the penis and vagina:

內加及約：取空壘二斗，咬咀，段之，□□成汁，若美醯二斗漬之。□□□去其掌。取桃毛二升。入□中撓□。取善布二尺，漬□中，陰乾，□□□□□布。即用，用布抵搦中身及前，舉而去之。欲止之，去黍米泔若流水，以灑之。³⁰³

Increasing the size of the erect penis (augmentation) and reducing the size of the vagina opening (contraction). Take two *dou* of *konglei*, chew, and pound...make it into an extract or soak it in two *dou* of fine gruel-vinegar...and remove the palms. Put two *sheng* of peach fuzz into...and stir... Soak two *chi* of good-quality cloth in the... Dry in the shade...cloth. When engaging in intercourse rub the mid-body and the front with the cloth. When (the penis) rises, remove it. If you wish to stop it, sprinkle with glutinous panicked millet slop or flowing water.³⁰⁴

This passage, like the one discussed above, also suggests washing the erect penis with water in order to make it return to the normal state. Both increasing the size of the penis and reducing the size of the vagina are mentioned together under the same topic,

³⁰¹ Harper, *Early Chinese Medical Literature*, 330.

³⁰² Sima Qian, "Lü Buwei Liezhuan" in *Shiji*.

³⁰³ Zhou, *Mawangdui yi xue wen hua*, 330.

³⁰⁴ Harper, *Early Chinese Medical Literature*, 363-64.

which indicates that the author considered these two main factors contributing to the quality of sexual pleasure. Like many similar formulas in the Mawangdui finds, this one treats sex between men and women was not solely for procreation, but also for pleasure.

6. Conclusion

The Han empire regulated sexual relationships among its subjects by means of law. Only people of specified social status were allowed to mate with each other, usually men of higher status with women of equal or lower status. A man could not take another man's wife as his own, no matter how high his rank, and he would be punished even more severely if he was a government official. However, men of high status, such as a regional lord or a wealthy person, would be able to acquire more than one woman at a time. These women would be ranked in the household hierarchy.³⁰⁵

For men, there were three purposes of sexual intercourse: procreation, good health, and pleasure. No matter which of these goals a man intended to achieve, it was his great concern to perform well. Not only would men be concerned about their penis size and potency, but they would also have to learn how to please a woman in order to induce her orgasm and steal her *qi*, a process that R.H. van Gulik called "sexual vampirism."³⁰⁶ Even

³⁰⁵ See Huang and Goldin, "Polygyny and Its Discontents," 16-33; Liu, *Zhongguo gudai xing wenhua*, 143-50; Ebrey, *Women and the Family in Chinese History*, 84; Liu, *You Zhangjiashan Hanjian Ernian lüling lun Hanchu de jicheng zhidu*, 120-21, 149-62; Li, "Han Tang zhi jian nüxing caichuanquan shitan"; MacCormack, "A Reassessment of the 'Confucianization of the Law' from the Han to the Tang"; Thatcher, "Marriages of the Ruling Elite in the Spring and Autumn Period," 46-48; Sasaki, "Handai hunyin xingtai xiaokao"; Wang, *Gushi xingbie yanjiu congkao*, 219-31; Vankeerberghen, "A Sexual Order in the Making," 125; Zhang, "Shi Zhangjiashan Hanjian zhong de 'yubi'"; Hinsch, *Women in Early Imperial China*, 41.

³⁰⁶ R.H. van Gulik, *Sexual Life in Ancient China*, xxi-xxii.

though women received sexual pleasure as a byproduct of men's excellent performance, the main purpose of such practices was for the benefit of men. These instructions were secretly meant to domesticate women.³⁰⁷ These attitudes indeed changed over the course of Chinese history. Ultimately, sexual intercourse was portrayed as a mutually beneficial activity: men achieved health and both enjoyed pleasure.

³⁰⁷ See Goldin, "Sexual Vampirism in Ancient China," 285-307.

CHAPTER 4

Life after Death

1. Introduction

More than 100,000 Han tombs have been identified, and no fewer than 15,000 of them have been properly excavated. These provide us with valuable resources for the study of the Han dynasty. In addition to excavated texts, tomb reliefs and paintings also tell us meaningful stories of the Han that might have disappeared from textual evidence.

This chapter follows the themes of the previous chapters, namely, productive labor, motherhood, and sexual partners. The previous chapters primarily discussed excavated manuscripts, while this chapter focuses on visual objects to complement the texts. The information is drawn from various tomb complexes, which are dated to the time of the Western and Eastern Han.

I argue that only after death were Han women relaxed from the worldly affairs of the patriarchal society, where they were constrained throughout their lifetime. Often, scenes of daily life are found; however, those do not absolutely reflect the real world of the Han, but are clouded with fantasies that the tomb owner or the artists who designed the mortuary program wished to see after his or her death; the art might reflect the artists' taste rather than the tomb occupant's true desire.³⁰⁸ Thus, reality was transformed artistically

³⁰⁸ Bulling has argued that most Han visual arts depict either theatrical or ritual representations rather than actual events. See Bulling, "Three Popular Motives in the Art of the Eastern Han Period," 25-53.

inside the tomb, where only the dead would be able to enjoy it, until it was discovered and excavated by later generations.



Location of tombs discussed in this chapter.

2. Productive Labor and Criminals

Many scenes of productive labor as part of daily activities have been found in Han tombs. One famous example is an image of salt production in a tomb from Qionglai, Chengdu, Sichuan:

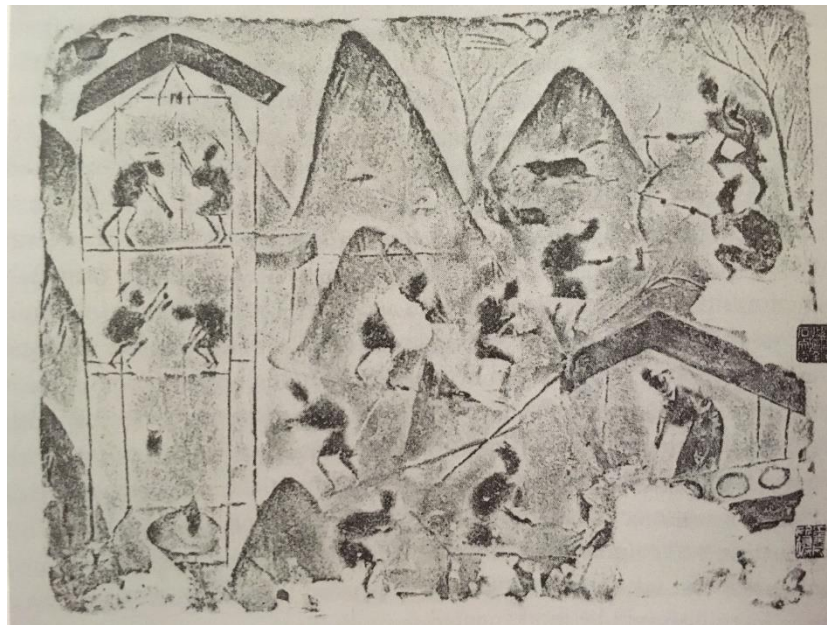


Figure 1: Salt production.³⁰⁹

Figure 1 indicates that salt was crucial to the economy of the Han. The scenes of salt production imply that the tomb occupants might have wanted the activity and income to continue even after their death. The background of hilly mountains indicates a setting for the production site. The number of workers against the backdrop and the movement reflects an active business.³¹⁰ The owner must have been a wealthy person, as the price of

³⁰⁹ Eastern Han brick, see Poo, *Daily life in ancient China*, 138; Rawson, "Tombs and Tomb Furnishings," 288; After *Ba Shu Handai huaxiangji*, no.13.

³¹⁰ Rawson, "Tombs and Tomb Furnishings," 288.

salt was once so expensive that the government had to intervene.³¹¹ The issue led to the famous debate on salt and iron.³¹² It is difficult to determine whether there is a female worker in the picture, but my speculation is that women were not excluded. Women could at least carry the salt back to the storehouse. Salt is a type of food seasoning; thus, it is likely that female workers, who were usually tasked with a job in food production as discussed in Chapter 1, would be assigned to work in salt mines as well.

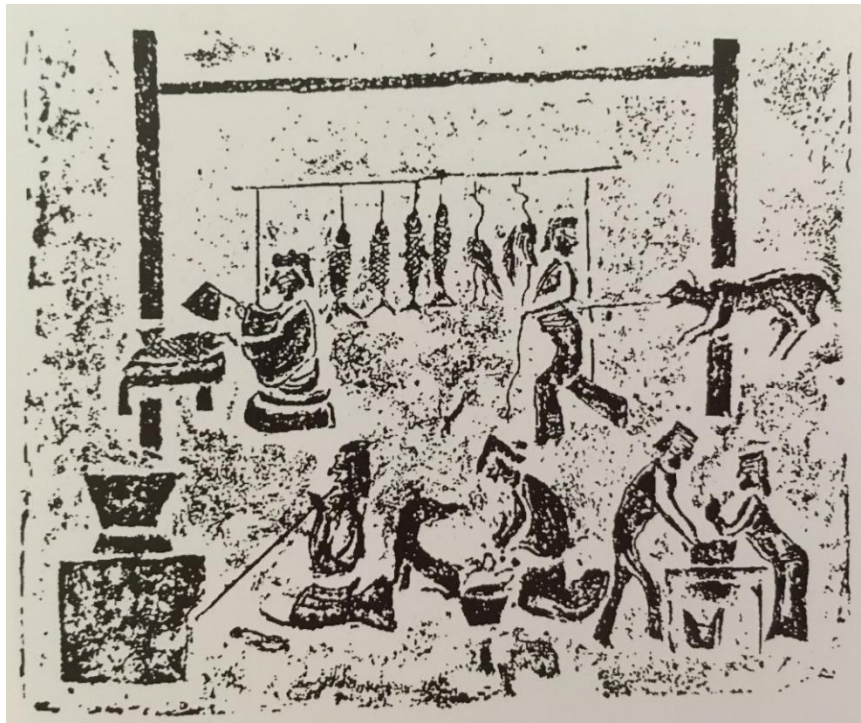


Figure 2: Kitchen scene. (Sichuan)³¹³

³¹¹ See You, "Debating Salt and Iron in Western Han China," 367-84; Wan, "A First Century B.C. Chinese Debate over the Political Economy of Empire," 143-63; Wilbur, "Industrial Slavery in China During the Former Han Dynasty," 56-69; Gale, "Public Administration of Salt in China," 241-51; Spencer, "Salt in China," 353-66; Hihara, "Entetsuron no shisôteki kenkyû," 1-41.

³¹² Poo, *Daily life in ancient China*, 136-38; for a translation of the debate, see Ebrey, *Chinese civilization*, 60-63; Gale, *A Debate on State Control of Commerce and Industry in Ancient China*; Lévi, *La dispute sur le sel et le fer*.

³¹³ Brick from Chengdu, 2nd century AD, see Rawson, "Tombs and Tomb Furnishings," 283; After *Ba Shu Handai huaxiangji*, no.21.

