

The Review of Criminals System of Qin and Han Dynasties - Mainly Based on Research after Bamboo Slips Unearthed

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Abstract. Since the bamboo slips unearthed research sentences of imprisonment regime Qin and Han made a series of achievements, especially the punishment of imprisonment of several important issues, concubine nature of identity in the academic community launched a wide-ranging discussion, but there is not yet Articles its systematic summary, the author proposed explanation of "only" "Acts scribe" concept and content, Research sentences problem, identity and nature of the sentences of imprisonment, sentences of imprisonment research status gradation sequence to do sorting and expand on the content proposed view.

Introduction

Criminals Qin and Han Dynasty is a special social group, belonging to the lower middle class social structure. Criminals having inferior status, labor content heavy, daily limited movement and other characteristics of the border station, the Royal Tomb, official premises, undertake corresponding penal servitude and the Qin and Han have a significant impact on military, political, economic. Since the beginning of the 20th century, the academic study of sentences of imprisonment has been underway, textual research of law and a number of scholars collections of Han Dynasty, author of "Han Dynasty Picks left", "Han Lv", mainly based on the ancient handed down, research which the concubine, ghost salary, white charm, Chengdan penalty, for complex, etc. and it is the study of early results of the Han Dynasty Criminals. The late 1950s, Mr. Zhang Zhenglang according to records bronze inscriptions, in the "Qin and Han sentences of imprisonment archaeological data" in the finishing archaeological information on the sentences of imprisonment and endorsed ghost salaries are sentences of imprisonment view to further examine and correct work scribe minister of sentences of imprisonment, is the use of beginning sentences of imprisonment research problems unearthed material.

With the succession unearthed of Bamboo Slips, Dunhuang Han Jane, Jane, Han Jian, Yuelu academy possession Qin bamboo slips, Liye Qin bamboo slips, so that only the Qin punishment studies have undergone substantial changes, which a subject of this opened up the situation, the main research are: "Acts" Interpretation "Acts scribe" concept and content, research term problem, research Criminals identity and nature of the sentences of imprisonment gradation sequence research, research for certain types of sentences of imprisonment for sentences of imprisonment comprehensive study groups and so on. The author intends to major achievements bamboo slips unearthed after the criminal act to do a system of review and reorganization.

The Interpretation of the "Acts" and "Acts Scribe"

Slips Unearthed appeared the words "Acts scribe" and "Acts" and senior scholars were launched this argument. For the word of "Acts", Mr. Wu Rongzeng of "Xu extravagant temptation - On the Warring States Period criminal Apprenticeship" about: Qin said the sentences of imprisonment as an apprentice scribe. Acts in the Spring and Autumn mainly refers to the clothing corvee peasants. When Christians began to share from punishment, it is originally borne by farmers' lord, so they are called Christians. Mr. Chen Jing, "Qin Jian words Notes," a paper introduces the development of word meaning Acts: Acts, the Western Zhou Dynasty, Spring and Autumn Period slaves. Warring

States, Qin and Han dynasties, content only changes are sentences of imprisonment. Clear that the identity and nature of the Qin and Han Dynasties Criminals Act is not a slave. Acts scribe developments are consistent with the Act. Chen Zhi in the "About Han Acts," a text, using historical documents and unearthed Jane Han is the official description of the source of the believers and the people guilty of committing; Legal Advisors introduced the distinction between believers that among the five punishments, but can be called by Qing punishment Christians, left and right toe criminal DAH also belong to the class only. Gun also located only Cheng, managing only scribe. Han Dynasty scribe slaves and believers, this is two things. Status Acts scribe slaves below. Summarized text is divided into three: Act is subject to criminal tattoos, DAH left and right toes (subject to corporal punishment) the offender; Acts scribe comes from Nvbi nature different and higher status than slaves.

