

# **Central Asian Law: An Historical Overview**

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The Ninetieth Birthday  
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## The Administrative and Legal Regulations of the Tang Emperors for the Frontier Territories

Irina F. Popova

The period of the Tang 唐 dynasty (618-907) became the high point of economic prosperity and political power of the Chinese empire, and had a deep and many-sided influence upon the following history of many of the states and peoples of Asia. At that time the Chinese empire implemented to the largest scale her geopolitical potential. The political influence of China spread over great amounts of territory from Korea to Persia and from Vietnam to the Tianshan 天山 mountains. Thus the Chinese system of political and legal regulation was also imposed over a vast region of Central Asia.

In the traditional Chinese ideology, a mono-centric political concept of the universe reigned over by the emperor of All under Heaven (*Tianxia* 天下), determined the character of both the foreign relations and the international doctrine of China. The desire of the Chinese emperors to civilize and to protect the neighboring peoples, who were supposed to be seeking their support, was a strategy for real unification. The Chinese ruler's functions of dividing and organizing the universe were connected with his individual sacred power (*de* 德). According to the traditional world-view, the ruler's sacred power had a wholesome effect not only on the Chinese (*Han* 漢) people, but also on the "distant" peoples, who could voluntarily submit and come with tribute to the imperial court. All the peoples and tribes, living at different distance outside China were considered to be actual, or potential vassals of China. Meanwhile the practical principles of Chinese traditional foreign policy were never reduced to a simple dichotomy of "civilization – barbarism."

China used flexible methods in diplomacy, had a many-staged system of patrimonial vassalage, and thus a very large capacity for geopolitical multi-faceted creative work. Official ideology explained all the imperial actions aimed at establishing control over the new territories by the need to patronize the ethnical periphery, or to punish neighboring tribes who had breached their obligations as vassals.

In fact, under the Tang dynasty this unprecedented cultural and ethnical synthesis was achieved. It became a true foundation for the stabilization of Chinese society and a core for the vast territorial expansion of the empire to the west. The territory of the Tang Empire became larger than it was in the time of the Han 漢 dynasty (206 B.C. – A.D. 220). Some features of early Tang politics were formed under the influence of non-Chinese dynasties that reigned over North China during the Six Dynasties (*Liu-chao* 六朝) period, and were introduced from Central Asian, Xiongnu 匈奴, Xianbei 鮮卑 and Turkish traditions. Though the immensely important problem of value accumulation in the Tang cultural and political sphere has been studied by T. J. Barfield, D. Twitchett, A. Eisenberg, and Chen Sanping, still it needs further detailed research. Undoubtedly, Tang politics was not only the result of interaction between social and regional groups but also was a field of tension, a dialogue between various cultures and civilizations. China learned political, fiscal, military and diplomatic

experience from her neighbors. Under the Tang dynasty, the idea of China as an empire of not only Chinese, but of many peoples, was introduced into the official doctrine, and it is documented with historical sources.

Sima Guang 司馬光 reported that in 648, the Taizong 太宗 Emperor (Li Shimin 李世民, r. 627-649), looking at the envoys of barbarians from all parts of the world who had arrived at the Chinese court, asked his courtiers: “Han Wudi 漢武帝 for more than thirty years displayed an extreme bellicosity, [he] excessively fatigued China, but still did not achieve very much. Can [we] compare [his achievements] with the present peace, when the barbarians are influenced by morality and all [peoples] of far away lands are included in our household registers?”<sup>1</sup>

Once Taizong himself tried to clarify the reasons of his successful foreign policy. In 647, he told his high officials: “From ancient times, the emperors pacified China, but could not bring the rong 戎 and di 狄 [barbarians] to submission. I absolutely cannot compare myself with the ancients, but in some achievements I am beyond them, and I do not know why. Among you, Lords, who can sincerely explain the reasons for this?” All the officials said: “The success and virtue of Your Majesty are as great as Heaven and Earth. No one [under the sun] can find appropriate words.” The emperor said: “It is not true. I implemented five means to attain all these results. [First], from ancient times, many rulers hated those who excelled them, while I look at other people’s goodness as if I myself have it. [Second], people’s actions and capacities are never absolutely perfect, and I always forget about their shortcomings and constantly recall their merits. [Third], the rulers usually employed men of talent and virtue and wanted to conceive all their thoughts. They dismissed those who had no capacities and wanted even to throw them into a ditch. When I meet talented and virtuous persons, I have respect for them. When I meet incapable persons, I take pity on them. Talented and incapable, all must have their proper position. [Fourth], many rulers did not like straightforward and unbiased people; they punished them secretly and executed them in public. There were no times when this was not practiced. From the moment when I ascended the throne, many straight and honest officials were in service in the court and none of them were dismissed or censured. [Fifth], the emperors of ancient times all appreciated the Chinese and depreciated the rong and di [barbarians]. I alone love them as equals. That is why they look upon me as their parent. I was successful in these five tasks and so I have the present accomplishments.”<sup>2</sup>

The Taizong Emperor used a number of impressive political actions to confirm a serious challenge to create an empire, which could integrate Chinese and Central-Asian peoples. In the spring of 630, at the Chinese court in the presence of leaders of the Eastern and Western Turkish confederations, he assumed the title of “Heavenly Qaghan” (*Tian kehan* 天可汗) which carried the implication of suzerainty of the Chinese emperor over the Turks (*Tujue* 吐厥). This ceremony of exaltation was the first step in his great political program to consolidate under Chinese power the vast territories of the Turkish tribes. According to the

sources, more than a hundred thousand people led a pastoral nomadic life in this territory.<sup>3</sup>