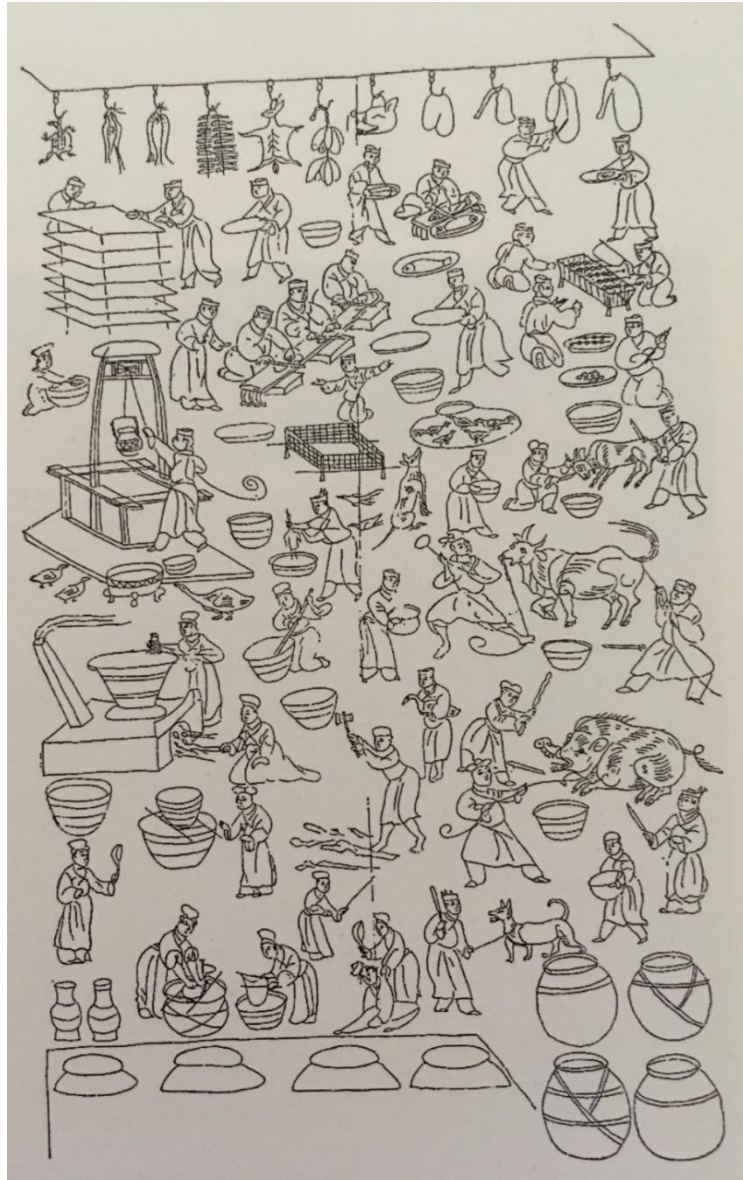


Figure 3: Kitchen scene. (Shandong)³¹⁴

Kitchen scenes appear across China in the Han dynasty, but Sichuan (fig.2) and Shandong (fig.3) tombs display different types. Both pictures suggest a kitchen in a wealthy household, as there are large fish and various kinds of meat hanging in the upper part of

³¹⁴ Stone relief from Shandong, Zhucheng, see Rawson, "Tombs and Tomb Furnishings," 283; After "Shandong zhucheng hanmu huaxiangshi," 19 (fig 7).

the frame. Figure 3 shows a more abundant kitchen; there are many more animals in the scene, including a turtle, large fish, small fish, a rabbit, dogs, a pig, a wild boar, bovids, chickens, ducks, etc. In addition, beef was more expensive than other meats,³¹⁵ and an ox is not present in figure 2. An important implication of these scenes was that both men and women supplied the labor in preparing these meats, as men are tasked with handling large animals such as a boar or an ox on the right side of the picture while women are cooking and dealing with chickens and ducks on the left side (fig.3).



Figure 4: Grain pounding.³¹⁶

³¹⁵ From chapter “Wang Zhi 王制” of *Liji* 禮記: 祭天地之牛，角繭栗；宗廟之牛，角握；賓客之牛，角尺。諸侯無故不殺牛，大夫無故不殺羊，士無故不殺犬豕，庶人無故不食珍。庶羞不逾牲，燕衣不逾祭服，寢不逾廟；there are also similar clauses in chapter “Yu Zao 玉藻”: 君無故不殺牛，大夫無故不殺羊，士無故不殺犬、豕。君子遠庖廚，凡有血氣之類，弗身踐也。 This is an allusion to *Mengzi*, Book I Part A. ; *Yantie lun* 鹽鐵論 also claims that commoners would not have liquor and meat on regular basis: 「古者，庶人糲食藜藿，非鄉飲酒腰臘祭祀無酒肉。故諸侯無故不殺牛羊，大夫士無故不殺犬豕。今閭巷縣佰。阡伯屠沽，無故烹殺，相聚野外。負粟而往，挈肉而歸。夫一豕之肉，得中年之收，十五斗粟，當丁男半月之食。 In sum, luxurious meal was supposed to serve only during a special occasion such as sacrificial rituals even for the ruler or high officials.

³¹⁶ Pottery tomb relief excavated in 1979 at Peng county, Eastern Han, see Lim, *Stories from China's Past*, 90.

Figure 4 displays an illustration of grain pounding, the task designated as the title of female convict-laborers in Shuihudi and Zhangjiashan legal documents.³¹⁷ Four women work in this section: two on the left hulling the grain and two on the right winnowing the hulled grain (one carrying a basket and one stepping on a machine).³¹⁸ This picture seems to illustrate grain production by freewomen rather than convicts, as they do not wear any restraints such as manacles, collars, or fetters to indicate their status as criminals.³¹⁹

Figure 5 shows a scene of domestic agricultural production. Many types of work are juxtaposed in the frame, starting with the scene of hilly forest on top with wild animals such as deer and fish in the pond. The middle part's activities include weaving, brewing, and transporting grain with a bull on the right, a horse, a dog, and two birds on the left. Many domestic animals appear in the lower part, including chickens (both baby and adult), ducks, swine, and a cat. The person on the left is probably pulling water from the well, and the female with large breasts in the middle is cooking, while two other women are weaving. Most of the human figures are obviously female, except for the one walking beside the bull and an archer aiming at the deer on the upper part. This image reflects various kinds of food and textile production in a Han household in which women played the major role.³²⁰

³¹⁷ See the discussion in Chapter 1.

³¹⁸ Lim, *Stories from China's Past*, 90.

³¹⁹ See Barbieri-Low, *Artisans in early imperial China*, 232.

³²⁰ These are women's idealized jobs promoted by Confucian scholars, see Qu, *Han Social Structure*, 49-62.



Figure 5: Various kinds of agricultural production.³²¹

³²¹ Unearthed from Chengdu, Eastern Han, see Poo, *Daily life in ancient China*, 91; After *Zhongguo Huaxiangshi Quanj*, Vol.7, 14.



Figure 6: Farm.³²²

Figure 6 also displays a type of farm with wild bovids on top. The middle part contains two two-story houses. Rice fields and ponds with an abundance of fish are shown in the lower part, with an elevated house on the right. Human figures are doing the farm work, and some are overlooking the farm from inside the house. One peculiar figure is a woman behind the half-open door inside the house on the right who appears to be peeping at the scene; the erotic implications of this scenario have been discussed by Goldin.³²³

³²² Unearthed from Chengdu, Eastern Han, see Poo, *Daily life in ancient China*, 86; After *Zhongguo Huaxiangshi Quanji*, Vol.7, 40.

³²³ Goldin, "The Motif of the Woman in the Doorway," 539-48.

Barbieri-Low has argued that women did not just raise children, cook, or weave cloth; they, in fact, did farm work regularly and supplied agricultural products for the market.³²⁴



Figure 7: Market scene (1).³²⁵

Both figures 7 and 8 display a similar style of image, which is not surprising, as they both were found in the Sichuan area. Both represent lively markets where people would exchange products. The hand gestures of many figures suggest that they are bargaining over prices. The figure in the middle of the lower part in figure 6 looks like a woman sitting on a stall showing her products to the customer. Her stall is placed next to a proper shop on the right, but they do not seem to be connected. Several merchants in figure 8 do not even have a stall; some are sitting on a carpet, some are standing. This suggests

³²⁴ Barbieri-Low, *Artisans in early imperial China*, 107-108.

³²⁵ Brick found in Sichuan dated to Eastern Han, see Poo, *Daily life in ancient China*, 112; After Finsterbusch, *Verzeichnis und Motivindex*, Vol.2, fig. 160.

that different levels of merchants could do business together in the same market, and that some even had good relationships with each other, enough to allow the other to sell his or her goods right next to the shop's entrance.



Figure 8: Market scene (2).³²⁶

As discussed in Chapter 1, government convict-laborers were not allowed to pass through markets. Even when they were on an official assignment, they still had to make a detour. Though convicts were excluded from society, their images are not completely invisible in Han tombs. An image of convict-laborers was found on a stone carving from Shandong (fig. 9). Many female convicts are present, such as the one standing in the middle with two officials shaving her head. The tomb owner might have been a high official whose

³²⁶ Eastern Han ceramic brick from Xindu County Cultural Bureau, see Barbieri-Low, *Artisans in early imperial China*, 125; Lim, *Stories from China's Past*, 16.

work involved these convicts, which could have been the same kind of job as that of the tomb owner of Zhangjiashan, where the legal documents were found.

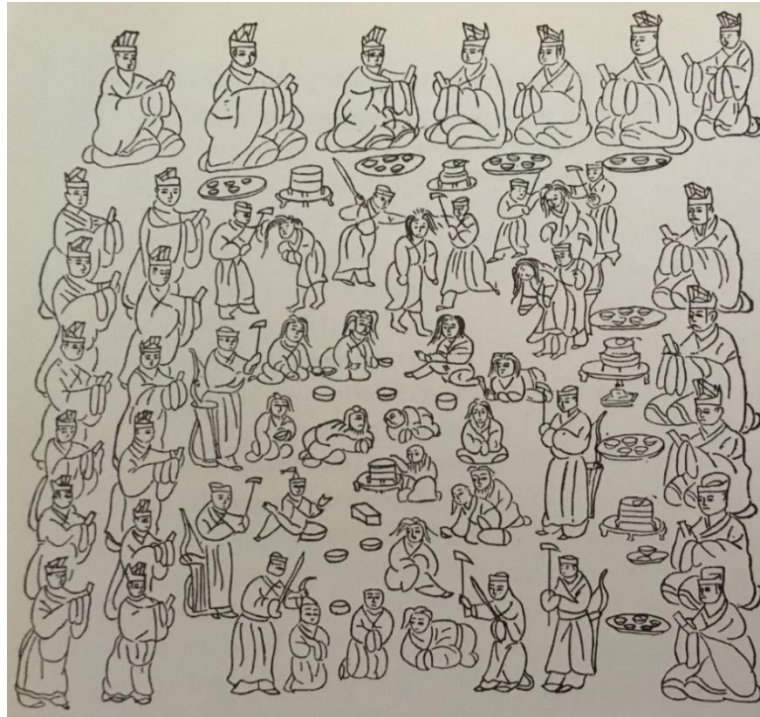


Figure 9: Convicts being shaved.³²⁷

Convict-laborers were criminals convicted of a serious crime; thus, they would certainly not have a proper tomb. An area of pit graves of these convicts (fig.10) dating to the Eastern Han was found near Luoyang, the capital of the Han empire during that time. These pits appear to be in sharp contrast with elite tombs; some bones were buried in pottery, some were just tossed in the pit without any cover. Objects found in these pits are simple vessels and a few coins.³²⁸ A total of three cemeteries of convicts dating to the time

³²⁷ Incised stone carving from Qianliangtai, Shandong, dated to 126 BC – 67 CE, see Barbieri-Low, *Artisans in early imperial China*, 230; Zhucheng Xian Bowuguan, “Shandong Zhucheng Han mu huaxiangshi,” 18, fig.6.

³²⁸ Wang Zhongshu, *The Han Civilization of China*, 213.

of Qin and Han were found. Most of the remains (98.2 percent for the Eastern Han Luoyang site, and 95 percent for the Qin site) were adult males, while the rest were women and children. Barbieri-Low explains that this was because most female convicts were tasked with less dangerous labor such as grain and textile production. However, he also mentions that it is difficult to determine whether bone fractures were signs of injuries during their time of hard labor or old injuries before the sentence.³²⁹ This is hardly convincing evidence that women worked in a safer environment, but certainly some of them worked in the same sites as their male counterparts.



Figure 10: Convict pits.³³⁰

³²⁹ See Barbieri-Low, *Artisans in early imperial China*, 237-242; Pan and Han, “Luoyang Dong-Han xingtu mu rengu jianding,” 277-83.

³³⁰ Graves near Luoyang, Henan, dated to 86 BC – 170 CE, see Barbieri-Low, *Artisans in early imperial China*, 238; Zhongguo Kexueyuan Kaogu Yanjiusuo Luoyang Gongzuodui, “Dong Han Luoyang cheng,” 4.

3. Spirit Mother

The title of this section is intended as a double entendre. One meaning is the spirit of a mother who entered the realm of the dead; another is borrowed from Goldin's translation of the name Xiwangmu 西王母 (Spirit-Mother of the West).³³¹ Women were viewed as mother figures who had the duty of nursing children (fig.11). The figurine of a breastfeeding woman might have been placed in the tomb as a representative of the tomb owner's reverence for his or her wet nurse, a substitute for the mother-child bond in the early stage of life. The figurine appears to be smiling compassionately at the baby whom she is breastfeeding.



Figure 11: Figurine of woman nursing a baby.³³²

³³¹ Goldin, "On the Meaning of the Name Xi wangmu," 83-85; Goldin, *After Confucius*, 11-13.

³³² Excavated in 1987 at Deyang Huangxu, dating to 1st or 2nd century AD, see Bagley, *Ancient Sichuan*, 328.