Mr. Li Xueqin in the "first reading Liye Qin bamboo slips", the read two related materials, the first of "Acts scribe" are described: Acts scribe is concubine, Chengdan Chung, white ghost salary charm. These, from the concept in the Han Dynasty, are criminal acts, which charges by the government sentenced to add, for the personal government Juguan. Mr. Cao Lvning in "Release" Acts scribe "On the Qin imprisonment identity and prison issues" in the direction of Mr. Li Xueqin view to Acts scribe during the Han Dynasty, said: Han Jian "Case Report to Throne," said Criminal Acts as Acts; the term Slips "Decrees" in the "Acts scribe" is often "concubine, Chengdan Chung, white ghost salary charm" simultaneously, are the same between the two. These, for us to recognize and distinguish between the Qin, Han Act Li nature, scope questions.

Mr. Li Li 's "Acts scribe" identity - New excavated from Liye Qin bamboo slips to start "a paper sorting through and Han Dynasties and literature handed down the only scribe information, there are different views: Acts scribe, is a diverse meanings Pan said noun. Han later, near the tendency Criminals meaning, and to expand the scope, refers to all persons sentenced to imprisonment. Mr. Sun Wen Bo "of the Qin and Han Sikou and Acts scribe," an article said: scholars usual "Criminal Acts," a phrase actually less seen in the Qin and Han handed down and unearthed literature. More use was "only" "Acts scribe", "Li Christians" and other terms. Qin and Han, Li, rarely do concubine in lieu of that, but as a dependent status, common in the private sector. Not only can be called concubine Li said. Therefore, the "Acts scribe" for the word regarded as a generic term is more appropriate. Acts scribe prose expanded the scope of the proposed Pan said, known, he said.

Research on the Issue of Sentence

About Terms of Imprisonment sentences of imprisonment and scholars has conducted extensive and in-depth discussion, not list them here and selects a more representative research achievements do a brief introduction. Term problem can be divided into two stages before and after the reform Emperor corporal punishment and corporal punishment reform.

"Discussion on issues," Mr. Cohen, "Qin Lv in" concubine article, the first time before the Han Emperor to various sentences of imprisonment sentence without judgment, and noted Qin sentences of imprisonment were sentenced to life for crimes clothing labor. Mr. Gao Min "About <Qin Lv> in the 'concubine' issues questioned," a text raised objections, which formed two sentences of Mr. represented no say and have said that sentence ("There is no question sentence" After a long debate, a number of Mr. involvement, due to space reasons do not list them). After Mr. Li Jin and Huo Cunfu proposed from time to time that Japanese scholars to Mr. Rich Valley also put forward this view.

For the Han Dynasty sentence to Mr. Rich Valley also discussed: Kum four clamp punishments, according to the instruments of torture to distinguish entrained form, which are five years of labor punishment. Mr. Chen Ling literature and archaeological materials, prima facie penal servitude in Han Kun Chung to clamp Chengdan: bald clamp Chengdan about toe Chengdan Chung, Kun clamp Chengdan the right toe Chengdan Chung, Kun left toe clamp Chengdan Chengdan Chung, Chung Kun clamp Chengdan four kinds; Emperor sentence after the reform, the sentence should be seven years, the late Eastern Han Dynasty to the early Western Han was determined to be five years.

Research on the Criminals Identity and Nature

Qin and Han sentences of imprisonment for the identity and nature of the research is divided into two areas, one for sentences of imprisonment identity, nature interpretation, and second sentences of imprisonment for certain types of identity, the nature of the study were to discuss the concubine of the most in-depth. Both academic discussion and not separated, so I order in which there will be overlap between the two places.

