“Statutes on Abscondence” (Wang lü 亡律)

The early-Han “Statutes on Abscondence” regulates the punishment of a serious and very common crime in early China, trying to escape from one’s legal or fiscal responsibilities or other personal obligations. Peasants facing famine or heavy taxation routinely tried to avoid their duties, and the state was very determined to find them and return them to their assigned lots.1 Those enduring the debasement of slavery were often tempted to run away as well, and as seen in “Statutes on the Establishment of Officials” (Zhili lü 置吏律) (sec. 3.10) no. 2 (slip nos. 211–12), even intransigent officials who refused to surrender their positions when dismissed were also to be punished under the “Statutes on Abscondence.”

This section probably formed the fourth division in the original text, after the “Statutes on Robbery,” looping half a turn clockwise and ending with the

1 Documents from both the Qin Liye hoard and the Han tomb at Yinwan reveal that the state kept statistics on the number of people who absconded yearly from each county and commandery and the number who were caught and returned. See Yinwan Han mu jiandu, 77 board no. 1. In addition, many people living in the countryside may not have had a purely sedentary lifestyle. They may have engaged, for example, in slash-and-burn agricultural practices and moved away when the soil was depleted, or, as is the case for some modern nomadic peoples, they may have moved according to the season or according to their stage in life. All the states during the Warring States period and both the Qin and Han imperial states sought to fix such mobile individuals and families so that they could extract taxes and labor from them more effectively. As the Fengzhen shi text from Shuihudi tomb no. 11 includes a form for reporting an absconder who turns himself in (Hulsewé 1985b, E6 187, which may have been the last item in that collection), and since there are a number of related items in the Falü dawen text, it is most likely, in our opinion, that the Qin also had “Statutes on Abscondence” from which these Han statutes descended.
title-slip (no. 173). As can be seen in the diagram heading this section, the very important no. 6 (slip nos. 162–63), which details the process for the manumission of slaves, should not have been placed in this section. The two slips that make up that item were found on the opposite side of the scroll, far from any of the other slips. We would argue that they belong with many of the slips placed (provisionally) in the “Statutes on Miscellaneous Matters” (Za lü 雜律) (sec. 3.8), which occupies the same area, in the same slip-stratum, and also discusses issues related to slaves and freedmen.

The thirteen items in the reconstructed “Statutes on Abscon dence” of the Statutes and Ordinances of the Second Year text cover a wide range of topics related to abscon dence by persons of different statuses. The punishment meted out to peasants who had absconded was gauged by the length of their absence. If they had run away for more than a year, they received the nonpermanent mutilating punishment of shaving off of the whiskers, and both long-term and shorter-term absconders had to make reparation for the days of abscon dence by working in a labor camp alongside hardened criminals. If they occupied even the lowest steps on the ranking scale, they could avoid the labor camp and perform their work in a government storehouse or granary. The absconders also had to make good any days of missed government service. In comparison to punishments meted out for crimes of assault or robbery, these punishments were rather light, and persons could receive a significant reduction in punishment by turning themselves in, for it was not the state's goal to execute or to mutilate these people and lock them in a labor camp for years. Rather, the state's primary aim was to deter repeat offenders and get peasants back on the farm, producing taxes again, after it was compensated in a timely fashion for their lost labor.

Absconding slaves were treated more severely. If they were sent to a labor camp like absconding peasants, this would unfairly punish the master, depriving him of their labor, so instead, they were tattooed on the face and returned to him. If they turned themselves in, they would only be caned 100 times, and if they were retrieved by their master or his family, rather than by a government agent or a bounty hunter, they might also be spared the facial tattooing, if the master so wished. If a bounty hunter captured the runaway slave, the master had to provide a reward for the person, but if the master chose to repudiate the slave and let him be confiscated by the state, then the government had to provide the reward.

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2 See no. 1 (slip no. 157) in this section.
3 See nos. 3–5 (slip nos. 159–61) in this section.