Sometimes mothers were also used as a political and ritual tool. The story of Jin Midi is a good example of such a scheme. An image of Jin Midi's mother (fig.12) has been found in the Wu Liang Shrine among other famous images.³³³ The story is recorded in *Hanshu*:

日磾母教誨兩子，甚有法度，上聞而嘉之。病死，詔圖畫於甘泉宮，署曰「休屠王閼氏。」日磾每見畫常拜，鄉之涕泣，然後乃去。³³⁴

Jin Midi's mother had trained her two sons very carefully so that their behavior was without reproach. When the emperor was told of this, he expressed his admiration for her, and after she died of illness, he commanded that a portrait of her be painted in the Palace of Sweet Springs with the label "Consort of the Xiuchu King." Whenever Jin Midi came into the presence of the portrait, he would always bow, face the portrait, and shed tears before proceeding on his way.³³⁵

This image represents two political agendas: the epitome of female virtue (a mother who trained her sons well)³³⁶ and the ideal of filial piety (a son who still mourned his

³³³ See Wu Hung, *The Wu Liang Shrine*; Berger, "The Battle at the Bridge," 3-8; Bulling, "Historical Plays in the Art of the Han Period," 20-38; "Three Popular Motives," 25-52; Drake, "Sculptured Stones of the Han Dynasty," 280-318; Fong, "The Origins of Chinese Pictorial Representation," 5-36; James, "Dating of the Left Wu Family Shrine," 34-41; "Interpreting Han Funerary Art," 283-92; Croissant, "Wu-Liang Tz'u," 88-162.

³³⁴ Gu, "Liang Han Wei Jin Nan Bei Chao gongting huihua kaolue," 93.

³³⁵ Watson's translation modified by Barbieri-Low, see Barbieri-Low, *Artisans in early imperial China*, 169; Watson, *Courtier and Commoner*, 153.

³³⁶ See Raphals, *Representations of Women and Virtue in Early China*, 20-21.

mother every time he saw her portrait). Figure 12 is not in good condition, but Jin Midi can be seen bowing in the middle of the picture with the image of his mother on the right. There seems to be someone on the left of the picture to witness his filial action as well. Emperor Wu of Han killed two birds with one stone by having the portrait of Jin Midi's mother painted on the wall. One was to promote the above dual agenda to his subjects and the other was to justify Jin Midi's high position despite his Xiongnu origin.³³⁷

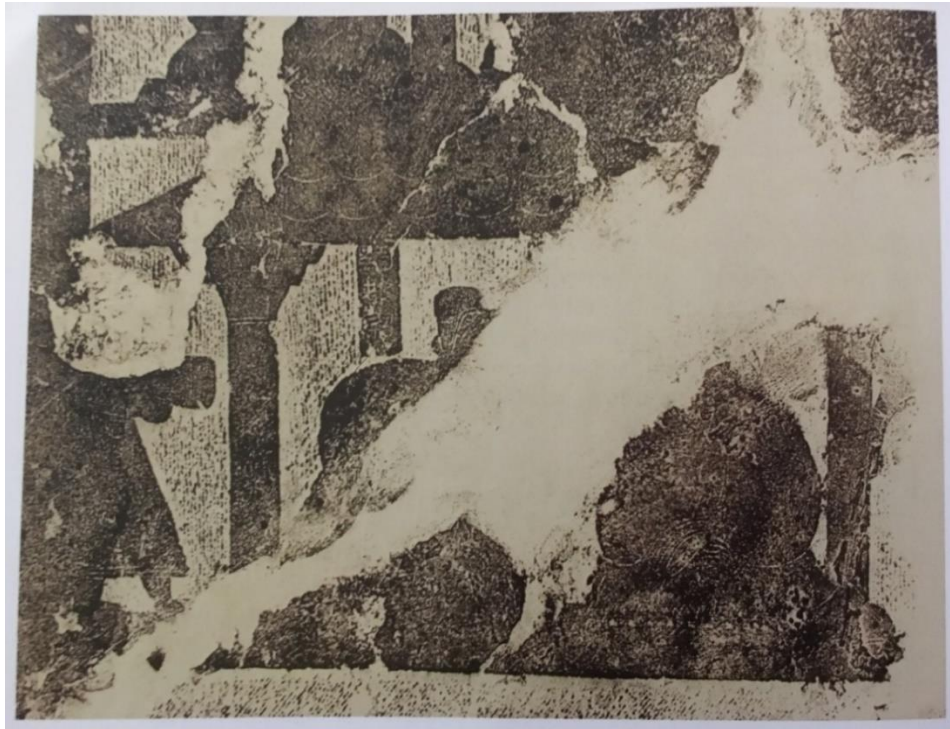


Figure 12: Jin Midi bowing to his mother's image.³³⁸

It is important here to discuss the famous T-shaped painting, which has been a subject of scholarly debate since its discovery. In addition to many invaluable texts found

³³⁷ Barbieri-Low, *Artisans in early imperial China*, 168-69.

³³⁸ From the back wall of Wu Liang Shrine in Shandong, dating to ca. 150 CE, see Barbieri-Low, *Artisans in early imperial China*, 170.

at Mawangdui tomb complexes in Changsha, the T-shaped painting was found in tomb no.1. Two others were also found, one in Mawangdui tomb no.3 and another in a Western Han tomb at Jinqueshan, Shandong.³³⁹



Figure 13: T-shaped painting from Mawangdui.³⁴⁰

³³⁹ Poo, *Daily life in ancient China*, 212-213.

³⁴⁰ Poo, *Daily life in ancient China*, 212; Hunan sheng bowuguan, Zhongguo kexueyuan kaogu yanjiusuo eds., *Changsha mawangdui ihao hanmu*, vol.1, fig. 38.

The painting is identified by some as the *feiyi* 非衣 or “flying garment” that is listed in the inventory of funerary objects found in the tomb.³⁴¹ However, according to Eugene Y. Wang, the character *fei* 非 can be glossed as ‘flying’, ‘screening’, ‘long’ or even ‘proxy’.³⁴² It could even have been one character *pei* 裴 “long, flowing garment” instead of two characters.³⁴³ Sun Zuoyun and Shang Zhitan believe that the lower two sections depict the world of the immortals,³⁴⁴ while Gu Tiefu believes that the human figures represent the deceased’s life on earth.³⁴⁵ Rudolph proposes that it is divided into three sections: heaven, the world of the living, and the netherworld.³⁴⁶ Fong reads the painting as the composition of the *yin* and *yang* in association with the Five Phases.³⁴⁷ Loewe argues that the idea of heaven, earth, and man as a triad had not been formed in Han cosmology yet, and the belief of *yin-yang* and the Five Phases had not yet been perceived until ca. 50 BC.³⁴⁸ Wu Hung proposes that the Mawangdui tomb represents a transition in early

³⁴¹ Shang Zhitan, “Mawangdui yi hao Han mu ‘Fei yi’ shishi,” 43; Buck, “Three Han Dynasty Tombs at Ma-Wang-Tui,” 36.

³⁴² Eugene Y. Wang, “Why Pictures in Tombs? Mawangdui Once More,” 28; Liu, “Zhongguo bohua yanjiu 50 nian,” 27-28.

³⁴³ For discussions regarding the function of the garment, see Shang Zhitan, “Mawangdui yi hao Han mu ‘Fei yi’ shishi,” 44; Bulling, “The Guide of the Souls Picture,” 161-171; James, “A Provisional Iconology of Western Han Funerary Art,” 347; Loewe, “The painting from tomb no.1, Ma-wang-tui,” 17; Silbergeld, “Mawangdui, Excavated Materials, and Transmitted Texts,” 84-85; Wu Hung, “Art in a Ritual Context: Rethinking Mawangdui,” 111-15; Caswell, “Once again: The T-shaped painting from Tomb No.1 at Mawangdui,” 18-21; Wang, “Why Pictures in Tombs? Mawangdui Once More,” 28; “Ascend to heaven or stay in the tomb?” 41-62; “Whereto Heaven? New Perspective on Mawangdui Paintings,” 41-52; Liu, “Zhongguo bohua yanjiu 50 nian,” 27-34.

³⁴⁴ Shang Zhitan, “Mawangdui yi hao Han mu ‘Fei yi’ shishi,” 44; Sun Zuoyun, “Changsha Mawangdui yi hao Han mu chu tu hua fan kaoshi,” 55.

³⁴⁵ Gu Tiefu, “Zuo tan,” 56-57.

³⁴⁶ Rudolph, “Two Recently Discovered Han Tombs,” 111.

³⁴⁷ Fong, “Ma-wang-tui. A Treasure-Trove from the Western Han Dynasty,” 8-11.

³⁴⁸ Loewe, “The painting from tomb no.1, Ma-wang-tui,” 31-34.

Chinese art, and argues that there are four realms after death: the universe, the underworld, the immortal paradise, and the underground household.³⁴⁹

Many scholars believe that the lady at the center of the middle part is Lady Dai.³⁵⁰ Poo argues that the fact that at least two so similar paintings were found, one of which was thousands of miles from Changsha, indicates that the painting was not created by an individual painter, but the artistic tradition shared by the society.³⁵¹ I believe that the lady in the middle could still be Lady Dai, but probably as a generic representation of a woman receiving sacrifices from her descendants or worshippers that other tomb occupants could also possess. A duplicate in her son's tomb signifies the close relationship between mother and son.³⁵²

Shang Zhitan suggests that the human figure at the top center is either Fu Xi or Nü Wa while Gu Tiefu thinks it is just a spirit guardian.³⁵³ An Zhimin and Fong have identified the figure as Zhu Long 燭龍 (Torch Dragon).³⁵⁴ James claims that it is a *deng long* 燈龍 (lantern dragon).³⁵⁵ Bulling argues that the figure is *Taiyi*, "The Great One."³⁵⁶ Caswell suggests that it is an amorphous figure carrying the general idea of immortality.³⁵⁷ Loewe

³⁴⁹ Wu Hung, "Art in a Ritual Context: Rethinking Mawangdui," 111-12; 139-142.

³⁵⁰ Bulling, "The Guide of the Souls Picture," 163-165; Jean M. James, "A Provisional Iconology of Western Han Funerary Art," 347-350; Caswell, "Once again: The T-shaped painting," 18-21.

³⁵¹ Poo, *Daily life in ancient China*, 212

³⁵² The mother-son bond was often enhanced by many factors, see Huang and Goldin, "Polygyny and Its Discontents," 16-33; Zheng, *Qinggan yu zhidu: Wei Jin shidai de muzi guanxi*.

³⁵³ Shang Zhitan, "Mawangdui yi hao Han mu 'Fei yi' shishi," 46; Gu Tiefu, "Zuo tan," 57.

³⁵⁴ An Zhimin, "Changsha xin faxian de Xi Han bo hua shi tan," 45; Fong, "Ma-wang-tui. A Treasure-Trove from the Western Han Dynasty," 12.

³⁵⁵ James, "A Provisional Iconology of Western Han Funerary Art," 347.

³⁵⁶ Bulling, "The Guide of the Souls Picture," 169.

³⁵⁷ Caswell, "Once again: The T-shaped painting from Tomb No.1 at Mawangdui," 19.

points out that the figure in the top center is female; thus, it is unlikely to be Fu Xi. He suggests that the scene depicts the destination of the deceased's journey; thus, the figure might be Lady Dai herself.³⁵⁸ Wu Hung rejects the idea of ascending to heaven, as he believes that the tomb was supposed to be the safest place for the dead, but agrees that the figure is another image of Lady Dai, as many pairs appear in the painting, which conforms to the dualistic pattern in ancient Chinese cosmology.³⁵⁹ Eugene Wang argues that it represents "the spiritual and primordial nebula of ancestry, joined by the deceased's ascending spirit."³⁶⁰

Wu Hung claims that during the Han dynasty, Xiwangmu gradually surpassed *yin* and *yang* as a cosmic figure. She became an "absolute being" or "eternity". The main evidence that Wu Hung uses to support his argument is an illustration of Xiwangmu found in a Han tomb in Chengdu (fig. 14) where she is portrayed in the center with the moon and the sun deities on each side.³⁶¹ Thus, I propose that the figure at the top center of the T-shaped painting could be Xiwangmu,³⁶² as the composition of the scene (fig.15) matches the illustration of fig.14. Fig. 14 and 15 have many similarities, namely, the frog on the moon, the crow inside the sun, two scholars attending to Xiwangmu, and Xiwangmu

³⁵⁸ Loewe, "The painting from tomb no.1, Ma-wang-tui," 55-59.

³⁵⁹ Wu Hung, "Art in a Ritual Context: Rethinking Mawangdui," 125-27.

³⁶⁰ Wang, "Why Pictures in Tombs? Mawangdui Once More," 33.

³⁶¹ Wu Hung, "Xiwangmu," 27.