The geopolitical structure of the Chinese empire was considered to be of three hierarchical territorial levels or zones: 1) inner territories, traditionally called “[the territory] within the passes” (*guan* 關), where native Chinese (*Han*) people lived; 2) frontier territories (*bian* 邊), settled by the peoples and tribes who submitted to the Chinese emperor and where the subordinated area-commands and prefectures (*jimi fuzhou* 羈糜府州) were created; and 3) the outer territories (*wai* 外), where potentially Chinese control could be imposed. The actual power of the Chinese emperor included only the inner and frontier territories, but even in theory the political, administrative and legal regulations for these two zones were essentially different. Large distinctions existed also with regard to the military institutions and the taxation system.

The prefectures of direct submission in Guanzhong were responsible for the central government in Chang’an 長安. The militia system was imposed on this territory and the population paid taxes here in accordance with the household registers (*ji* 籍). The legislation here was promulgated through imperial edicts (*zhi* 制) issued by the State Chancellery (*Menxia sheng* 門下省) and the Department of State Affairs (*Shangshu sheng* 尚書省), and through codified law, which existed in four main divisions: the Code (*lü* 律), the Statutes (*ling* 令), the Regulations (*ge* 格) and the Ordinances (*shi* 式). The emperor’s edicts specified the subject to which they were devoted. The Department of State Affairs was responsible for compiling imperial pronouncements of three kinds: 1) edicts; 2) decrees (*chi* 敕); and 3) orders (*ce* 冊).<sup>4</sup> The State Secretariat (*Zhongshu sheng* 中書省) compiled texts of: 1) decrees (*ce*, *ceshu* 書), which were promulgated to enthrone the empress or the heir-apparent, to install as a feudal lord or a nobleman; 2) edicts on rewards and punishments, amnesties, reconsideration of convictions, appointments; 3) edicts of recognition of merits, commends and exalts; 4) dated edicts (*fa* 發 *chi*) on establishing and abolishing districts and counties, starting military campaigns, appointments, retirement, and gifts; 5) prescriptive orders (*chizhi*), issued to implement officials’ suggestions and requests; 6) restrictive orders (*lunshi* 論事 *chishu*) on restrictions and limitations; 7) confirmatory orders (*chidie* 牒) to consolidate precedents and tradition.<sup>5</sup> The Tang emperors’ regulations for foreigners, who were living outside the Chinese inner territories were issued as 1) proclamations (*zhao* 詔); 2) edicts; and 3) decrees.<sup>6</sup>

In the Tang period, many foreigners lived in the inner territories, especially in Chang’an, the capital of the empire. In 630, after the victory over the Eastern Turkish Qaghanate, several thousands of Turkish clans came to live in Chang’an. At that time, an acrimonious debate started at the Chinese court over

<sup>3</sup> *ZT*, vol. 14 193: 6075.

<sup>4</sup> *Xin Tangshu* 新唐書 [New Tang History, hereafter *XTS*]. Compiled by Ouyang Xiu 歐陽修. 46: 3a; Robert des Rotours, *Traité des Fonctionnaires et traité de l’Armée. Traduits de la Nouvelle Histoire des Tang. (Chap. XLVI-L)*. 2 vols. Leiden: E.J. Brill, 1947, 1: 22.

<sup>5</sup> *XTS* 47: 3b; des Rotours, *Fonctionnaires*, 1: 174-176.

<sup>6</sup> *Tang dazhaolingji* 唐大詔令集 [Collection of the Great Edicts of the Tang Dynasty]. Compiled by Song Minqiu 宋敏求. Beijing-Shanghai: Commercial Press, 1959, 128: 688-693.

<sup>1</sup> *Zizhi tongjian* 資治通鑑 [Comprehensive Mirror for Aid in Government, hereafter *ZT*]. Compiled by Sima Guang 司馬光. Vol. 7. Beijing: Guji chubanshe, 1956, 198: 6253.

<sup>2</sup> *ZT*, vol. 14 198: 6247.

what policy should be adopted towards the new steppe territories and conquered peoples. The main lines of Chinese foreign policy were criticized. The majority of the courtiers believed that the Turks should be resettled in the outlying Chinese territories. Sima Guang reported that many of the officials said: “From ancient times the northern [barbarians] di have been a great disaster for China. Today by a stroke of good fortune [we] have vanquished them. We should move them from their primordial lands and resettle them south of the [Huang]-he 黄河 on the territory from Yan 兗 [in Shandong] to Yu 豫 [in Henan], divide their tribes and settle [them] fragmented in different districts and counties. If we teach them to till and to weave, we can change the barbarian *hu* 胡 into peasants and use them to populate the northern lands, which have been empty for a long time.”<sup>7</sup>

In 630, 100,000 Turks were resettled in Chinese territory along the borders of Youzhou 幽州 district in Hebei 河北 province in the east to Lingzhou 靈州 in Shanxi 山西 in the west. On the lands that earlier were controlled by Tuli Qaghan (Tolis 突利 IQaghan), an area-command (*dudufu* 都督府) was established for Shunzhou 順州. It included four districts: Shunzhou 順州, Youzhou 祐州, Huazhou 化州 and Changzhou 長州.<sup>8</sup> On the lands controlled earlier by Xieli (Illig 頡利) Qaghan 1) the Dingxiang 定襄 area-command was established with four districts: Adezhou 阿德州 (on the territory of the *a-shi-de* 阿史德 tribe), Jishizhou 執失州 (on the territory of the *ji-shi* 執失 tribe), Sunongzhou 蘇農州 (on the territory of the *su-nong* 蘇農 tribe), Batingzhou 拔延州,<sup>9</sup> and 2) an area-district Yunchong with two districts<sup>10</sup>.

