The Absconding Female Slave

This document commands our attention for a number of reasons. It provides information on the price of slaves during the early Han period and evidence that Han officials closely followed Qin legal forms and procedures. The date of submission for the case corresponds to 196 BCE. The slave Mei, being forty years old at the time of the case, must have been born around 236 BCE, well before the Qin unification, presumably in the state of Chu, although the “time of Chu” mentioned in the case record probably refers to the time of the re-creation of a Chu state under Xiang Yu 項羽, after the collapse of Qin imperial authority.

The crux of the issue, as Li Xueqin (1993b) points out, is that Mei failed to register as a free commoner after she had absconded and submitted to Han authority. She hoped that since her master, an ordinary commoner, Dian, had also surrendered to the Han, and thus they both recognized a new legal authority, the likely pledge of her person as debt-slave to Dian under Qin rule had been invalidated and she should no longer be considered a slave.

One of the first Imperial instructions (May 25–June 23, 202 BCE) issued by Emperor Gaozu after ascending the throne declared that the world was at peace and invited those who had fled the disaster to come out of the hills and register themselves as peasants. It reads in part:

As to the people who formerly had collected to take refuge in the mountains and marshes, whose names and related accounts have not been registered—the world has now been pacified. We order that each return to his county and be restored to his former rank, fields, and habitation. The officials, using civil and legal [models], should teach and instruct [these people]; let it be published abroad that there is to be no beating or sham-ing [of them]. As for those people who because of hunger and famine have sold themselves to become people’s male and female slaves, all are to be manumitted and made freedmen.1

Gaozu’s Imperial instruction promised amnesty and manumission to two different groups. The first group mentioned were refugees who had absconded from their homes and farms and fled into the mountains and marshes. This group likely also included slaves who had run away from their masters in

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1 See Han shu, 1B.54; Dubs 1938–55, 1:103–4.
non-Han-held territory during the civil war and surrendered to Han authority, like the woman Mei in this case. A legal ordinance (quoted in sec. 4.14 [slip nos. 65–67]), probably drawn up shortly after the Imperial instruction, specifies the details of the amnesty offer:

For all those who lack a [recorded] name and related accounts: in every case, order [them] to make a self-report and write out their name and related accounts. Order [them] to go to the office of their county or march within a full thirty days. [For one] who does not make a self-report and write out [his or her] name and related accounts: in every case, shave [the criminal] and make [him or her] a bond servant or bondwoman, with a restriction, do not allow him or her to use rank or reparation [payments] to commute [the punishment]. The one who lodges or hides [the criminal] shares the same crime.

Here, we learn that unregistered persons had exactly thirty days to come out of the hills and register their names and ages to become peasants, or they would face serious criminal charges. It was an unprecedented opportunity for former slaves to achieve complete manumission and become full commoners, not just freedmen, if they heard about the offer in time and were not too distrustful of the authorities to come into the cities and register themselves.

The other group addressed in the Imperial instruction were those who had been sold into slavery because of debt during the civil war years. Debt-slavery caused by famine has been viewed as a major source of Chinese slaves during all eras. Earlier during the civil war, in 205 BCE, Liu Bang (the future Emperor Gaozu, while he was still King of Han) authorized parents to sell their children into slavery so that they could more easily migrate in search of food. Imperial instructions of manumission similar to Emperor Gaozu’s were also issued by the founder of the Eastern Han in 26, 31, 36, 37, and 39 CE, in attempts to free those who had been enslaved because of debt or through kidnapping during the civil war that separated the two Han dynasties. C. Martin Wilbur (1943) viewed all these Imperial instructions of manumission as hollow grand gestures, highly doubtful that they ever could have been enforced by a weak and newly established authority. How would debt-slaves, including children, have even heard about these Imperial instructions, and how could they have run away to vindicate themselves in a court of law? Emperor Gaozu did not attempt to emancipate all slaves in his Imperial instruction,

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2 As Lau and Lüdke (2012, 112n640) point out, there is actually no historical record of Liu Bang offering manumission to slaves in non-Han-held territory during the civil war with Xiang Yu.