The first aspects of the research are:

Mr. Wu Rongzeng of "Xu extravagant temptation - Criminal Apprenticeship on the Warring States" about: identity Criminals in the Warring States period and the slave is the same. Qin said the sentences of imprisonment as Chengdan, ghost salary. Slaves and punishment only be clearly defined in the Han Dynasty. Thus informed, the official first sentences of imprisonment and slave are identical in name. Later, with the development of the penal system, the official part of the offender is a time limit, so the sentences of imprisonment separated from the official slave, because this way, the first two who in the name is confusing, Xu extravagant, Li Chen can mean both official slaves, it can refer to sentences of imprisonment. Since the sentences of imprisonment and official slave earliest such a close relationship, sentences of imprisonment and slavery in the official identity there are similarities, but also completely surprising. Mr. Cao Lvning in "Release" Acts scribe "On the Qin prison sentence and identity issues," pointed out: Qin Jane Acts scribe both criminal acts, but also life-long labor of slaves officer, with strong public power, sentences of imprisonment and official the only significant difference between the slave up, was first felons, then the light punishment guilty. What must be emphasized is the concubine is a criminal act, but in fact they are official servants.

The second aspect of the research focused on the discussion of a concubine:

This problem also "discuss the issue" by Mr. Cohen, "Qin Lv in" concubine in an article beginning, Criminals Li Chen, concubine, essentially because of a crime is determined identity official servants, and carried concubine in-depth research. Which triggered a topic for academic discussion of the identity of the criminal act, divided into the following main points: first, the concubine criminal acts, not official nor a slave is a slave. Second, it is the official slave concubine, not a criminal act. Studies Mr. Gao Minhuo LIU Han-dong of the most representative. There are two more hold the view: third sentences of imprisonment with a concubine slave residual properties. See, gentlemen Zhan Tong, Li Jin research. Fourth, the concubine is part of sentences of imprisonment, the official part of the slaves, gradually Criminals single title. Mr. Li Li this view more detailed arguments, with a "" concubine "status Further Study", in addition to the book on the literature unearthed concubine detailed analysis also reviewed the concubine of academic achievements, research required reading for this problem.

There is a fifth view of criminals slaves said. Mr. Zhang Jinguang in "Some Issues of Criminals" in that: a concubine sentences of imprisonment. Qin Penalty Act with its strong color criminals slaves, or the official said, is a kind of slavery. Qin Xing Ming sentences of imprisonment of more ancient slaves from whom the thing known Criminals Qin originated, the "crime scribe" ancient, identical to nature, to say the least magnitude. Mr. Hong Xu repair "from the ancient slave sinner income Change of Punishment" concubine "" Chengdan Chung "identity" in an article, from the Western Han Dynasty to the Spring and Autumn previous close while undergoing a punishment slave starting high - low - high fluctuation, but the range of variation is limited to tattoos, Kum resistance within the Third penalties tattoo punishment than criminals always are within the scope of income slaves. Qin "concubine" "Chengdan Chung" includes more than one tattoo punishment of sinners, and there were a lot of Qin bamboo slips show the two types of offender have enslaved within the card. Therefore their identity should be criminal slaves.

It is worth mentioning that Mr. Ni Shan Ming in the "Qin membership identity and origin - about concubine," the article pointed out: Qin and Han Dynasty concubine different, not penal servitude. Concubine identity punishment is punishment, punishment reputation, concubine is only the identity of this criminal penalties arising. Jane Qin in all penal servitude, did not sentence, the sentences of imprisonment for life membership status. Unless the military exploits ransom,

otherwise it cannot be restored for the common people. This is exactly the Qin and Han Dynasty Criminals different characteristics.

Research on the Criminals Gradation Sequence

Mr. Sun Wen Bo, "the Qin and Han Sikou and only scribe" quoted by Mr. Wang's doctoral dissertation, "Qin and Han Bamboo Slips penalty research", introduces the research status of sentences of imprisonment grade sequence identity: Mr Yuji Takatori views: confirm Sikou, concubine, Chengdan Chung whichever title sequence identity; Sikou, concubine, white ghost salary charm, Chengdan Chung none servitude name, but the nature of the system status indicators Jazz on the sequence identity. Mr. Tao An discussing capacity and ability of responsibility Chengdan Chung such legal identity from the point of view that is intermarriage, have the right to compensation or property, etc., such that the Chengdan Chung capacity and ability of responsibility is not the same, they enjoyed rights and obligations to be borne up and down the stretch, which is the control of twenty Grand "people" unite rights and obligations are the same strain. Sun is also in the text put forward their point of view: the Sikou, concubine, and Chengdan Chung, white ghost salary charm by social identity, divided into three groups, and try to incorporate "Nobility System - punishment" sequence identity, you need to think about: the Qin and Han "right Shu", "seven subjects disgrace" and so-called "untouchables", what is the relationship with the above sequence. In addition, Sikou and only under the official scribe parallel existence, we have subordinate slaves and private is private, Li and other groups. And these two issues to make an explanation.