³⁶² Loewe acknowledges that the toad and the rabbit carried the implications of Xiwangmu, but he doubts that she had entered into the concept of immortality in Chinese belief at the time, see Loewe, "The painting from tomb no.1, Ma-wang-tui," 55. However, Seidel and Kalinowski have shown that the image of Xiwangmu on many TLV mirrors attests to the same ideology of the afterlife as that of the T-shaped painting, see Seidel and Kalinowski, "Review: Token of Immortality in Han Graves," 107. Lai also mentions Xiwangmu sitting on the back of a dragon found on an Eastern Han relief (fig.14) in association with the cosmographic theory in the Mawangdui diagram of the mourning system, see Lai, "The diagram of the mourning system from Mawangdui," 74.

seemingly sitting on a mythical animal with scaled tail. A dog and a rabbit are also present in both pictures.



Figure 14: Xiwangmu with the son deity on the right and the moon deity on the left.³⁶³

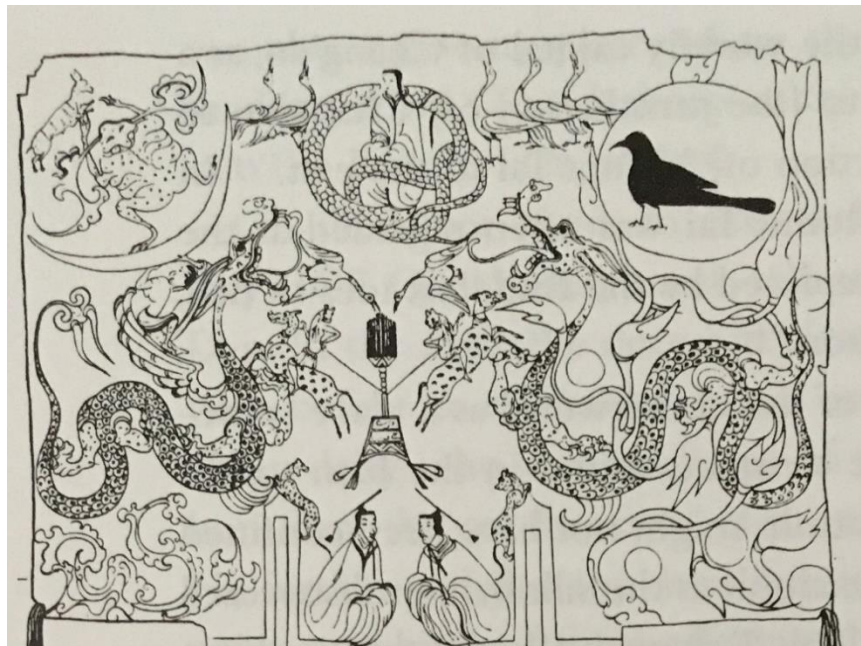


Figure 15: Upper part of the T-shaped painting.

³⁶³ Chengdu, Sichuan, ca. 2nd century, see Lim, *Stories from China's past*, 159.

Xiwangmu was not known as having a child, not even a husband, “it is also said: The Spirit Mother has no husband; she enjoys copulating with young boys.”³⁶⁴ I believe that is precisely the reason Xiwangmu represents the highest form of motherhood, the mother belongs to no particular individual but all human beings who seek her blessing. All of her images found in Han art illustrate a benevolent deity.³⁶⁵ She resides in the world where all souls come after they leave the body. Placing her image inside the tomb would help reassure the tomb owner that he or she would soon meet with the motherly goddess; thus, the afterlife would not be scary after all.

4. Sexual Partners

Many erotic scenes and objects have been found in Han tombs. Two famous erotic images (fig. 16 and 17) are found on bricks from Xindu, Sichuan. The bricks depict three ithyphallic men with one women lying on the ground. There are also four phallic-shaped objects hanging on the tree above them (looking more like clothes in fig. 17), with birds and monkeys as audience for the sex act. The discarded basket in the lower right corner could imply a symbol of the vagina or the womb as well.³⁶⁶

³⁶⁴ Translation of a passage in *Ishinpō* by Goldin, see Goldin, “The Cultural and Religious Background of Sexual Vampirism in Ancient China,” 287.

³⁶⁵ See James, “An Iconographic Study of Xiwangmu during the Han Dynasty,” 17-41.

³⁶⁶ The “receiving basket” *chengkuang* 承筐 (匡) is a euphemism for female genitals attested in *Shijing*, see Goldin, *The Culture of Sex*, 13, 47.



Figure 16: Copulation.³⁶⁷

Fig. 17 is considered a continuation scene of fig.16.³⁶⁸ These pictures fit the characteristics of Sichuan art viewed by scholars as livelier than Shandong art.³⁶⁹ Goldin suggests that these images must have been viewed as offensive and disturbing to the Han audience, as public nudity was viewed as abhorrent in early China, and it would be against the law in many respects: “if she was married to one of the men, she would have been guilty of committing adultery with the other two; if she was single, she would have been guilty of fornicating with all three.”³⁷⁰ However, some tomb occupants still kept these images inside their tombs; the afterlife was supposed to be a place where one would be

³⁶⁷ Brick unearthed in 1979 from Xindu Xinlongxiang dating to Eastern Han, see Rawson, “Tombs and Tomb Furnishings,” 293; *Mysteries of Ancient China*, no.105; Goldin, “The Motif of the Woman in the Doorway,” 543.

³⁶⁸ Rawson, “Tombs and Tomb Furnishings,” 293.

³⁶⁹ See Rawson, “Tombs and Tomb Furnishings,” 267.

³⁷⁰ Goldin, “The Motif of the Woman in the Doorway,” 545; Henry, “The Social Significance of Nudity in Early China,” 475-486; Shen Jiaben, *Hanli zhiyi*, 8.7b.

liberated from social conventions. As Goldin has stated, it was “the fabulous world where dreams of sexual liberation might come true.”³⁷¹



Figure 17: Copulation (continued).³⁷²

Another intimate scene that has drawn many scholars' attention is the scene of a kissing couple on a sarcophagus (fig. 18). Tseng explains that the half-open door represents the transition between life and death, as has already been proposed by Wu Hung, her former teacher.³⁷³ Tseng believes that the woman at the gate is Xiwangmu's maid,³⁷⁴ which represents the blessing given by Xiwangmu. Goldin suggests that she represents the space between the real world where sexual desires were prohibited, and the afterlife where “dreams of sexual liberation” could come true.³⁷⁵ Goldin argues that a woman standing at

³⁷¹ Goldin, “The Motif of the Woman in the Doorway,” 548.

³⁷² Brick found together with Fig. 10, see Rawson, “Tombs and Tomb Furnishings,” 293; *Mysteries of Ancient China*, 202, fig. 105.1; Goldin, “The Motif of the Woman in the Doorway,” 544.

³⁷³ Wu Hung, *Monumentality*, 259-246.

³⁷⁴ Tseng, “Funerary,” 126.

³⁷⁵ Goldin. “The Motif of the Woman,” 548.

the door was considered “licentious,” because a woman during that time should always remain inside the house without letting anyone see her. Hence, the female figure whose gesture is against tradition is possibly a symbol of sexual invitation.³⁷⁶



Figure 18: Kissing couple on the left.³⁷⁷

Fig. 18 is not the only kissing scene found in Han tombs. Fig.19-21 all display different degrees of intimacy. Fig.19 shows a couple embracing in front of two servants who are fanning at both sides. As opposed to fig. 16-17 in which the witnesses are animals, here the witnesses are servants attending to their masters. While some might see fig. 18 as a couple about to kiss, as there is a small space between their faces with the man's hand touching the woman's chin,³⁷⁸ the couple in fig. 20 have their mouths attached and their arms covering each other's shoulders in a close embrace.

³⁷⁶ Goldin. “The Motif of the Woman,” 540.

³⁷⁷ Excavated in 1969, Xinjin, Sichuan, dating to Eastern Han, see Gao Wen, *Sichuan handai huaxiang shi*, 60.

³⁷⁸ Tseng, “Funerary,” 126.



Figure 19: Couple being intimate.³⁷⁹



Figure 20: Kissing scene.³⁸⁰

³⁷⁹ Pottery tomb relief from Fayang, Sichuan, Eastern Han, see Lim, *Stories from China's past*, 129.

³⁸⁰ Stone sculptural relief at Leshan, Sichuan, Eastern Han, see Lim, *Stories from China's past*, 130.



Figure 21: Kissing and caressing.³⁸¹

³⁸¹ Stone sculptural relief excavated in 1942 at Pengshan, Sichuan, Eastern Han, see Lim, *Stories from China's past*, 131.

Fig. 21 displays a more erotic scene than fig. 18-20. Not only are they embracing, the man's right hand is caressing the woman's breast, and his left hand is probably touching her nether regions with her hand on top encouraging the act. It should be noted that all these erotic scenes (fig. 16-21) were found in the Sichuan area; hence, some might argue that the regional culture allowed more sexual freedom than other areas, such as Shandong, where Confucian ideology prevailed.³⁸² Sex toys recently uncovered in many other areas have afforded us more lively imaginations of ancient sexual activity.³⁸³



Figure 22: Phallus found in Xuyi, Jiangsu, Western Han.³⁸⁴

³⁸² Lim, *Stories from China's past*, 52-61.

³⁸³ See Li, "Liaoning Liaoyang Miaopu mudi Xi Han zhuan shi mu fajue jianbao," 17. Phalli are attested as early as the Stone Age in other parts of the world as well.

³⁸⁴ Two identical objects were found. The size is 10.5 cm at the base, 9.9 cm wide, and 19.9 cm long; the inside is hollow. Left picture, see Li and Chen, "Jiangsu Xuyi xian Dayunshan Xi Han Jiangdu wangling yihao mu," 34; right picture, see Voon, "From a Jade Suit to Bronze Dildos, Ancient Tomb Luxuries of the Han Dynasty Elite." This was one of the artifacts shown in an exhibition at San Francisco's Asian Art Museum, February 17-May 28, 2017.



Figure 23: Phallus found in Liaoyang, Liaoning, Western Han.³⁸⁵



Figure 24: Phallus found in Yizheng, Jiangsu, Western Han.³⁸⁶

³⁸⁵ 12.2 cm long and 2.9 cm wide, see Li, “Liaoning Liaoyang Miaopu mudi Xi Han zhuan shi mu fajue jianbao,” 8, 11.

³⁸⁶ 14.3 cm long and 3.4 cm wide, see Huo, “Jiangsu Yizheng Lianying san zuo Xi Han mu de fajue,” 46-47.

Phalli are called *zu* 祖 (originally from *qie* 且, a pictograph of a phallus) in Chinese archaeological reports. Phalli have been found as religious objects in other cultures, such as the lingam (representing Shiva, the Hindu deity).³⁸⁷ A consensus among Chinese scholars seems to be that these phalli were used for pleasure, since the discovery of a double-headed phallus in 1968 at Mancheng tomb no.1 (fig. 25).³⁸⁸ However, the purposes of these objects could essentially have been for both ritual (as symbolic procreation or representations of future generations) and pleasure.



Figure 25: Double-headed phallus with two cobbles, Western Han.³⁸⁹

³⁸⁷ Fowler, *Hinduism: beliefs and practices*, 42-43.

³⁸⁸ Hu, *Mancheng Hanmu*, 130; Wu and Zhao, "Shi yi wenwu shi zhi xi Liu Sheng," 85-87.

³⁸⁹ Two double-headed bronze and one head silver phalli were found, see Zhang, *Mancheng Hanmu*, fig. 42.

Mancheng tomb no.1 has been identified as Liu Sheng's tomb.³⁹⁰ Hu Jinhua suggests that these phalli support Sima Qian's description of Liu Sheng in *Shiji*; he is illustrated as a man who found pleasure in liquor and women daily (“勝為人樂酒好內” and “中山王徒日淫”).³⁹¹ These phalli were probably used by elite men to make women achieve orgasm more quickly or by women in the absence of men, as an aid during sexual intercourse.³⁹² However, the double-headed phallus seems to be designed for use by two women simultaneously with the stones as decorations at the base; thus, a man was probably not needed with this tool.

5. Conclusion

This chapter takes a very different approach from the previous ones in interpreting the life of Han women, as it focuses mainly on visual objects and relief sculpture excavated from Han tombs. Some figures discussed in this chapter are dated to the Eastern Han, as opposed to texts discussed in Chapter 1-3 that are from Western Han tombs. Thus, it explores a wider range of time during the Han, and functions as a complement to information drawn from textual evidence.

Some scholars believe that one of the characteristics of Han funerary art is the depiction of daily life.³⁹³ It is true to some extent. However, the tomb occupants and their descendants had the liberty to choose the scenes they desired. Thus, it is more like an

³⁹⁰ Prince Jing of Zhongshan, who died in 113 BC.

³⁹¹ Hu, Mancheng Hanmu, 129-30.

³⁹² For pleasure and eliciting a woman's *qi* as discussed in Chapter 3.