The tribal chiefs were given the positions of general-governors and prefects of the new territorial-administrative structures. Tuli Qaghan became the governor-general of Shunzhou 順州都督. The Taizong Emperor, rewarding him with this position, said: “Your ancestor Qi-min 啓民 cooperated with the Sui 隋, and when the Sui came to power, he became a Great Qaghan. The northern wild lands were put under his control. Your father Shi-bi 始畢 on the contrary made difficulties for China. Heaven with its Way (*dao* 道) could not forgive him and so your revolt has been now defeated. I do not nominate you as a Qaghan because I am concerned by the episode of Qi-min. Now I appoint you as a governor-general. You must be careful to abide by the laws of China and not harass and loot. [I] do not want only to bring peace to China, but also want to guarantee permanent protection for your clan.”<sup>11</sup>

There were large settlements of foreign merchants in the Chinese capital, in the southern cities of Guangzhou, Yangzhou and elsewhere. Besides the personally free people such as civil and military court officials, privileged hostages, emperor’s concubines and merchants, a great number of prisoners of war were brought to China, especially in the period of the military conquests of the 7<sup>th</sup> century. A part of them were distributed as personal slaves to high officials, but the majority became slaves of the state.

<sup>7</sup> ZT 193: 6075.

<sup>8</sup> XTS 43: 4a; ZT 193: 6077.

<sup>9</sup> XTS 43: 1b.

<sup>10</sup> ZT 193: 6077.

<sup>11</sup> ZT 193: 6077.

The order of punishment of the foreigners was prescribed by *The Tang Code* (*Tanglü shuyi* 唐律疏議): “[48.1] All cases involving foreigners (*huawairen* 化外人) of the same nationality who have committed crimes against each other will be sentenced following their own customary law. [48.2]. Cases involving those of different nationalities who have committed crimes against each other will be sentenced following Chinese law.”<sup>12</sup>

The foreigners refer in this article were determined as “people living outside the civilizing influence of Chinese culture (*huawairen*).” The commentary appended to the above gives the following explanation. “Foreigners refer to persons of those barbarian countries who have their own rulers and leaders. They each have their own habits and customs and regulations, and their laws are not alike.”<sup>13</sup> Obviously this order existed for the foreigners living on territory where the power of Chinese law was incontestable. The Chinese authorities permitted to some extent the political and legal independence of foreigners, who lived in the inner Chinese territories, and at the same time they were very sensitive to understand the degree of the sinicization–of identification–with the Tang culture for the peoples who had submitted, whom they undoubtedly considered not to be foreigners, but the subjects of the Chinese emperor.

The Tang authorities set up special administrative and legal regulations for these peoples. The documents instituting regulations for the frontier territories usually refer to their inhabitants as “people living under the civilizing influence of Chinese culture” (*huaneiren* 化內人). The Taiwanese scholars Liu Chun-wen 劉俊文 and Chen Huixin 陳惠馨 consider that ‘hua’ (culture) in that context meant ‘*jiachua*’ 教化 (the civilizing of masses by the teachings [of the Chinese emperors]).<sup>14</sup>

If for the inner territories the situation is quite clear, for the frontier regions there were some individual, specific features. The subordinated area-commands and prefectures (*qimi fuzhou*) were established along the borders of the Middle Kingdom in the lands from the Han period inhabited by the ‘barbarian’ tribes. The “Geographical records” (*dili zhi* 地理志) of *The New Tang History* (*Xin Tangshu* 新唐書) includes a chapter with description of these subordinated area-commands and prefectures. It says: “When the Tang dynasty was established, from the very beginning it was preoccupied with the barbarians of the four parts of the world. Taizong first pacified the Turkish tribes and then those of the north and western barbarians *fan* 番. The [southern] *man* 蠻 and the [eastern] *yi* 夷, one after another became subordinates [of Chinese empire]. Thus their tribal settlements were arranged into districts and counties. The biggest settlements

<sup>12</sup> *Tanglü shuyi* 唐律疏議 [The Tang Code Explained]. *Zongshu jicheng* ed. Shanghai: 1936. 6: 115; *The Tang Code. Vol. I. General Principles*. Translated with an Introduction by Wallace Johnson. Princeton, New Jersey: Princeton University Press, 1979: 252.

<sup>13</sup> *Tanglü shuyi* 6: 115; *The Tang Code*. 1: 265.

