Law, Subjecthood, and State Control in Early Tang (618-755)

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Abstract

The early Tang (618–755) was an empire of military expansion and cosmopolitanism. At its largest extent, its territory extended from the Korean peninsula to present-day Afghanistan. This empire governed a large multi-ethnic population and attracted many foreign merchants, Buddhist monks, and immigrants into its borders. Under such complex circumstances, who did the state consider as the insiders and the outsiders of its empire? What was the imperial court's conception of subjecthood, and how did the court assert control over those identified as subjects?

This thesis argues that the laws and institutions of imperial governance were foundational to the conception and administration of subjecthood in the early Tang. The thesis proceeds from a philological study of the terms used in Tang law to denote subjects and foreigners. It also shows that the Tang court drew these distinctions on the basis of political affiliation and not ethnicity. People who accepted the court's rule over them were deemed to be Tang subjects regardless of their ethnic background, and so the Tang court absorbed many non-Han people into its empire as ordinary subjects and drew on their manpower and tax revenue.

Against this background, the thesis re-examines the practical significance of the well-known 'Hua-Yi distinction', a notion that differentiated insiders, 'Hua', and outsiders, 'Yi', on ethnic and cultural grounds. Although this notion has been widely seen as the fundamental idea of self-identification in the pre-modern Sinitic world, this thesis proposes that ethnicity and culture, in fact, played only a limited role in defining the members of the empire and in binding the members of the Tang populace to their state.

To test how the Tang court's normative views of subjecthood worked in practice, the thesis turns to a series of case studies. Each study explores a different set of challenges that the Tang state faced in maintaining legal and administrative control of its subjects. These studies show how the Tang court used sophisticated systems of household registration, immigration control, and naturalisation to enrol subjects on state records, regulate travellers' activities, and accommodate immigrants. Foreigners under the Tang, from Goguryeo princes and Nihon noblemen to Sogdian merchants and Buddhist monks from the Indian sub-continent were all subject to close surveillance and strict regulation. So, although the Tang empire is widely regarded as an 'open empire' that always welcomed foreign people and cultures, this thesis discloses a restrictive side of the empire that historical clichés have tended to obscure.

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Table of Contents

Abstract i

Acknowledgements ii

Table of Contents iii

List of Figures v

Notes vi

Introduction 1

Historical Contexts 6

Tang Foreign Relations 6

Tang Borderlands 12

'Law' in Tang Contexts 15

Analytical Contexts 17

Sources 19

Organisation of the Thesis 23

Chapter 1 The Legal Conception of 'Subjects' and 'Foreigners' 25

The Conceptual Inheritance: The 'Hua-Yi Distinction' and its Reception under the Tang 26

The Institutional Precedents: the 'Hua-Yi Distinction' in State Administrations 30

The Political Circumstances: The Ethnic Background of the Tang Imperial Household 33

***Huàwai* and *Huànei*: Tang Legal Conceptions of Foreigners and Subjecthood** 36

Cognate Concepts: *Fan*, *Guo,* and Han 41

Legal Terms as Political Rhetoric 44

State Agenda Behind Legal Conceptions 48

Chapter 2 Subjecthood in State Administration 53

Household Registration, Taxation, and Labourer Recruitment 55

Household Registration and the Basic Obligations of Tang Subjects 55

Information Collected in the Household Registers 57

The Absorption of Non-Han People into the Empire 59

The Case of Sogdians....59
The Case of Gaochang....64
Subordinate Prefectures as Special Taxation Districts of the Empire....67
The Case of the Türks....69
The Case of the Lao People....76
Concluding Remarks....79

Chapter 3 Territory and State Control of Subjects.... 81

Political, Social, and Economic Contexts of the Travel Ban....82
Travel Restrictions under the Tang....84
Domestic Travel....84
Cross-Border Travel....86
Subordinate Prefectures and Emigration Control....90
The Experiences of Buddhist Monks....93
The Travels of the Three Monks....94
Breaking the Travel Ban....95
Empress Wu and the Relaxation of the Travel Restrictions....98
Expatriates: Their Affiliation with the Tang Court and their Lives in Foreign Polities..100
Tang Subjects Outside the Imperial Territory....101
The State Institutions for Returned Expatriates....103
Concluding Remarks....106

Chapter 4 Foreign Travellers and Naturalisation.... 108

Foreign Envoys....109
Tang Diplomacy and Foreign Emissaries' Activities....109
Tang Administration of Foreign Diplomatic Activities....111
Foreign Princes....115
Foreign Students as Hostages Held by the Tang Court....115
Exception: Nihon Students in the Tang Court....119
Buddhist Monks....123
Buddhism Under the Tang and the Visits of Foreign Monks....123
The Tang Rules for Foreign Monks....125
Merchants....129
Entry Permission and Naturalisation....129
Naturalised Subjects in Legal Cases....133
Concluding Remarks....136

