

Seminar SAW
History of Science, History of Text, 2011-2016

November 25th, 2015

**Workshop “On a tomb sealed around 186 BCE in China
and containing a “math book”**

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The legal manuscripts from Zhangjiashan tomb 247 revisited

Abstract – Distinctive peculiarities of the legal manuscripts from Zhangjiashan tomb 247 become apparent by comparing them with recently discovered legal manuscripts from Qin which have been purchased in 2007 on the antique market in Hongkong by the Yuelu Academy Changsha. They both contain a collection of exemplary criminal cases and a compilation of statutes and ordinances. Comparative study of these manuscripts promise to provide new evidence relating to the formation of Chinese legal terminology, of the system and hierarchy of punishments and of principles for determining punishment. Different stages and many details of criminal procedure can be analysed on the basis of exemplary criminal cases. The paper will show that there were different reasons for why a particular case had exemplary character and was suited for being included into the collection. The reasons varied depending on the category to which a case belongs. It is therefore necessary to classify the cases according to inherent formal and content-related criteria. The paper will mainly focus on those categories which were new in the manuscripts from Zhangjiashan. The investigation of both collections of legislative texts has indicated differences in the number of statutes, in the wording of statutory provisions and in the subsumption of individual provisions under statutes. Some reasons for the selection of statutes and ordinances will be explored. In a further step, the paper will deal with the legal manuscripts in relation to the tomb occupant. This raises the question of whether hints on his background, social status and profession can be found in the legal and other manuscripts. Finally, the legal manuscripts will be considered in the context of other tomb texts from Zhangjiashan, in order to determine whether and how law and other important fields of early Chinese knowledge were interrelated.