³⁹³ James, "Interpreting Han Funerary Art," 283-92.

altered reality that they would like to see and live in their afterlife, which could have been more of the artists' imagination than the tomb owners' pursuit. Evidently, men and women are more sexually free in funerary illustrations than contemporaneous texts describe them to be. Images of paradise filled with fantasies and mythical beings are also very common.

CONCLUSION

Studying early periods of China is subject to more limitations than studying modern periods. Most of the materials discussed in this dissertation were written by and for the elite. Only elite families could provide a literary education for their children. Most people during this time would have struggled just to survive. Legal texts were found in a tomb of a low-ranking Qin official; the assumption is that he used these texts during his career;³⁹⁴ some would suggest that the texts were buried with him as a kind of identification for his soul.³⁹⁵ Only officials would have access to them, so they in all likelihood were written by high ministers. However, some punishments were meant to be public, so we can assume that common people would have been aware of serious cases. Medical texts from Mawangdui were also more likely to be written for male readers. Only wealthy families could afford to construct and furnish tombs; the corpses of the poor and slaves would have been simply cast away in remote areas without fancy grave goods.³⁹⁶ We still do not have enough evidence to understand the lives of common people in the Han dynasty.

Despite these limitations, the materials discovered in recent decades warrant systematic assessment. The risk of relying only on received literature is that many texts could have been revised by scholars of later periods to serve their own ideologies; moreover, the texts we have today are, to a great extent, those that posterity chose to preserve (by potentially anachronistic selection criteria), and thus are not necessarily representative of their own period. Excavated texts, on the other hand, provide us with new

³⁹⁴ Hulsewe, *Remnants of Ch'in Law*, 1.

³⁹⁵ Cook, *Death in ancient China*, 16.

³⁹⁶ Wang, *Han Civilization*, 213.

insights into many texts that have never been recorded, as well as versions of received texts that did not make it into the classics. Tombs can serve as a time machine that brings us back to the Han, especially when they have been excavated in tombs that were not robbed. Therefore, these materials afford us a better picture of women than received texts that held sway for hundreds of years. Some recently discovered materials are still in the process of preservation, and many more tombs have yet to be excavated. Thus, there is a possibility to find more information regarding early China, the period that has always been fascinating.

BIBLIOGRAPHY

- Abman, Steven H. 2011. *Fetal and neonatal physiology*. Philadelphia: Elsevier/Saunders.
- An, Zhimin 安志敏. 1973. “Changsha xin faxian de Xi Han bo hua shi tan” 長沙新發現的西漢帛畫試探. *Kaogu*, No.1: 45-46.
- Angutek, Dorota. 2007. “Homeopathic medicine and magic.” *Medycyna nowozytna : studia nad historia medycyny*, Volume 14, Issue 1-2: 29.
- Bagley, Robert, ed. 2001. *Ancient Sichuan: Treasures from a Lost Civilization*. Princeton: Princeton University Press.
- Barbieri-Low, Anthony J. 2007. *Artisans in Early Imperial China*. Seattle: University of Washington Press.
- Barbieri-Low, Anthony J. and Robin D.S. Yates. 2015. *Law, state, and society in early imperial China: a study with critical edition and translation of the legal texts from Zhangjiashan tomb no. 247*. Leiden ; Boston : Brill.
- Baxter, William Hubbard, and Laurent Sagart. 2014. *Old Chinese : a new reconstruction*. New York, NY : Oxford University Press.
- Berger, Patricia. 1976. “The Battle at the Bridge at Wu Liang Tzu: a problem in method.” *Early China*, Vol. 2: 3-8.
- Bielenstein, Hans. 1980. *The Bureaucracy of Han Times*. Cambridge: Cambridge University Press.

Bossler, Beverly. 2013. *Courtesans, Concubines, and the Cult of Female Fidelity*. Harvard-Yenching Institute Monograph Series 83. Cambridge, Mass.

Braghin, Cecilia. 1998. "An Archaeological Investigation into Ancient Chinese Beads." *Beads and Bead Makers: Gender, Material Culture and Meaning*. Edited by Lidia D. Sciamma and Joanne B. Eichler, 273-93. Cross-Cultural Perspectives on Women 19. Oxford and New York: Berg.

Brown, Miranda, and Rafe de Crespigny. 2009. "Adoption in Han China." *Journal of the Economic and Social History of the Orient*, Vol. 52, No. 2: 229-66.

Brown, Miranda. 2015. *The Art of Medicine in Early China: The Ancient and Medieval Origins of a Modern Archive*. New York: Cambridge University Press.

Buck, David D. 1975. "Three Han Dynasty Tombs at Ma-Wang-Tui." *World Archaeology*, Vol. 7, No. 1, Burial: 30-45.

Buck, Germaine M.; Platt, Robert W. 2011. *Reproductive and perinatal epidemiology*. Oxford: Oxford University Press.

Bulling, Analiese. 1966/1967. "Three Popular Motives in the Art of the Eastern Han Period: The Lifting of the Tripod. The Crossing of a Bridge. Divinities." *Archives of Asian Art*, Vol. 20: 25-53.

Bulling, Analiese. 1967/1968. "Historical Plays in the Art of the Han Period." *Archives of Asian Art*, Vol. 21: 20-38.

Bulling, Gutkind. 1974. "The Guide of the Souls Picture in the Western Han in Ma-wang-tui near Ch'ang-sha." *Oriental Art*, Vol.20: 158-173.

Cai, Liang. 2014. *Witchcraft and the rise of the first Confucian empire*. Albany: SUNY Press.

Caswell, James O. 2002. "Once again: The T-shaped painting from Tomb No.1 at Mawangdui, Changsha." *Oriental Art*, Vol.48 No.2: 14-24.

Chang, Chun-sun. 1975. "The Chinese Family in Han Times: Some Review Notes." *Early China*. Vol. 1, 65-70.

Chavannes, Édouard. 1913. *Mission Archeologique dans la Chine Septentrionale*.

Chen, Ellen Marie. 1975. "The Dialectic of Chih (Reason) and Tao (Nature) in the 'Han Fei-Tzu.'" *Journal of Chinese Philosophy* 3.1: 1-22.

Chen, Jianing 陳家寧. 2009. "Gu wenxian zhong 'yi mou bu mou' yiliao linian yuanliu xiaokao" 古文献中“以某补某”醫療理念源流小考, *Quanguo di shiba ci yi guwen yanjiu xueshu nianhui lunwenji* 全國第十八次醫古文研究學術年會論文集 . N.P., 218-22.

Cheng, Shude 程樹德. (1927) 2006. *Jiuchao lükao* 九朝律考. Beijing: Zhonghua shuju.

Cheng, Te-k'un. 1980. "Ch'in-Han Mortuary Architecture." *Journal of the Institute of Chinese Studies of the Chinese University of Hong Kong* 11, 193-270.

Ch'ü, T'ung-Tsu. 1961. *Law and Society in Traditional China*. La Haye : Mouton.

Cong, Dexin and Luo Zhihong. 1998. "Chongqing wushan xian donghan liujintongpaishi de faxian yu yanjiu 重庆巫山县东汉鎏金铜牌饰的发现与研究. *Kaogu*, No.12: 77-86.

Cook, Constance A. 2006. *Death in ancient China: the tale of one man's journey*. Leiden; Boston: Brill.

Cook, Constance A.; Luo, Xinhui. 2017. *Birth in ancient China: a study of metaphor and cultural identity in pre-imperial China*. Albany : State University of New York Press.

Croissant, Doris. 1964. "Funktion und Wanddekor der Opferschreine von Wu Liang Tz'u." *Monumenta Serica* 23: 88-162.

Cullen, Christopher. 2004. *The Suàn shù shū 算數書 "Writings on Reckoning": A Translation of a Chinese Mathematical Collection of the Second Century BC, with Explanatory Commentary*. Needham Research Institute Working Papers 1. Cambridge: Needham Research Institute.

De Crespigny, R.R.C. 1980. "Two maps from Mawangdui." *Cartography*, Vol.11, No.4 : 211-22.

Drake, F. S. 1943. "Sculptured Stones of the Han Dynasty." *Monumenta Serica* 8: 280-318.

Dubs, Homer H. 1938. "The Victory of Han Confucianism." *Journal of the American Oriental Society*, Vol. 58, No. 3, 435-449.

Dubs, Homer H. 1938–55. *History of the Former Han Dynasty by Pan Ku*. 3 vols. Baltimore: Waverly Press for the American Council of Learned Societies.

Dull, Jack L. 1978. "Marriage and Divorce in Han China: A Glimpse at 'Pre-Confucian' Society." *Chinese Family Law and Social Change in Historical and Comparative Perspective*. Ed. David C. Buxbaum. Asian Law Series 3. Seattle: University of Washington: 23-74.

Durrant, Stephen, Wai-yee Li, and David Schaberg. 2016. *Zuo traditions = Zuozhuan : commentary on the "Spring and autumn annals."* Seattle : University of Washington Press.

Eber, Irene. 1976. "Images of Women in Recent Chinese Fiction: Do Women Hold up Half the Sky?" *Signs*, Vol. 2, No. 1: 24-34.

Ebrey, Patricia Buckley. 1993. *Chinese civilization : a sourcebook*. New York : Free Press.

Ebrey, Patricia Buckley. 2003. *Women and the Family in Chinese History*. London: Routledge.

Finsterbusch, Käte. 1966. *Verzeichnis und Motivindex der Han darstellungen*, 4 vols. Wiesbaden: Otto Harrassowitz.

Fong, Chow and Cheng Yeh. 1973. "Ch'ang-sha Ma-wang-tui i-hao Han mu fa-chüeh chien-pao: A Brief Report on the Excavation of Han Tomb no.1 at Ma-wang-tui, Ch'ang-sha." *Artibus Asiae*, Vol. 35, No. 1/2: 15-24

Fong, Chow. 1973. "Ma-wang-tui. A Treasure-Trove from the Western Han Dynasty," *Artibus Asiae*, Vol. 35, No. 1/2: 15-24.

Fong, Mary H. 1988 – 1989. “The Origins of Chinese Pictorial Representation of the Human Figure.” *Artibus Asiae*, Vol. 49, No. 1/2: 5-38.

Fowler, Jeaneane. 1997. *Hinduism : beliefs and practices*. Brighton: Sussex Academic Press.

Fracasso, Riccardo. 1988. “Holy Mothers of Ancient China: A New Approach to the Hsi-wang-mu 西王母 Problem.” *T'oung Pao*, Second Series, Vol. 74, Livr. 1/3: 1-46.

Furth, Charlotte. 1994. “Rethinking Van Gulik: Sexuality and Reproduction in Traditional Chinese Medicine.” In *Engendering China: Women, Culture, and the State*, edited by C.K. Gilmartin, G. Hershatter, L. Rofel and T. White. Harvard Contemporary China Series, 10; Cambridge, MA: Harvard University Press, 125-46.

Furth, Charlotte. 1999. *A Flourishing Yin: Gender in China's Medical History, 960-1665*. Berkeley: University of California Press.

Gale, Esson M. 1930. “Public Administration of Salt in China: A Historical Survey.” *The Annals of the American Academy of Political and Social Science*, Vol. 152, China: 241-51.

Gale, Esson M. 1931. *Discourses on Salt and Iron: A Debate on State Control of Commerce and Industry in Ancient China, Chapters I-XIX*, translated from the Chinese of Huan K'uan with introduction and notes by Esson M. Gale. Leiden: E. J. Brill Limited.

Gao, Heng 高恆. 1994. *Qin Han fazhi lunkao* 秦漢法制論考. Xiamen: Xiamen Daxue.

Gao, Wen 高文. 1987. *Sichuan handai huaxiang shi* 四川漢代畫像石. Chengdu: Ba Shu shushe.

Gao, Wen 高文. 2000. *Zhongguo Huaxiangshi Quanj* 中國畫像石全集. Henan: Henan meishu chubanshe.

Goldin, Paul Rakita. 1999. "Imagery of Copulation in Early Chinese Poetry." *Chinese Literature: Essays, Articles, Reviews (CLEAR)*, Vol. 21, 35-66.

Goldin, Paul Rakita. 2001. "The Motif of the Woman in the Doorway and Related Imagery in Traditional Chinese Funerary Art." *Journal of the American Oriental Society*, Vol. 121, No. 4: 539-48.

Goldin, Paul Rakita. 2002. "On the Meaning of the Name Xi wangmu, Spirit-Mother of the West." *Journal of the American Oriental Society* 122.1: 83-85.

Goldin, Paul Rakita. 2002. *The culture of sex in ancient China*. Honolulu: University of Hawai'i Press.