<sup>14</sup> Chen Huixin 陳惠馨, “Tang lü ‘hua wai ren xiang fan’ tiao ji hua nei ren yu hua wai ren jian di fa lü guan xi,” 唐律「化外人相犯」條及化內人與化外人間的法律關係 [The Article of the Tang Code about “*huawaijen*” who have Committed Crimes against Each Other” and the Legal Rules for the Relations between *huaneiren* and *huawairen*], in Gao Mingshi 高明士, ed. *Tangdai shenfen fazhi yanjiu* 唐代身分法制研究 [A Study of the Personal Status and Legal System under the Tang Dynasty]. Taipei: Wunan tushu chubhan gongsi, 2003: 7.

became area-commands, and the chieftains of the aboriginal tribes were awarded with [the titles of] governors-general (*dudu* 都督) and prefects (*ceshi* 刺史). All these titles became hereditary. Even though the household registers for imposing the taxes [on barbarians] were not sent to the Ministry of Revenue (*hubu* 戶部), they all received [the Chinese emperor's] instructions, were ruled by the frontier governors-general and protectors (*duhu* 都護), and regulated by the statutes and ordinances <...> Later on [these tribes] remained the vassals [of China] or rebelled, the regulations for them were not the same, so [they] can't be checked in detail. . . . In total there were 856 districts and area-commands."<sup>15</sup>

The policy of the Tang Empire for establishing special administrative structures for territories inhabited by non-Chinese peoples was based on a deep understanding of differences in the economic level and way of living between the settled Chinese and the pastoral nomads. In establishing administrative control over the 'barbarians,' the Tang ruling house was seeking for effective accommodation between the values of the Chinese and the local cultures.

In the Tang period, three categories of area-commands were instituted: large (*da* 大 *dudufu*), medium (*zhong* 中 *dudufu*) and small (*xia* 下 *dudufu*). For the large area-commands a staff of 22 officials was set up: a Commander-in-chief (*dudu*), rank 2b; an Administrator-in-Chief (*zhangshi* 長史), rank 3a; two Defenders-in-Chief (*sima* 司馬), rank 4d; an Administrative Adjutant (*lushi canjunshi* 錄事參軍事), rank 7a; two Recorders (*lushi* 錄事), rank 9b; an Adjutant of Section for Personnel Evaluation (*gongcao* 功曹 *canjunshi*); an Adjutant of Section for Granaries (*cangcao* 倉曹 *canjunshi*); an Adjutant of Section for Revenues (*hucao* 戶曹 *canjunshi*); an Adjutant of Section for Cultivated Fields (*tiancao* 田曹 *canjunshi*); an Adjutant of Section for Military Service (*bingcao* 兵曹 *canjunshi*); an Adjutant of Section for Law (*facao* 法曹 *canjunshi*); an Adjutant of Levied Service Section (*shicao* 士曹 *canjunshi*) – each position holding a 7b rank. In addition, there were five Military Administrators (*canjunshi*), rank 8b; one Market Director (*shiling* 市令), rank 9d; one Instructor (*wenxue* 文學), rank 8b and one Doctor of Medicine (*yixue boshi* 醫學博士), rank 8d.<sup>16</sup>

A medium sized area-command had a staff of 21 officials: a Commander-in-Chief, rank 3a; an Administrative Aide (*biejia* 別駕), rank 4b; an Administrator-in-Chief, rank 5a; a Defender-in-Chief, rank 5b; an Administrative Adjutant, rank 7b; two Recorders, rank 9d; an Adjutant of Section for Personnel Evaluation; an Adjutant of Section for Granaries; an Adjutant of Section for Revenues; an Adjutant of Section for Cultivated Fields; an Adjutant of Section for Military Service; an Adjutant of Section for Law; an Adjutant of Levied Service Section – each position holding a 7d rank. In addition, there were four Military Administrators, rank 8d; one Market Director, rank 9d; one Instructor, rank 8d and one Doctor of Medicine, rank 9b.<sup>17</sup>

The staff set up for the small area-command had 19 officers: a Commander-in-Chief, rank 3b; an Administrative Aide, rank 4d; an Administrator-in-Chief,

rank 5d; a Defender-in-Chief, rank 5d; an Administrative Adjutant, rank 7d; two Recorders, rank 9d; an Adjutant of Section for Personnel Evaluation; an Adjutant of Section for Granaries; an Adjutant of Section for Revenues; an Adjutant of Section for Cultivated Fields; an Adjutant of Section for Military Service; an Adjutant of Section for Law; an Adjutant of Levied Service section – each position holding a 7d rank. In addition there were three Military Administrators, rank 8d; one Instructor, rank 8d and one Doctor of Medicine, rank 9b.<sup>18</sup>

There were two categories of prefectures (*duhufu* 府) during the Tang period, classed respectively as large (*da* 大 *duhufu*) and superior (*shang* 上 *duhufu*). The staff for large prefectures had 18 officials: one Great Prefect, rank 2b; one Great Vice-Prefect (*fuda duhu*), rank 3b; two Vice-Prefects, rank 4b; one Administrator-in-Chief, rank 5b; one Defender-in-Chief, rank 5b; one Administrative Adjutant, rank 7b; two Recorders, rank 9b; an Adjutant of Section for Personnel Evaluation; an Adjutant of Section for Granaries, an Adjutant of Section for Revenues; an Adjutant of Section for Military Service; an Adjutant of Section for law – each position having a 7b rank. In addition there were three Military Administrators, who had an 8b rank."<sup>19</sup>

Superior prefectures had 13 officials: one Prefect, rank 3a; a Vice-Prefect, rank 4b; one Administrator-in-Chief, rank 5b; one Defender-in-Chief, rank 5b; one Administrative Adjutant, rank 7b; an Adjutant of Section for Personnel Evaluation; an Adjutant of Section for Granaries; an Adjutant of Section for Revenues; an Adjutant of Section for Military Service – each position having a rank of 7b. In addition, there were three Military Administrators, who held a 8b rank."<sup>20</sup>

According to *The New Tang History*: "The governors-general controlled the troops, horses, armament, fortifications, garrison posts and foodstuffs of all the districts and managed the current affairs of the area-command,"<sup>21</sup> the protectors controlled the non-Chinese peoples (*fan*), relieved and subjugated [them], rated merits and punishments and managed the current affairs of the area-command."<sup>22</sup>

The administration of area-commands and protectorates was mainly military by its character with concurrent civil functions. The authorities were responsible for a vast range of duties: building up the defenses along the frontier, colonization of the land and development of trade. Under their control were numerous small garrisons (*zhen* 鎮, *shu* 戍). The adjutant of section for law was responsible for justice. This position existed in all the districts *qimi fuzhou* with the exception of the superior prefectures.