Conclusion.... 138

Bibliography 142

List of Tables

Table 1 Tang Code's Articles on Foreign Crimes 48

List of Figures

Figure 1 The Register of the Households of Wang Miaozhi and Yu Sanyi of Cihui District, Dunhuang County, Shazhou Prefecture 57
Figure 2 Sogdian Communities in the Northern, Sui, and Tang Dynasties 61
Figure 3 Corvée Roster of Dunhuang County, Dunhuang Prefecture, 751 62
Figure 4 The Manual Declaration of An Kuzhiyan in Oct 640 66
Figure 5 The notification of the Jinman County, Tingzhou in 728 131

Notes

To respect the original use of Sinitic characters, this thesis does not impose any changes between simplified and traditional characters for publication data of Sinitic scholarship. As for the historical sources, this thesis presents them in original, traditional characters even they are published in simplified characters.

This thesis explores the formation of a pre-modern polity and therefore avoids the use of the modern nation-state names—'China', 'Korea', and 'Japan'—to prevent conceptual confusion. Instead, it refers to these polities by their contemporary names—the Tang, Goguryeo, and Nihon. The geographical area commonly called 'China proper' is referred to here as the 'Central Plains'. Derived from Sinitic language, *zhongyuan* 中原, the term is a common reference that the Tang people used to denote their geographical realm.

Introduction

In 642, Qibi Heli 契苾何力 (d. 677), a prince of a Türk 突厥 tribe and a prominent general of the Tang empire, was kidnapped by his tribesmen and taken to the Xueyantuo 薛延陀, whose khaghanate in present-day Mongolia was the dominant power in north Asia at the time and a rival to the Tang.[1] His tribesmen attempted to turn him against the Tang by force and thereby ally with the Xueyantuo. However, Qibi refused to submit to the khaghanate. According to one official account, when he was brought before the Xueyantuo khaghan, he shouted:

> How is it that a glorious warrior of the Great Tang comes to be humiliated by an alien court? May Heaven and Earth, the Sun and the Moon know my heart!
> 豈有大唐烈士，受辱蕃庭？天地日月，願知我心！[2]

He then cut off his left ear to assert his loyalty to the Tang. His refusal to submit irritated the khaghan, who wanted to kill him. But Qibi's uncompromising integrity impressed the wife of the khaghan so much that she stayed his execution. This poignant scene was later reported to the Tang court by envoys from the Xueyantuo. It is said to have deeply moved the Tang emperor, Taizong 太宗 (r. 626–649). Taizong immediately gave the hand of a princess in marriage to the khaghan of the Xueyantuo in exchange for Qibi's return to the Tang.[3]

Although Qibi pledged unswerving loyalty to the Tang court, he fully realised that he was not a member of the ethnically Han majority of the empire. In 633, for example, Qibi won a decisive battle in the Tang campaign against the

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[1] The tribe was Tiele 鐵勒. The Turkic equivalents of the names 'Xueyantuo' and 'Tiele' recorded in Tang sources are not certain. As noted by Peter B. Golden, Sergej G. Kljaštornyj has suggested that 'Xueyantuo' possibly derived from 'Sir Yamtar': 'Sir' might have referred to a Türk confederation and 'Yamtar' served as a personal name. Some scholars believe that 'Tiele' is the Sinitic rendering of 'Tokuz Oghuz'. But these hypotheses are yet to be firmly attested. See Peter B. Golden, 'The Ethnogonic Tales of the Türks', *The Medieval History Journal*, vol.21, no.2 (2018), p. 309; Pavel Rykin and Nikolai Telitsin, 'An Interpretation of Two Personal Names in the Ninth Line of the Tonyukuk Inscription (Toñ S2)', *Journal of the American Oriental Society*, vol. 140, no.2 (2021), pp. 291-292.
For Qibi's tribal background and this abduction episode, see his official biography in *Jiu Tang shu* 舊唐書, by Liu Xu 劉昫 (888-947) et al. (Beijing: Zhonghua shuju, 1975), 109.3292.

[2] *Ibid*. His biography in *Xin Tang shu* 新唐書 records his words with a few stylistic differences without change of meaning. See *Xin Tang shu*, by Ouyang Xiu 歐陽修 (1007-1072) et al. (Beijing: Zhonghua shuju, 1975), 110.4118.

[3] *Jiu Tang shu*, 109.3292.