Goldin, Paul Rakita. 2005. "Admonitions for Women." In *Hawai'i reader in traditional Chinese culture*, edited by Victor H. Mair, Nancy Shatzman Steinhardt, and Paul R. Goldin, 186-89. Honolulu: University of Hawai'i Press.

Goldin, Paul Rakita. 2005. *After Confucius: studies in early Chinese philosophy*. Honolulu : University of Hawai'i Press.

Goldin, Paul Rakita. 2006. "The Cultural and Religious Background of Sexual Vampirism in Ancient China." *Theology and Sexuality* 12.3: 285-307.

Goldin, Paul Rakita. 2012. "Han Law and the Regulation of Interpersonal Relations: 'The Confucianization of the Law' Revisited." *Asia Major*, Third Series, Vol. 25, No. 1: 1-31

Goldin, Paul Rakita. 2013. *Dao companion to the philosophy of Han Fei*. New York: Springer Verlag.

Goldin, Paul Rakita. 2016. “Women and Moral Dilemmas in Early Chinese Narrative.” In Pang-White, ed., 25-35.

Goldin, Paul Rakita. 2017. “Copulating with One’s Stepmother—Or Birth Mother?” in *Behaving Badly in Early and Medieval China*, edited by N. Harry Rothschild and Leslie V. Wallace, 56-69. Honolulu: University of Hawaii Press.

Goldin, Paul Rakita. 2017. *A Concise Companion to Confucius*. Hoboken, NJ: John Wiley & Sons Ltd.

Gong, Tingwan 龔廷萬, Gong Yu 龔玉, and Dai Jialing 戴嘉陵, eds. 1998. *Ba Shu Handai huaxiangji* 巴蜀漢代畫像集. Beijing: Wenwu chubanshe.

Gu, Ping 顧平. 2011. “Liang Han Wei Jin Nan Bei Chao gongting huihua kaolüe” 兩漢魏晉南北朝宮廷繪畫考略. *Nantong daxue xuebao*, No.27.1: 92-97.

Gu, Tiefu 顧鐵符. 1972. “Zuo tan Changsha Mawangdui yi hao Han mu—Guan yu bo hua” 座談長沙馬王堆一號漢墓—關於帛畫. *Wenwu*, No.9: 56-57.

Guarde-Paz, César. 2016. “Moral Dilemmas in Chinese Philosophy: A Case Study of the Lienü zhuan.” *Dao* 15.1: 81-101.

Han shu 漢書. 1983 (1962). Composed by Ban Gu 班固 (32–90 CE) and others. Beijing: Zhonghua shuju.

Harper, Donald John. 1979. "A Summary of the Contents of the Ma-wang-tui Silk-Scroll Book." *Chinese studies in archeology*, Vol.1, No.1: 56-74.

Harper, Donald John. 1990. "The Conception of Illness in Early Chinese Medicine, as Documented in Newly Discovered 3rd and 2nd Century B.C. Manuscripts (Part I)." *Sudhoffs Archiv*, Bd. 74, H. 2: 210-235.

Harper, Donald John. 1998. *Early Chinese medical literature: the Mawangdui medical manuscripts*. London ; New York : Kegan Paul International ; New York : Distributed by Columbia University Press.

Henricks, Robert G. 1992. *Lao Tzu: Te-Tao Ching - A New Translation Based on the Recently Discovered Ma-wang-tui Texts*. New York: Ballantine Books.

Henry, Eric. 1999. "The Social Significance of Nudity in Early China." *Fashion Theory*, 3.4: 475-486.

Hihara, Toshikuni 日原 利国. 1955. "Entetsuron no shisōteki kenkyū 鹽鐵論の思想的研究." *Tōyō no bunka to shakai*, Issue 4: 1-41.

Hinsch, Bret. 1998. "Women, Kinship, and Property as Seen in a Han Dynasty Will," *T'oung Pao*, Second Series, Vol. 84, Fasc. 1/3, 1-20.

Hinsch, Bret. 2006. "The Criticism of Powerful Women by Western Han Dynasty Portent Experts." *Journal of the Economic and Social History of the Orient* Vol. 49, No. 1: 96-121.

Hinsch, Bret. 2011. *Women in Early Imperial China*. Lanham, MD: Rowman & Littlefield.

Hou Han shu 後漢書. 1995 (1965). Compiled by Fan Ye 范曄 (398–445 CE) and Sima Biao 司馬彪. Beijing: Zhonghua shuju.

Hsu, Cho-Yun. 1965. “The Changing Relationship between Local Society and the Central Political Power in Former Han: 206 B.C.-8 A.D.” *Comparative Studies in Society and History*, Vol. 7, No. 4, 358-70.

Hu, Jinhua 胡金華. 2007. *Mancheng Han mu – Hebei kaogu da faxian* 滿城漢墓—河北考古大發現. Shijiazhuang shi: Huashan wenyi chubanshe.

Huang, Debby Chih-yen and Paul R. Goldin. 2018. “Polygyny and Its Discontents: A Key to Understanding Traditional Chinese Society,” in *Sexuality in China: Histories of Power and Pleasure*, edited by Howard Chiang, 16-33. Seattle: University of Washington Press,

Huang, Minglan 黃明蘭. 1977. “Luoyang xihan Bo Qiuqian bihua mu fajue jianbao.” 洛陽西漢卜千秋壁畫墓發掘簡報. *Wenwu*, No.6: 1-12.

Hucker, Charles O. 1985. *A Dictionary of Official Titles in Imperial China*. Stanford: Stanford University Press.

Hulsewé, A.F.P. 1955. *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.

Hulsewé, A.F.P. 1985. *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, Hu-pei Province, in 1975*. Leiden: E.J. Brill.

Hulsewe, A.F.P. 1990. "Fragments of Han Law." *T'oung Pao* 76.4-5 (): 208-33.

Hunan sheng bowuguan 湖南省博物館 and Zhongguo kexueyuan kaogu yanjiusuo 中國科學院考古研究所. 1973. *Changsha Mawangdui yi hao Han mu* 長沙馬王堆一號墓. 2 vols. Beijing: Wenwu.

Huo, Hongwei 霍宏偉. 2017. "Jiangsu Yizheng Lianying san zuo Xi Han mu de fajue" 江蘇儀征聯營三座西漢墓的發掘. *Zhongguo guojia bowuguan guankan*, No.8: 42-65.

Im Pyöngtök (Lin Bingde) 林炳德. 2008. "Qin Han de guan nubi he Han Wendi xingzhi gaige" 秦漢的官奴婢和漢文帝刑制改革. *Jianbo yanjiu* 2006 簡帛研究 2006:90-103.

Ivanhoe, Philip J. 2003. *The Daodejing of Laozi*. Indianapolis: Hackett Publishing.

James, Jean M. 1979. "A Provisional Iconology of Western Han Funerary Art." *Oriental Art*, Vol. 25: 347-357.

James, Jean M. 1985. "Interpreting Han Funerary Art: the importance of context." *Oriental Art*, Vol. 31.3: 283-92.

James, Jean M. 1986. "The Dating of the Left Wu Family Offering Shrine," *Oriental Art*, Vol. 31.1: 34-41.

James, Jean M. 1995. "An Iconographic Study of Xiwangmu during the Han Dynasty." *Artibus Asiae*, Vol. 55, No. 1/2: 17-41.

Johnson, Wallace. 1979–97. *The T'ang Code*. 2 vols. Princeton, NJ: Princeton University Press.

Johnson, Wallace. 2001. "A Note on Han Law." *Journal of Asian Legal History* 1 : 69-71.

Karlgren, Bernhard. 1931. "The Early History of the Chou Li and Tso Chuan Texts". *Bulletin of the Museum of Far Eastern Antiquities*, No. 3: 1-51.

Karlgren, Bernhard. 1946. "Legends and cults in ancient China." *Reprinted from the Bulletin of the Museum of Far Eastern Antiquities*, vol. 18: 199-365.

Knapp, Keith N. 1995. "The ru Reinterpretation of xiao." *Early China* 20: 195-222.

Knapp, Keith N. 2010. "Borrowing Legitimacy from the Dead: The Confucianization of Ancestral Worship." In *Early Chinese Religion, Part Two: Die Period of Division (220-58g AD)*, edited by John Lagerwey and Lü Pengzhi, Handbuch der Orientalistik IV.21-2. Leiden and Boston: Brill.

Kroll, J[urij] L. 1964. "Notes on Han Law." *T'oung Pao* 51 : 125-39.

Kroll, Paul W. 2015. *A student's dictionary of Classical and Medieval Chinese*. Leiden; Boston: Brill.

Lai, Guolong. 2003. "The diagram of the mourning system from Mawangdui." *Early China*, Vol. 28, 43-99.

Lai, Guolong. 2015. *Excavating the Afterlife: The Archaeology of Early Chinese Religion*. Seattle and London: University of Washington Press.

Lau, D.C., tr. 2003. *Mencius*. Hong Kong : The Chinese University Press.

Lau, D.C., tr. 2014. *Confucius: the Analects*. Hong Kong: Chinese University Press.

Lau, Nap-yin. 2015. “Changes to Women’s Legal Rights in the Family from the Song to the Ming.” *Modern Chinese Religion I: Song-Liao-Jin-Yuan (960-1368 AD)*. Edited by John Lagerwey and Pierre Marsone, 643-717. Handbook of Oriental Studies IV.29. Leiden and Boston: Brill, I.

Lau, Ulrich. 2005. “The scope of private jurisdiction in early imperial China: the evidence of newly excavated legal documents,” *Asiatische Studien/Études Asiatiques* 59, No.1: 333-352.

Lévi, Jean. 2010. *La dispute sur le sel et le fer = [Yan tie lun] / [texte transmis par Huan Kuan] ; texte présenté, traduit, et annoté par Jean Lévi*. Paris : Belles Lettres.

Li, Chenyang. 2000. *The sage and the second sex: Confucianism, ethics, and gender*. Chicago: Open Court.

Li, Jimin 李霽敏. 2014. “Yi xing bu xing dengyu chi sha bus ha?”以形補形等於吃啥補啥? *Zhongguo Yaodian* 中國藥店, No.12.

Li, Junming 李均明. 2002. “Zhangjiashan Han jian nubi kao” 張家山漢簡奴婢考. *Guoji jiandu xuehui huikan* 國際簡牘學會會刊 2002.4:1–11. Reprint in *Jiandu fazhi lungao* 簡牘法制論稿, 237–46. Guilin: Guangxi shifan daxue chubanshe, 2011.

- Li, Junming 李均明. 2003. "Zhangjiashan Han jian suojian xingfa dengxu ji xiangguan wenti" 張家山漢簡所見刑罰等序及相關問題. *Huaxue* 華學 6:122-34. Reprint in *Jiandu fazhi lungao* 簡牘法制論稿, 30-50. Guilin: Guangxi shifan daxue chubanshe, 2011.
- Li, Junming 李均明. 2002. "Zhangjiashan Han jian suo fanying de ershi deng juezhi" 張家山漢簡所反映的二十等爵制. *Zhongguo shi yanjiu* 中國史研究, No. 2:37-47.
- Li, Junming 李均明. 2002. "Zhangjiashan Han jian suojian guifan jicheng guanxi de falü" 張家山漢簡所見規範繼承關係的法律. *Zhongguo lishi wenwu* 中國歷史文物, No.2:26-32.
- Li, Ling, and Keith McMahon. 1992. "The contents and terminology of the Mawangdui texts on the arts of the bedchamber." *Early China*, Vol. 17: 145-185.
- Li, Longbin 李龍彬. 2014. "Liaoning Liaoyang Miaopu mudi Xi Han zhuan shi mu fajue jianbao" 遼寧遼陽苗圃墓地西漢磚室墓發掘簡報. *Wenwu*, No.11: 4-18.
- Li, Xueqin and Xing Wen. 2001. "New Light on the Early-Han Code: A Reappraisal of the Zhangjiashan Bamboo-Slip Legal Texts." *Asia Major* (third series) 14.1: 125-46.
- Li, Zebin 李則斌 and Chen Gang 陳剛. 2013. "Jiangsu Xuyi xian Dayunshan Xi Han Jiangdu wangling yihao mu" 江蘇盱眙縣大雲山西漢江都王陵一號墓. *Kaogu*, No.10: 3-68.
- Lian, Shaoming 連劭名. 1989. "Jiangling Zhangjiashan sanzuo hanmu chutu dapi zhuojian" 江陵張家山三座漢墓出土大批竹簡." *Wenwu*, No.7: 75-81.

Liangzhu bowuguan and Hunan sheng bowuguan 良渚博物院、湖南省博物館 編. 2014.

Mawangdui hanmu: Changsha guoguizu shenghuo tezhan 《馬王堆漢墓：長沙國貴族生活特展》. Zhejiang: Zhejiang Sheying Chubanshe.