Some light on the principles of governing and law imposed on the frontier territories is found in an edict of the Xuanzong 玄宗 Emperor (r. 712-755). This edict of 721 aimed at improvement of military fortifications and the training of troops in the prefectures of Jiannan, Qixi, Guannei, Longyu, Hodong, Beidong, Yanzhi, which were close to the Chinese border and populated by 'barbarian' tribes. The edict stated that: "If generals and officials have no respect for war-

<sup>18</sup> XTS 49 下: 5ab; *Fonctionnaires*, Vol.2, p. 706-707.

<sup>19</sup> XTS 49 下: 5b; *Fonctionnaires*, Vol.2, p. 718-719.

<sup>20</sup> XTS 49 下: 6a; *Fonctionnaires*, Vol. 2, p. 719-720.

<sup>21</sup> XTS 49 下: 5b; *Fonctionnaires*, Vol. 2, p. 707.

<sup>22</sup> XTS 49 下: 6a; *Fonctionnaires*, Vol. 2, p. 720.

<sup>15</sup> XTS 43: 1ab.

<sup>16</sup> XTS 49 下: 5a; *Fonctionnaires*, Vol.2. p. 703-704.

<sup>17</sup> XTS 49 下: 5a; *Fonctionnaires*, Vol.2, p. 705-706.

fare and do not improve and develop the training of troops, invaders will cause casualties and the amount of *corvée* will increase. When the primary strategies (*kang-ling*) are permanently set forth, even the statutes (*ge tiao*) [of the empire] are neglected. Is the law (*fa* 法) really unclear? But the generals do not stay in awe of the eternal words [of law]. This dishonesty adds to the sorrow in my heart. Also the submitted barbarian tribes live in all the circuits on the territories controlled by the garrisons (*juncheng* 郡城). The old households (*jiuhu* 舊戶) [of foreigners] long ago agreed to adopt sincere [i.e., Chinese] customs. The newly submitted [barbarians] set much hope on appeasement. And when they learn that many of the things acceptable to the foreigners have been lost, [they] became disappointed and can hardly control their feelings. If cruelties are not widespread, why does the constant dispersion [of the tribes] continue? Earlier it was necessary to mobilize troops for punitive actions, now peace should be largely consolidated. If the newly-sinicized households (*shu* 屬 *hu*) become subjects of the emperor, in their regulations (*zhangcheng*) they should rely upon the law (*fa*) of the [Tang] state. Formerly memorials were reported to the throne with the recommendation to appoint more Chinese officials. Some of these [officials'] actions did not bring fame to them; some [of them] stepped aside from their [own] culture and thus contradicted their original nature. From now on, foreign statesmen may remonstrate to the emperor and may themselves appoint officials from among the foreigners. [We] should not appoint the Chinese officials [to govern the foreign tribes] any more. Though [the foreigners] persistently adopt the sincere [Chinese] influence, on the whole their feelings follow their original natures. Punishments do not break their spirit and certainly do not pacify them. In cases where they break the law, and there is no regulation (*ge*) applicable to the crime, a charge ought to be put in writing and sent up to higher [authorities]. After that, statutes and rules will be required, and the military officials will act [according to them]<sup>23</sup>.

Bringing the non-Chinese peoples into the status of peasants was a principal aim of the Tang emperors. A strict difference in legal regulations was made for the “old” and “newly-sinicized households. The ‘barbarian’ households usually do not pay taxes at all or had very preferential tax obligations.<sup>24</sup> In 717, the Xuanzong Emperor proclaimed an “Edict to Admonish Prefects and Generals.” It stated: “Now the submitted barbarian tribes (*fan*) differ from each other. Those who live in their [primordial] lands are supervised and governed by Chinese officials, those who have come to live in the inner territories (*rufuzhe* 入府者) seem to be peacefully settled within the borders [of China]. Their customs are incomprehensible, their language unintelligible, and as for [their] tradition of raising livestock, it is the essential duty [of the authorities] to pacify and appease [them]. Prefects and generals (*mujiang* 牧將) in the armies and prefectures [should] much relieve [them].”<sup>25</sup> Though *qimi fuzhou* often were only formally announced, instituting them was an immensely important step in bringing administrative control over outlying territory and in the dissemination of the civilizing Chinese influence.

The Tang ruling house tried to find the most appropriate administrative and economic resources based on both Chinese and local traditions. Personal improvement was directly related to the transition into becoming peasants. The Chinese law was looked at as a part of Chinese culture, a tool used not only to restrain the willfulness of barbarians, but also to teach them the social norms of the Tang state.

The cosmopolitanism in Tang imperial doctrine was combined with the idea of a firm administrative control. In 630 accepting the position of Heavenly Qaghan, Tang Taizong issued an edict (*chi*): “From now on the emperor’s seals on the decrees presented to the chieftains of the West regions should have a formula “Emperor, Heavenly Qaghan.” If some of the tribe chiefs dies, an edict (*zhao*) shall certainly be issued to install his heir.”<sup>26</sup> Later on, the Chinese emperors usually issued decrees (*ce*, *ce-shu*) and rescripts (*zhi*) to install the rulers and high noblemen for subordinate peoples<sup>27</sup>.