Mr. Wu Rongzeng in "concubine system to explore," a paper by Han Dynasties material confirmed: the identity of concubine is lower than the common people, but is higher than that of slaves. Their economic status determines the social status than Chengdan Chung, who slave concubine to be slightly higher.

Mr. Zhang Jinguang in "Qin made research" book dedicated to open a chapter do "Criminal Acts System" states: et concubine and Chengdan sentences of imprisonment as an equal among the columns. Criminals Qin gradation sequence should be Chengdan, Chung - paid ghost, white charm - Li Chen, concubine - Sikou - waiting. This sequence is the house of Han Cheng. Reform of Emperor Zhao thirteen years, but there will be no period to period, and has not changed its views and so on.

Research on Certain Types of Criminal Acts

Mr. Zhang Chao, "Qin" Chengdan Chung "Examination Debate" that: as criminals "Chengdan Chung" can be divided into "Chengdan" and "Chung" two types. The "Chengdan" can be divided into "town Dan", "battle Chengdan" and "Chengdan"; "Chung" can be divided into "small Chung" and "Chung." While engaged in common labor, "Chengdan Chung" and other criminals are mixed together labor; when engaged in certain skill requirements of labor, skill is the first factor, gender, age, criminal and other factors are secondary . Labor is not a measure of the severity of the severity of the penalty reliable standards. Qin Dynasty "Chengdan Chung" There did not receive his wife, son and other important additional punitive measures by regulators fined lesser offenders, these measures are "Chengdan Chung 'different from other criminals an important symbol. "Chengdan Chung" above characteristics to a certain extent also the Qin Dynasty penalties feature.

Mr. Vang Vieng "Han Jian <Decrees> The" Sikou "" Chengdan Chung "Analysis name" Combining Shuihudi Jane relevant records of Han Bamboo Slips "Decrees" involved in the Sikou Chung with Chengdan carried out a detailed analysis. Sikou usage in sex is not very clear; the use Chengdan spring is not critical to the men Chengdan to the woman for the spring, but cross each other.

Mr. Dingwen Juan "" Ghost salary white Can 'Status in the know "that: From the beginning of the Qin and Han, ghost white charm salary benefits as punishment, not the ordinary kind of penalty, a narrowing trend and finished Chengdan gap presented after Emperor reform, and gradually become a common criminal .

Mr. Liu Yang in the "Han Dynasty" complex as "only the Poem" pointed out: "the complex as" a criminal act in the Han Dynasty. "Re-make" Acts Although similar in terms of relaxation without the instruments of torture and punishment of the believers, but the Han Dynasty in the "complex as" Limin is only imposed for a crime a criminal act, rather than relaxation sentences of imprisonment sentences of imprisonment are eligible Amnesty removed results instruments of torture. "Re-make" the Han Dynasty actually act lightest sentences of imprisonment in first class, there is no gender distinction or worn instruments of torture, the sentences short, to serve one year in March to labor under the Acts official supervision. Mr. Zhang Jianguo "punishment as the Han Dynasty, and relaxation complex for punishment," the study showed that: in the strict sense, the penalty for most of the period of Han Dynasty can only be called "labor punishment" rather than penal servitude. If the penalty for a penalty is called name, so can only be called as a name for the complex, Legal Advisors in itself cannot be considered because there is no direct sentence after conviction for the resumption of work, but the emperor and the Edict edict directly related. Chi Chi and punishment by the Emperor of solutions armed with sin clothing, deregulation, from a certain extent in terms of generosity, and a conviction, the same level as determined by comparison of sentences of imprisonment has been reduced, but the identity of the same criminal act.