Lim, Lucy, ed. 1987. *Stories from China's past : Han dynasty pictorial tomb reliefs and archaeological objects from Sichuan Province, People's Republic of China*. San Francisco : Chinese Culture Foundation of San Francisco.

Liu, Junwen 劉俊文. 1996. *Tang lü shuyi jianjie* 唐律疏議箋解. Beijing: Zhonghua shuju.

Liu, Shixu 劉世旭. 1987. "Sichuan xichang gaocao chutu handai 'yaoqianshu' canpian." 四川西昌高草出土漢代“搖錢樹”殘片. *Kaogu*, No.3: 279-280.

Liu, Xiaolu. 1995. "Zhongguo bohua yanjiu 50 nian" 中國帛畫研究 50 年 (Fifty years of study of Chinese silk paintings). *Zhongguo wenhua yanjiu* 10, No. 4: 126-36.

Liu, Xinning 劉欣寧. 2007. *You Zhangjiashan Hanjian Ernian lüling lun Hanchu de jicheng zhidu* 由張家山漢簡《二年律令》論漢初的繼承制度. Taipei: Guoli Taiwan Daxue.

Liye Qin jiandu jiaoshi (diyi juan) 里耶秦簡牘校釋(第一卷). 2012. Chen Wei 陳偉, chief ed. Wuhan: Wuhan daxue chubanshe.

Lo, Vivienne. 1999. "Tracking the Pain: Jue and the formation of a theory of circulating qi through the channels." *Sudhoffs Archiv*, Bd. 83, H. 2: 191-211.

Lo, Vivienne. 2000. "Crossing the Neiguan 內關 "Inner Pass": A Nei/wai 內外 "Inner/Outer" Distinction in Early Chinese Medicine." *East Asian Science, Technology, and Medicine*, No. 17: 15-65.

Loewe, Michael. 1967. *Records of Han administration*. London, Cambridge U.P.

Loewe, Michael. 1979. "The painting from tomb no.1, Ma-wang-tui." In *Ways to paradise: the Chinese quest for immortality*. London; Boston: Allen & Unwin.

Loewe, Michael. 1979. *Ways to paradise: the Chinese quest for immortality*. London; Boston: Allen & Unwin.

Loewe, Michael. 1994. *Divination, Mythology and Monarchy in Han China*. Cambridge: Cambridge University Press

Loewe, Michael. 2004. *The Men Who Governed Han China: Companion to a Biographical Dictionary of the Qin, Former Han and Xin Periods*. Leiden and Boston: Brill.

Lundahl, Bertil. 1992. *Han Fei Zi: The Man and the Work*. Stockholm East Asian Monographs, No. 4. Stockholm: Institute of Oriental Languages, Stockholm University.

Ma, Jixing 馬繼興. 1992. *Mawangdui gu yishu kaoshi 馬王堆古醫書考釋*. Changsha: Hunan kexue jishu chubanshe.

Mawangdui hanmu boshu zhengli xiaozu. 1985. *Mawangdui hanmu boshu 馬王堆漢墓帛書*. Beijing: Wenwu shubanshe, Vol.4.

McCartney, Eugene S. 1945. "An Illuminating Example of Homeopathic Magic." *The Classical Weekly*, Vol. 39, No. 3:21-22.

- McMahon, [R.] Keith. 2013. *Women Shall Not Rule: Imperial Wives and Concubines in China from Han to Liao*. Lanham, Md.: Rowman & Littlefield.
- Middendorf, Ulrike. 2007. *Resexualizing the desexualized : the language of desire and erotic love in the Classic of Odes*. Pisa : Istituti editoriali e poligrafici internazionali.
- Milburn, Olivia. 2010-11. "Gai Lu: A Translation and Commentary on a Yin-Yang Military Text Excavated from Tomb M 247, Zhangjiashan." *Early China* 33-34: 101-40.
- Mittag, Achim. 2003. "The Qin Bamboo Annals of Shuihudi: A Random Note from the Perspective of Chinese Historiography." *Monumenta Serica* 51: 543-70.
- Momiyama Akira 昀山明. 2006. *Chūgoku kodai soshō seido no kenkyū* 中国古代訴訟制度の研究. Kyoto: Kyōto daigaku gakujutsu shuppankai.
- Murray, Julia K. 2001. "The Admonitions Scroll and Didactic Images of Women in Early China." *Orientalism* 32.6 : 35-40.
- Nylan, Michael, 1996. "Confucian Piety and Individualism in Han China." *Journal of the American Oriental Society*, Vol. 116, No. 1, 1-27.
- Nylan, Michael, ed. 2014. *The Analects: the Simon Leys Translation, Interpretations*. New York, NY: W. W. Norton & Company.
- Nylan, Michael. 2005–2006. "Notes on a case of illicit sex from Zhangjiashan: a translation and commentary," *Early China*, Vol. 30: 25-45.
- Ōba, Osamu. 2001. "The Ordinances on Fords and Passes Excavated from Han Tomb Number 247, Zhangjiashan." Tr. David Spafford et al. *AM* (third series) 14.2: 119-41.

- Pan, Qifeng 潘其風 and Han Kangxin 韓康信. 1988. “Luoyang Dong-Han xingtu mu rengu jianding” 洛陽東漢刑徒墓人骨鑒定 [Appraisal of the bones from the Eastern Han convict cemetery at Luoyang]. *Kaogu*, No.3: 277-83.
- Pan, Yihong. 1997. “Marriage Alliances and Chinese Princesses in International Politics from Han through Tang.” *Asia Major* (third series) 10: 95-131.
- Pines, Yuri, Gideon Shelach, Lothar von Falkenhausen, and Robin D.S. Yates, eds. 2014. *Birth of an empire: the state of Qin revisited*. Berkeley: University of California Press.
- Poo, Mu-chou. 2018. *Daily life in ancient China*. Cambridge, United Kingdom ; New York, NY, USA : Cambridge University Press.
- Qi, Lianxiu 祁連休. 2011. *Zhongguo minjian gushi shi: Xianqin zhi Sui Tang Wudai pian* 中國民間故事史: 先秦至隋唐五代篇. Taipei: Xiuwei zixun.
- Qu Tongzu (Ch'ü T'ung-tsu). 1972. *Han Social Structure*. Ed. Jack L. Dull. Seattle: University of Washington Press.
- Raphals, Lisa Ann. 1998. “The Treatment of Women in a Second-Century Medical Casebook.” *Chinese Science*, No. 15: 7-28.
- Raphals, Lisa Ann. 1998. *Sharing the Light: Representations of Women and Virtue in Early China*. Albany, N.Y.: State University of New York Press.
- Rawson, Jessica, ed. 1996. *Mysteries of Ancient China*. London: British Museum.

- Rawson, Jessica. 2001. "Tombs and Tomb Furnishings of the Eastern Han period (AD 25-220)." In *Ancient Sichuan: Treasures from a Lost Civilization*, edited by Robert Bagley, 253-308. Princeton: Princeton University Press.
- Raz, Gil. 2014. "Birthing the Self: Metaphor and Transformation in Medieval Daoism." In *Gendering Chinese Religion: Subject, Identity, and Body*, ed. Jinhua Jia, Xiaofei Kang, and Ping Yao, 183-200. Albany: State University of New York Press.
- Ren Rixin 任日新. 1981. "Shandong zhucheng hanmu huaxiangshi" 山東諸城漢墓畫像石. *Wenwu*, No.10: 14-21.
- Riegel, Jeffrey K. 1975. "A Summary of some Recent Wenwu and Kaogu Articles on Mawangdui Tombs Two and Three." *Early China*, Vol. 1: 10-15.
- Rudolph, Richard C. 1973 "Two Recently Discovered Han Tombs." *Archaeology*, Vol. 26, No. 2: 106-115.
- Sahleen, Joel. 2005. "Han Feizi." In *Readings in classical Chinese philosophy*, edited by Philip J. Ivanhoe and Bryan W. Van Norden. Indianapolis : Hackett Pub.
- Sanft, Charles. 2014. *Communication and Cooperation in Early Imperial China: Publicizing the Qin Dynasty. SUNY Series in Chinese Philosophy and Culture*. Albany.
- Sasaki, Mami 佐佐木満實. 2015. "Handai hunyin xingtai xiaokao—Guanyu Ernian lüling suojian 'xiaqi,' 'pianqi'" 漢代婚姻形態小考—關於《二年律令》所見“下妻”、“偏妻”(An investigation into the varieties of marriage during the Han dynasty—"Lower wives" and "side-wives" appeared in the Statutes and Ordinances of the Second Year). In *Jianbo*

wenxian yu gudaishi: Di erjie chutu wenxian qingnian xuezhe guoji luntan lunwenji 簡帛文獻與古代史：第二屆出土文獻青年學者國際論壇論文集 (Bamboo and silk documents and ancient history: Collected papers from the Second International Young Scholars' Symposium on Excavated Documents), edited by the Department of History of Fudan University, 157-64. Shanghai: Zhongxi.

Seidel, Anna and Marc Kalinowski. 1982. "Review: Token of Immortality in Han Graves (With an Appendix." *Numen*, Vol. 29, Fasc. 1: 79-122.

Senshū daigaku *Ninen ritsuryō kenkyūkai* 專修大学『二年律令』研究会), ed. 2003. "Chōkazan Kankan *Ninen ritsuryō yakuchū* (ichi)—Zokuritsu" 張家山漢簡『二年律令』詁注(一)—賊律. *Senshū shigaku* 專修史學 35:106-60.

Senshū daigaku *Ninen ritsuryō kenkyūkai* 專修大学『二年律令』研究会), ed. 2006. "Chōkazan Kankan *Ninen ritsuryō yakuchū* (nana)—Fukuritsu, Shiritsu, Koritsu" 張家山漢簡『二年律令』詁注(七)—復律・賜律・戶律. *Senshū shigaku* 專修史學 41:99-184.

Senshū daigaku *Ninen ritsuryō kenkyūkai* 專修大学『二年律令』研究会), ed. 2007. "Chōkazan Kankan *Ninen ritsuryō yakuchū* (hachi)—Kōritsu, Furitsu, Chigoritsu" 張家山漢簡『二年律令』詁注(八)—效律・傅律・置後律. *Senshū shigaku* 專修史學 42:198-262.

Shang, Zhitan 商志(香覃). 1972. "Mawangdui yi hao Han mu 'Fei yi' shishi" 馬王堆一號漢墓“非衣”試釋. *Wenwu*, No.9: 43-46.

Shen Jiaben 沈家本. 1965. *Hanlü zhiyi* 漢律摭遺. Reprinted in *Shen Jiabi xiansheng yishu* 沈寄篻先生遺書. Taipei: Wenhai.

Shen Jiaben 沈家本. 1985. Collated and punctuated by Deng Jingyuan 鄧經元 and Pian Yuqian 駢宇騫. *Lidai xingfa kao* 歷代刑法考. 4 vols. Beijing: Zhonghua shuju.

Shiji 史記. 1985 (1959). Composed by Sima Qian 司馬遷 (ca. 145–ca. 86 BCE), with Sima Tan 司馬談 (d. 112 BCE). Beijing: Zhonghua shuju.

Shuihudi Qin mu zhujian 睡虎地秦墓竹簡. 1990. Edited by Shuihudi Qin mu zhujian zhengli xiaozu 睡虎地秦墓竹簡整理小組. Beijing: Wenwu chubanshe.

Silbergeld, Jerome. 1982–83. “Mawangdui, Excavated Materials, and Transmitted Texts: A Cautionary Note.” *Early China*, Vol. 8: 79-93.

Sivin, Nathan. 1987. “On the Word “Taoist” as a Source of Perplexity. With Special Reference to the Relations of Science and Religion in Traditional China.” *History of Religions*, Vol. 17, No. 3/4, Current Perspectives in the Study of Chinese Religions: 303-330.

Sivin, Nathan. 1995. “State, Cosmos, and Body in The Last Three Centuries B. C.” *Harvard Journal of Asiatic Studies*, Vol. 55, No. 1: 5-37.

Sivin, Nathan. 1995. *Medicine, philosophy and religion in ancient China : researches and reflections*. Aldershot, Eng. ; Brookfield, Vt. : Variorum.

Smith, Frederick Porter. 1969. *Chinese materia medica, vegetable kingdom*. Taipei: Ku T'ing Book House.