The aristocratic upper class of the tribal leaders was incorporated into the Chinese bureaucratic system. These tribal leaders, who submitted to the Chinese emperor, all were rewarded with positions of generals in the Tang army and mad chiefs of the court guards. Tölis 突利 Qaghan was rewarded with the title of Beiping-junwang, given the position of General-in-Chief of Right Guard (*Yuwei da jiangjun* 域外大將軍) and made Governor-general of Shanzhou. A-shi-nasuni-shi 阿史那蘇尼失 was rewarded with the title of Huaidejunwang 懷德郡王 and given the position of Governor-general of Peiningzhou 北寧州. A-shi-nasimo 阿史那思摩 received the title of Huaihuajunwang 懷化郡王 and a commission as Governor-general of Beikaizhou 北開州. Several thousands of Turks came to live in Chang’an and some tribes were resettled south of the Huang-ho in the Ordos.

Subordinated area-commands and prefectures were established on territories of the southern *man*, Uyghurs (*hui-hu* 回戶), the northern *di* and others. In the territories of the Eastern Turks two area-commands – Yunzhong and Dingxiang – were established, each of them included five districts. In the north-east of China, in the territory of the Khitan (*Qi-dan* 契丹) tribe the district of Shizhou 師州 was established in 630, and the district of Daizhou 帶州 in 637.<sup>28</sup> The tribal chiefs, appointed by Chinese emperor as governors-general, had vast military and civil authority over these territories. They had also troops recruited from inner China under their command and were assisted by Chinese officials. For the Tang ruling house – especially at the beginning of the dynasty’s reign – the establishment of *jimi fuzhou* was an important objective for the strategy of the imperial policy. Thus a vast springboard for the future territorial expansion in Central Asia was formed. On the whole the establishment of the area-commands on the territory of the vanquished Eastern Turkish Qaghanate had only a formal, nominal character. The main objective of the Tang court was to

<sup>23</sup> *Cefu yuangui* 冊府元龜 [Storehouse of Documents of the Great Tortoise]. Compiled by Wang Qinre. 王欽若 Beijing: Zhonghua shuzhu chubanshe, 1960, 1992:11652.

<sup>24</sup> ZT 204: 6445.

<sup>25</sup> Great Edicts of the Tang Dynasty, 107:554.

<sup>26</sup> *Tang huiyao* 唐會要 [Essential Documents of the Tang Dynasty]. Compiled by Wang Pu 王溥. Beijing: Zhonghua shuzhu chunanshe, 1955, 100: 1796.

<sup>27</sup> Great Edicts of the Tang Dynasty, 128: 690-693 and 129: 694-698.

<sup>28</sup> XTS 43下: 4b.

sanction the spontaneous movement of nomad tribes and to show the organizing role of China.<sup>29</sup>

The Chinese authorities tried to resettle the submitted tribes by imposing on them an effective control and made efforts to attach their people to the land. In 679 for the Turks who had submitted, six so-called ‘barbarian prefectures’ (*liu zhoufu* 六州府) were set up at the bend of the Huang-ho river. Later Tang emperors tried to stop the dispersion of peoples from that region. Xuanzong issued a number of edicts, prescribing the authorities to return all the fugitives from the inner territories and re-establish a prefecture for the returned households.<sup>30</sup>

After establishing subordinated area-commands and prefectures on the frontier territories, the Tang Empire was committed to protecting the non-Chinese tribes, which had allied themselves with China. In the sixth month of 634, the *tuyuhun* 吐谷渾 tribes, living in the southern area of the Tarim basin, attacked the *Qibi* and the *danxiang*, who were subjects of the Tang emperor. He immediately sent frontier troops against the invaders.<sup>31</sup> Following the tradition of “using barbarians against barbarians (*yi yi zhi yi* 以夷制夷),” the Chinese emperors actively used the military tactics of small wars, when a ‘loyal tribe’ was employed as a ‘trouble-maker’<sup>32</sup> against the other tribe to force the latter’s submission to China.

At the beginning of the Tang, dynasty many important military actions were fought not by the Chinese regular army, but by the subject tribes. The Chinese generals employed nomadic tactics in battles, especially making use of the advantages of horse-cavalry. The Western Turks actively took part in the internecine war at the end of Sui – beginning of Tang. With the increase of Chinese military activity, the number of mercenary troops grew, and in the army of Taizong there were about 100,000 mercenary soldiers (*mubing* 募兵).<sup>33</sup> The edicts (*chao*) of the Tang emperors prescribed the “barbarian” chieftains to join campaigns with their tribes, and often appointed them as commanders of decisive military actions. Participation in military campaigns was considered to be a very important vassal obligation of the ‘barbarian’ leaders for the Chinese emperor.