Mr. Huang Zhanyue "Release" hidden officer "" that: "Implicit official" is official specially arranged shelter disabled workers scribe minister or the offender has impunity. People with disabilities are accommodated in hidden in the official called "implicit government workers", the ministry said "hidden officer." Implicit officer may at the time of Emperor reforms were abolished and die. Mr. Chao "Talk Qin" hidden officer "" more detailed analysis of the scholars on the "different views hidden officer", and put forward their point of view: there are two hidden system of official conditions, first of torture or physical finish who has followed the situation of impunity. Mr. Liu Xiangming's "bamboo slips unearthed from Qin and Han dynasties" "the main source of" hidden official show: Hidden officer four sources: the vindication of miscarriages of justice by; for war in order to avoid part of the work scribe minister; then punished by corporal punishment were eligible for pardon; private is by radioimmunoassay.

Mr. Zhang Junmin of "Northwest Bamboo Slips relaxation punishment" that: Jane Han northwest of torture, torture is more directly involved in the Northwestern frontier area of labor. Torturer can not only excused by the Edict of labor, and labor can continue to engage in border areas at will. Labor seems to be a period of preferential treatment.

Comprehensive Research on Criminal Acts Groups

Mr. Zhang Jinguang In the "only punishment system", divided into the following sections: the number of sentences of imprisonment, identity, sentences made a more comprehensive analysis.

Mr. Cohen in "Qin Lv of sentences of imprisonment and prison issues," a paper that: Qin Law of Criminal Acts namely deprived of liberty for crime, strong uniform who work and rest. And the Criminal Acts into lifelong serving sentences of imprisonment and punishment only two classes of service period, the former including Chengdan Chung, white ghost salary charm, concubine, Sikou and waiting. The latter includes a first, after serving a sentence, the recovery of human freedom compulsory service funding, funding home side, capital garrison; the second, with the capital crime of labor compensation, ranking the capital sin and official debt owed, foreclosure, debt .

Mr. Chen Ling number of articles discussing Criminals article, "Bamboo Slips of the Han Dynasty Frontier Criminals Management", analyzes the names membership management, effective and efficient work management, simple management and life sentence of a line of management effective management system. "On the Frontier Criminals in Han's work", "Frontier Criminals in Han's composition and sources of investigation", according to documents excavated sources of Frontier Criminals, work and other issues to make a reply.

In addition to several articles Dissertation sentences of imprisonment for the study, it is worth attention. For example, Jilin University's master's degree thesis Songzuo Lin: "Qin Jian contained in sentences of imprisonment of issues," Qin sentences of imprisonment from four types of discussions with the source, labor, management and sentence. Wang Ning Lu Tung University, a

master's degree thesis "Criminal Acts on the Qin and Han Dynasty," Qin and Han discussed the sentences of imprisonment of Legal Advisors, sentence, identity and family.

About Criminal Acts military system, Mr. Li Yufu "On Exile send military system and sentences of imprisonment Qin and Han dynasties of the military system," discusses disgrace issued Military System and "move", "Acts" and other penalties difference, sentences of imprisonment military system Origin and Development as well as sentences of imprisonment species. Mr. Lu Star "Criminals in Han Dynasty soldiers' use of sentences of imprisonment in Han Bing Fan reasons, the scope should be served, affect the use and so gave an answer.

Concubine in the sentence and the identity of many other issues, the senior scholar has made a series of achievements. Qin and Han Criminals such a study of social groups can do all the talking, for example, the Qin and Han sentences of imprisonment on ideological and mental state and other issues, we can climb through the sparse historical study and literature; on sentences of imprisonment plus commutation of sentence materials limited although it cannot make a clear division of plus commutation of the sentence, but the basic problem plus commutation can be verified; on sentences of imprisonment origin, composition and internal structure, the use of historical documents and slips sort; sentencing issues concerning sentences of imprisonment, but also not been systematically studied, it is worth continuing in-depth discussion.

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