- Smith, Kidder, Jr. 1989. "Zhouyi Interpretation From Accounts in The Zuo zhuan." *Harvard Journal of Asiatic Studies*, Vol. 49, No. 2: 421-463
- Sommer, Matthew Harvey. 2000. *Sex, Law, and Society in Late Imperial China*. Stanford: Stanford University Press.
- Spencer, Joseph Earle. 1935. "Salt in China." *Geographical Review*, Vol. 25, No. 3: 353-66.
- Sun, Zuoyun 孫作雲. 1973. "Changsha Mawangdui yi hao Han mu chu tu hua fan kaoshi" 長沙馬王堆一號漢墓出土畫幡考釋. *Kaogu*, No.1: 55.
- Thatcher, Melvin P. 1991. "Marriages of the Ruling Elite in the Spring and Autumn Period." In *Marriage and Inequality in Chinese Society*, edited by Rubie S. Watson and Patricia Buckley Ebrey, 25-57. Berkeley: University of California Press.
- Tian, Xiaofei. 2009. "Woman in the Tower: 'Nineteen Old Poems' and the Poetics of Un/concealment." *Early Medieval China* 15: 3-21.
- Tomiya Itaru 富谷至. 2006. *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. 2 vols. Kyoto: Hōyū shoten.
- Tseng, Lanying. 2012. "Funerary spatiality: Wang Hui's sarcophagus in Han China." *Anthropology and Aesthetics*, No. 61/62, Sarcophagi: 116-131.
- Van Gulik, R.H. 2003. *Sexual Life in Ancient China: A Preliminary Survey of Chinese Sex and Society from ca. 1500 B.C. till 1644 A.D.* Sinica Leidensia, 57; Leiden: Brill.

Van Gulik, R.H. 2004. *Erotic Colour Prints of the Ming Period: With an Essay on Chinese Sex Life from the Han to the Ch'ing Dynasty, B.C. 206-A.D. 1644*. Sinica Leidensia, 62; Leiden: Brill.

Vankeerberghen, Griet. 2014. "A Sexual Order in the Making: Wives and Slaves in Early Imperial China." In *Sex, Power, and Slavery*, edited by Gwyn Campbell and Elizabeth Elbourne, 121-39. Athens: Ohio University Press.

Voon, Claire. 2017. "From a Jade Suit to Bronze Dildos, Ancient Tomb Luxuries of the Han Dynasty Elite." Hyperallergic. Accessed September 6, 2018.
<https://hyperallergic.com/367055/from-a-jade-suit-to-bronze-dildos-ancient-tomb-luxuries-of-the-han-dynasty-elite>.

Wan, Ming. 2012. "Discourses on Salt and Iron: A First Century B.C. Chinese Debate over the Political Economy of Empire." *Journal of Chinese Political Science*. Volume 17, Issue 2: 143-63.

Wang, Aiqing 王愛清 and Wang Guangwei 王光偉. 2004. "Shilun Zhangjiashan Han jian zhong de 'sishu'" 試論張家山漢簡中的私屬. *Wulumuqi zhiye daxue xuebao* 烏魯木齊職業大學學報 2004.2:57-59.

Wang, Aiqing 王愛清. 2007. "'Sishu' xintan" '私屬'新探. *Shixue yuekan* 史學月刊 2007.2:28-32.

Wang, Hsiao-po, and Leo S. Chang. 1986. *The Philosophical Foundations of Han Fei's Political Theory*. Monograph no. 7 of the Society for Asian and Comparative Philosophy. Honolulu: University of Hawaii Press.

Wang, Robin. 2003. *Images of women in Chinese thought and culture: writings from the pre-Qin period to the Song dynasty*. Indianapolis: Hackett Pub. Co.

Wang, Shumin. 1994. 王叔岷. *Zhuangzi jiaoquan* 莊子校詮. Taipei: Zhongyan Yanjiuyuan Lishi Yuyan Yanjiusuo.

Wang, Yanhui 王彥輝. 2003. "Cong Zhangjiashan Han jian kan Xi-Han shiqi si nubi de shehui diwei" 從張家山漢簡看西漢時期私奴婢的社會地位. *Dongbei shida xuebao* 東北師大學報 2003.2:13–20. Reprinted in *Qin Han shi luncong* 秦漢史論 叢 9:232–46.

Wang, Eugene Yuejin. 2008. "Whereto Heaven? New Perspective on Mawangdui Paintings." In *Noble Tombs at Mawangdui: Art and Life of the Changsha Kingdom, Third Century BCE-First Century CE*, edited by Chen Jianming, 41-52. Changsha: Yuelu shu she.

Wang, Eugene Yuejin. 2009. "Why Pictures in Tombs? Mawangdui Once More." *Orientations*, No. 3: 27-34.

Wang, Eugene Yuejin. 2011. "Ascend to Heaven or Stay in the Tomb? Paintings in the Mawangdui Tomb 1 and the Virtual Ritual of Revival in Second-Century B.C.E. China." In *Mortality in Traditional Chinese Thought*, edited by Olberding, Amy, and Philip J. Ivanhoe, 37-84. Albany, NY: State University of New York Press.

- Wang, Zhongshu. 1982. *Han Civilization*. New Haven : Yale University Press.
- Wang, Zijin 王子今. 2003. “‘Pianqi’ ‘xiaqi’ kao” “偏妻” “下妻”考. *Huaxue* 華學 6:147–54.
- Wang, Zijin 王子今. 2004. *Gushi xingbie yanjiu conggao* 古史性別研究叢稿 (Gender studies in ancient history). Beijing: Shehui Kexue Wenxian.
- Watson, Burton, tr. 1964. *Basic writings of Mo Tzu, Hsün Tzu, and Han Fei Tzu*. New York: Columbia University Press.
- Watson, Burton, tr. 1974. *Courtier and commoner in ancient China; selections from the History of the former Han*. New York, Columbia University Press.
- Wen, Xia 文霞. 2006. “Jianlun Qin Han nubi de falü diwei” 簡論秦漢奴婢的法律地位. *Xueshu luntan* 學術論壇 2006.2:172–75.
- Wen, Xia 文霞. 2007. “Cong Qin Han nubi jianzui kuitan qi falü diwei” 從秦漢奴婢奸罪窺探其法律地位. *Shoudu shifan daxue xuebao* 首都師範大學學報 2007.2 (175): 16–21.
- Wen, Xia 文霞. 2007. “Qin Han nubi falü diwei ji qi bijiao yanjiu” 秦漢奴婢法律地位及其比較研究. PhD diss., Shoudu shifan daxue, Beijing.
- Wen, Xia 文霞. 2008. “Shi lun Qin Han jiandu zhong nubi de huji wenti” 試論秦漢簡牘中奴婢的戶籍問題. *Guangdong jiaoyu xueyuan xuebao* 廣東教育學院學報 28.2:88–92.

- Wen, Xia 文霞. 2009. "Jiandu ziliao suojian Qin Han nubi de susong quan" 簡牘資料所見秦漢奴婢的訴訟權. *Zhongguo shi yanjiu* 中國史研究 2009.3:173-76.
- Wilbur, Martin. 1943. "Industrial Slavery in China During the Former Han Dynasty (206 B.C.-A.D. 25)." *The Journal of Economic History*, Vol. 3, No. 1: 56-69.
- Wile, Douglas. 1992. *Art of the bedchamber : the Chinese sexual yoga classics including women's solo meditation texts*. Albany : State University of New York Press.
- Wilms, Sabine. 1992. "Childbirth customs in early China." Master's thesis, The University of Arizona.
- Wu, Hung. 1987. "Xiwangmu, the Queen Mother of the West." *Orientalizations*, Vol. 18, No. 4: 24-33.
- Wu, Hung. 1989. *The Wu Liang Shrine : the ideology of early Chinese pictorial art*. Stanford, Calif. : Stanford University Press.
- Wu, Hung. 1992. "Art in a Ritual Context: Rethinking Mawangdui." *Early China*, Vol. 17: 111-144.
- Wu, Hung. 1995. *Monumentality in Early Chinese Art and Architecture*. Stanford: Stanford University Press.
- Wu, Xingquan 吳杏全 and Zhao Weiping 趙衛平. 1994. "Shi yi wenwu shi zhi xi Liu Sheng" 試以文物史志析劉勝. *Wenwu Chunqiu*, No.4: 85-87.

- Yan, Lingfeng 嚴靈峯. 1995. *Mozi jianbian* 墨子簡編. Taipei: Taiwan shangwu yinshuguan.
- Yang, Yingying 楊瑩瑩. 2014. “Zhongyixue yu ‘daofa zirang’” 中醫學與 ‘道法自然’. *Henan Zhongyi* 河南中醫, No.1.
- Yates, Robin D.S. 2012–13. “The Qin Slips and Boards from Well No. 1, Liye, Hunan: A Brief Introduction to the Qin Qianling County Archives.” *Early China* 35–36: 291–329.
- Yates, Robin D.S. 2013. “The Changing Status of Slaves in the Qin-Han Transition.” In *The Birth of Empire: The State of Qin Revisited*, edited by Yuri Pines, Gideon Shelach, Lothar von Falkenhausen, and Robin D.S. Yates. Berkeley: University of California Press.
- Yates, Robin. 2006. “Medicine for women in early China: a preliminary survey.” In *Medicine for Women in Imperial China*, edited by Angela Ki Che Leung, 19-73. Leiden: Brill.
- Yin, Zaishuo 尹在碩 (Yun Jaeseug). 2003. “Shuihudi Qinjian he Zhangjiashan Hanjian fanying de Qinhan shiqi houyizhi he jiaxi jicheng” 睡虎地秦簡和張家山漢簡反映的秦漢時期後子制和家系繼承. *Zhongguo lishi wenwu* 中國歷史文物, No.1: 31-43.
- You, Xiaoye. 2010. “Building Empire through Argumentation: Debating Salt and Iron in Western Han China.” *College English*, Vol. 72, No. 4, Special Topic: Studying Chinese Rhetoric in the Twenty-First Century:367-84.

Zeng, Jia 曾加. 2007. “Ernian lüling youguan nubi de falü sixiang chutan” 《二年律令》有關 奴婢的法律思想初探. *Xibei daxue xuebao* (zhexue shehui kexue ban) 西北大學 學報(哲學社會科學版) 2007.1 (37.1): 43–47.

Zhang, Lizhu 張立柱, ed. 2000. *Mancheng Han mu* 滿城漢墓. Guangzhou shi: Lingnan meishu chubanshe.

Zhang, Xiaofeng 張小鋒. 2004. “Shi Zhangjiashan Hanjian zhong de ‘yubi’” 釋張家山漢簡中的“御婢”(Interpretation of Zhangjiashan Han Jian in the “Royal bi”). *Chutu wenxian yanjiu* 出土文獻研究 (Research on Chinese excavated classics) 6: 125-29.

Zhangjiashan Han mu zhujian [Ersiqi hao mu] (shiwen xiuding ben) 張家山漢墓竹簡 [二四七號墓](釋文修訂本). 2006. 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.

Zhangjiashan Han mu zhujian [Ersiqi hao mu] 張家山漢墓竹簡[二四七號墓]. 2001. 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.

Zhangjiashan hanmu zhujian zhengli xiaozu. 1985. “Jiangling Zhangjiashan hanjian gaishu 江陵張家山漢簡概述.” *Wenwu*, No.1: 9-16.

Zhao, Chengfu 趙成甫. 1990. “Xin ye fan ji han hua xiang zhuan mu” 新野樊集漢畫像磚墓. *Kaogu xuebao*, No. 4: 475-509.

Zheng, Yaru 鄭雅如. 2001. *Qinggan yu zhidu: Wei Jin shidai de muzi guanxi* 情感與制度：魏晉時代的母子關係. Taipei: Guoli Taiwan Daxue.

Zhongguo Kexueyuan Kaogu Yanjiusuo Luoyang Gongzuodui, ed. 1972. “Dong Han Luoyang cheng nanjiao de xingtu mudi” 東漢洛陽城南郊的刑徒墓地 [Convict laborer cemetery in the southern suburbs of Eastern Han Luoyang]. *Kaogu*, No.4: 2-19.

Zhou, Yimou 周一謀. 1994. *Mawangdui yi xue wen hua* 馬王堆醫學文化. Shanghai Shi : Wen hui chu ban she.

Zhou, Yiqun. 2013. “The Status of Mothers in the Early Chinese Mourning System.” *TOUNG PAO* 99 (1-3): 1-52.

Zhu, Shaohou 朱紹侯. 2002. “Xi-Han chunian jungong juezhi de dengji huafen—Ernian lüling yu jungong juezhi yanjiu zhi yi” 西漢初年軍功爵制的等級劃分—《二年律 令》與軍功爵制研究之一. *Henan daxue xuebao* 河南大學學報, No.5: 99-101.

Zhucheng Xian Bowuguan, ed. 1981. “Shandong Zhucheng Han mu huaxiangshi” 山東諸城漢墓畫像石 [Pictorial stones from the Han tomb at Zhucheng, Shangdong]. *Wenwu*, No.10: 14-21.