Personally, many members of the Li 李 clan, the name of the Tang ruling house, were skillful warriors and knew in detail the advantages of nomadic warfare. When the founder of the dynasty, Li Yuan 李淵, the Gaozu 高祖 Emperor, (r. 618-626), served as a garrison commander of Taiyuanfu 太原府, he was given an important assignment to oppose the Turkish incursions across the Chinese north frontier and to suppress the rebels in Shaanxi 陝西. According to *The*

*New Tang History* in 616 when Gaozu was selecting the soldiers for a hit-and-run diversion attack, he ordered them “to live, drink and eat, wherever water and grass are available, like Turks and at leisure to hunt on horseback. Then the best archers were selected to lie in ambush.”<sup>34</sup> With these warriors Gaozu vanquished the Turkish troops on the Chinese territories. In 617 Gaozu mounted a campaign against Zhen Di'er 甄翟兒, whose army was three or four times larger than his troops. To achieve this victory he resorted a device in military tactics: he “divided his troops into two columns, placed the weakest soldiers in the center; stretched [the rows] of flags and streamers for a long [distance] and placed all the transport vehicles behind [the warriors]. With flags and banners, drums and horns [he] made a semblance of a large army.”<sup>35</sup> The main attention of the enemy was riveted to the center, but by that time Gaozu used two detachments of crack horsemen to take Zhen Di'er's troops suddenly on the flank, charged them and put to flight.

The possibility of using nomadic tactics became a subject for discussion in Chinese military thought. The treatise “Questions and Replies Between Tang Taizong and Li Weigong (李衛公, i.e., Li Jing),” was one of *The Seven Military Classics of Ancient China*. In this work, Li Jing 李靖 (571-649) said: “According to Sunzi 孫子: ‘A commander who is skilled in employing the army seeks [victory] through the strategic situation, not through relying upon men. Therefore those that are able to select men for positions can employ strategic power.’ While selecting men for battle it is necessary to take into account the strengths of the barbarians and the Han. The barbarians are strong in the use of cavalry. Cavalry is an advantage for fast-moving fighting. Han troops are strong in use of crossbows. Crossbows are an advantage in a slow-paced battle. In this each of them naturally relies upon their strategic power, but they are not to be distinguished as unorthodox and orthodox.”<sup>36</sup>

In the same book, the possibility of rewarding ‘barbarian’ commanders with positions as generals in the Tang army was also discussed. On this subject, for example, Taizong is quoted as saying: “Recently, the remnants of the Khitan and Xi 奚 [people] became our inner subordinates. I have decided that the two [tribal] commanders in chief of the Songmo 松漠 and Raoyue 饒樂 regions will be united under the Anbei 安北 Prefecture and I want to employ Xue Wanhe 薛萬徹 [as governor]. What do you [Li Weigong] think about this”? [Li] Jing answered: “[Xue] Wanhe is not as suitable as A-shi-na-she'er 阿史那社尒, Zhishi Sili 執失思力 or Qibi Heli 契姦何力. They are all barbarian subjects who understand military affairs. I spoke with them about the mountains, rivers and roads of the Songmo and Raoyue [territories], as well as about the submissive and rebellious barbarians as far as the western regions where tens of peoples live. In every detail they can be trusted. I taught them methods of deployment and in all cases they nodded their heads and accepted my instructions. I

<sup>29</sup> Malyavkin A.G. Tanskie Khroniki o Gosudarstvakh Tsentral'noy Asii. Teksty i Issledovaniya [The Tang Chronicles on the States of Central Asia. Texts and studies]. Ed. by Yu.M. Butin. Novosibirsk: Nauka: Sibirskoe Otdelenie, 1989: 111.

<sup>30</sup> Great Edicts of the Tang Dynasty, 128: 690; Chang Chun. *Tang tai fan chiang yen-chiu* 唐代將蕃蕃研究 [Study on the Generals-Foreigners under the Tang Dynasty. Taipei: Lien ching, 1986: 135-136.

<sup>31</sup> ZT 194: 6106.

<sup>32</sup> *Zhenguan zhengyao* 貞觀政要 [Essentials of Government of the Zhenguan Period]. Compiled by Wu Jing 吳兢 (670-749). *Sibu beiyao*, ed. Shanghai, 1936, 10.40: 15a.

<sup>33</sup> Wang Hanchang 王漢昌, Lin Daizhao 林代昭. *Zhongguo gudai zhengzhi zhidu shilue* 中国古代政治制度史略 [A Brief Survey of the Political System of Ancient China]. Beijing: Renmin chubanshe, 1985: 131.

<sup>34</sup> XTS 1: 1b.

<sup>35</sup> *ibid.*

<sup>36</sup> *Tang Taizong Li Weigong wen-dui* 唐太宗李衛公問對 [Questions and Replies between Tang Taizong and Li Weigong]. *Shishi jishu qiangyi*, ed. Shanghai, 1936, 40: 14b; *The Seven Military Classics of Ancient China*. Translation and commentary by R.D. Sawyer with Mei-chun Sawyer. Boulder, San Francisco and Oxford: Westview Press, 1993: 334.



hope that you will entrust them with the responsibility without having any doubts. [Xue] Wangche is courageous, but cannot work out strategies, and would find it difficult to bear the responsibility alone.” Taizong smiled and said: “‘Using barbarians against barbarians’ is China’s strategic power. You have attained it.”<sup>37</sup>

The military activities of the Tang empire against the northern and southern neighbors was determined mainly by the necessity of defense and the need to prevent the formation of states with strong military forces there. As the Eastern and Western Turkish Qaghanates were destroyed, the most important objects of Chinese imperial policy became the oasis kingdoms of the Tarim basin through which the Silk Road passed – Karakhoja (Gaochang 高昌), Karashahr (Yanqi 焉耆), Hami (Yiwu 伊吾), Kucha (Kusha 庫車, Guizi 龜茲), Kashgar (Shule 疏勒), Khotan (Yutian 于闐) and Yarkand (Shache 莎車).

In 640, Karakhoja in modern eastern Sinkiang province fell to the Tang and in 644, Karashahr and Kucha in the Tarim basin were forced to pay tribute to the Chinese court. Later Kashgar, Khotan and Yarkand recognized Chinese suzerainty. In 645–646 the territory of the Chinese Empire reached the Selenga and Orkhon Rivers in the north and the Tianshan mountains in the west. In 648 embassies from Kirghiz (Xia-you-si 黠戛斯) arrived in Chang’an and subordinated area-commands and prefectures were established in their territories.

The Tang empire combined peaceful diplomacy with active offensive wars. According to the traditional Chinese ideology, the warfare was qualified as an unavoidable and necessary method to civilize the nomads and to bring them to a settled estate. The main techniques for the realization of the vast territorial expansion of Chinese Empire were ‘punitive expeditions’ (*zhengfa* 征伐). The *Essentials of Government of the Zhenguan Period* classified all the military actions of Tang China as ‘punitive expeditions’ for ‘pacifying the border areas’ (*an bian* 安邊).<sup>38</sup> All campaigns against the tribes outside (*wai* 外) of China and the wars against peoples for whom the subordinated areas had been formally proclaimed (the conquest of the Western Turks and Koguryo, the suppression of the revolt of Feng Ang 馮盎 and Tan Dian 談殿 in Lingnan 嶺南 in 627) were called “punitive expeditions.” The “pacifying of the border areas” were the military actions against the peoples, whose homeland was situated close to Guanzhong, and the practical steps for the resettlement of the tribes from the frontier areas into the inner territories.

The moral justification for the “punitive actions” was once formulated by Taizong’s high official Fang Xuanling 房玄齡 (578–648) in 648. A tribe, state or people could be punished, first, if its ruler or chieftain broke the ritual obligation of the Chinese vassal; second, if they launched an invasion into Chinese territories and disturbed the Chinese people; third, if they represent a “permanent menace for China.” The “punishment” (*tao* 討) was justified by the necessity to annex new territories, or recover regions that had earlier been a part of China. In 644 Taizong announced the reasons for his first military campaign against Koguryo: “Liaodong 遼東 had once been a Chinese territory but the commander

(Yōn Kae-so-mun 泉蓋蘇文) killed his ruler, that is why today I decided to start a campaign against him.”<sup>39</sup>

Some of the Chinese (Han) officials sharply criticized the strategy of the early Tang rulers of appointing non-Chinese commanders to high positions in the Chinese army or at court. Simultaneously, many high officials at court realized that the cosmopolitanism of the Tang dynasty corresponded to the Confucian ideal of “a world empire” with the Chinese emperor as its center. Taizong unified under his power vast territories of Asia and during his reign new accents were introduced into the official geopolitical doctrine. From this point of view the report of Li Jing about the disposition of Chinese (Han) and “barbarian” armies in the Yaochi area (in Xinjiang) seems immensely interesting. Li Jing said: “When Heaven gave birth to men, originally there was no distinction of ‘barbarians’ and ‘Han.’ But their territory is distant, wild, and desert like, and they must rely on archery and hunting to live. Thus they are constantly practicing fighting and warfare. If we are generous to them, show good faith, pacify them, and fully supply them with clothes and food, then they will all be men of the Han. As your Majesty has established this Protector-general [in Yaochi], I request you gather in all the Han border troops and settle them in the interior. This will greatly reduce the provisions necessary to feed them, which is what military strategists refer to as the ‘method for balancing strength’ (*chili chifa* 齊禮齊法). But you should select Han officials who are thoroughly familiar with barbarian affairs, and you should disperse defensive fortifications [throughout the region]. This will be sufficient to manage the region for a long time. If we should encounter some emergency, Han troops can then go out there.”<sup>40</sup>

After establishing a firm administrative control over the territory covering modern North-West China, the Tang empire proclaimed a protectorate over the vast region in Central Asia. At the middle of the 7<sup>th</sup> century, the territories of the Tang empire covered the territory of the former Western Turks Qaganate and spread to the northern slopes of the Tianshan mountains (near Urumchi). In 659 and 661 about 300 nominal administrative structures were set up by the Gaozong 高宗 Emperor (r. 650–683). Actually this action was ambitious and though nominal in character; it confirmed that the Chinese side deeply understood the significance of formal administrative structures for the development of political dominance. The political power of the Tang empire did not rest on a firm institutional basis. In accordance with the logistics of Chinese official doctrine new military expansion should follow that step, but at the beginning of the 8<sup>th</sup> century, the Tang empire exhausted its military reserves of its military. Later attempts to reform the social-military organization did not have any effect. China responded to pressure from the Khitan and the Tibetans, and then at the end of 8<sup>th</sup> century lost her administrative outposts in Eastern Turkestan for a long period of time.

In promoting Chinese legal regulations among the frontier peoples, the Tang emperors tried to develop a new type of regionalism. Though the cultural contacts with many states, peoples and tribes of Central Asia had been developed very aggressively, and the results of Chinese foreign policy in the Tang

<sup>37</sup> Questions and Replies, 40: 15a–15b. Sawyer, *Seven Military Classics*, 335.

<sup>38</sup> Chapter 36 of the *Essentials of Government* is entitled “Pacifying the Border areas.”

<sup>39</sup> XTS 220: 2b.

<sup>40</sup> Questions and Replies, 41:16a; *Seven Military Classics*, 337.

54 Central Asian Law: An Historical Overview

period were impressive, in reality they did not produce a new unity of civilization in Central Asia.