Tuyuhun 吐谷渾, a nomadic kingdom in what is now Qinghai. But a general of Han ethnicity had claimed Qibi's victory as his own. When Emperor Taizong learned of this fraud, he wanted to punish the general, but Qibi dissuaded him from doing so:

> I am afraid that when the aliens [*fan*] hear of this, they will think that Your Majesty favours aliens over Han…. Moreover, barbarians [*Yi-Di*] are ignorant [about what has happened]. Some may believe that Han officials are all like this. This is certainly not a method of achieving stability and tranquillity.
> 恐諸蕃聞之，以為陛下厚蕃輕漢……又夷狄無知，或謂漢臣皆如此輩，固非安寧之術也。

Emperor Taizong endorsed his suggestion and did not punish the Han general.[4]

Fan 蕃 was a generic term used in Tang texts to refer to people or things of foreign origin. It primarily denoted those of foreign polities. We have already seen how in 642 Qibi Heli used the term 'alien court', *fanting* 蕃庭, in direct contrast to 'the Great Tang' 大唐. The term *fan* was also employed as an ethnic marker to indicate non-Han peoples.[5] This is how Qibi Heli used the term in his statement in 633. It is interchangeable with another term, 'Yi-Di' 夷狄, translated here as 'barbarians'. The earliest version of Qibi Heli's speech that survives was written by court historians three centuries after the event, and it cannot be taken as a transcription of Qibi's original words.[6] Marc Abramson has indicated that this kind of generic term was created by the Han people as a convenient label by which to identify foreigners. Non-Han people used more precise terms and frameworks to differentiate among themselves.[7] Yet, by suggesting that punishing the Han

[4] This speech and both episodes are found in *Jiu Tang shu* and *Xin Tang shu*, though the latter records the words of Qibi have slight stylistic differences. See *Jiu Tang shu*, 109.3292; *Xin Tang shu*, 110.4118.

[5] The meanings of *fan* will be further explored in Chapter 1.

[6] Importantly for our purposes, it is hard to assess whether the tenth-century official historians preserved an original use of the term *fan* or added it themselves. Yet several early Tang texts offer independent evidence that the term was used in the seventh and early eighth centuries in line with its meanings here. See, for example, 'Tao Tuyuhun zhao' 討吐谷渾詔 in *Tang da zhaoling ji*, 唐大詔令集, by Song Minqiu 宋敏求 (1019-1079) et al. (Beijing: Shangwu yinshuguan, 1958), 130.702; 'Taofa Kang Daibin yudang chi' 討伐康待賓餘黨敕, in *Tang da zhaoling ji bubian* 唐大詔令集補編 by Li Xibi 李希泌 et al. (Shanghai: Shanghai guji chubanshe, 2003), 33.1471.

[7] Also, there is a debate on whether or not a truly generic term for all non-Han people exists in classical or literal Sinitic language. In discussing the equivalents for the Hellenic concept of 'barbarian' in the language, Owen Lattimore, Nicola Di Cosmo, Andrew Gillett, Christopher Beckwith, and Li Wai-yee 李惠儀 have doubted that 'Yi' ever served as such a generic term, because it originally denoted only the ethnic outsiders in the east. This would imply that no term in Literary Sinitic language corresponded directly to the semantic scope of 'barbarian'. Yet, as Fang Weigui, Poo Mu-chou, Yang Shao-yun, Uffe Bergeton, and Randolph Ford have argued,

general might cause a misunderstanding among the non-Han, Qibi acknowledged that he was ethnically different from the Han. He implied a certain degree of expertise in non-Han affairs though, at the same time, distinguished himself from the 'ignorant barbarians'.

These two episodes highlight the complexity of Qibi Heli's personal sense of belonging, on the one hand, and inform our broader understanding of Tang conceptions of subjecthood, on the other hand. Qibi did not think that he belonged to the ethnic Han majority, yet he remained fiercely loyal to the Tang court. Beyond Qibi Heli himself, the Qibi family simultaneously retained strong non-Han characteristics and served the Tang Dynasty. For at least seven generations, they married members of other non-Han clans while also serving the court.[8] And Qibi

'Yi' indeed could be, and was, often extensively used to refer to non-Han people in general. In fact, in explaining the meaning of 'Yi' in annotating pre-Qin Confucian classics, Kong Yingda 孔穎達 (574-648) and his team of compilers clearly indicated that, '"Yi" serves as a generic name for [all the non-Han people] of the Four Cardinal Directions' 夷為四方總號. In his view, Rong 戎, the non-Han people in the west, could also be called 'Yi'. This shows that by the Tang, 'Yi' was seen as a general term comparable to the concept of 'barbarian'. See *Chunqiu Zuo zhuan zhushu* 春秋左傳注疏 in *Shisan jing zhushu* 十三經注疏, by Ruan Yuan 阮元 (1764-1849) et al. (Nanchang edn. of 1815, rpt. Taipei: Yiwen yinshuguan, 1960), 20.347a; Owen Lattimore, *Inner Asian Frontiers of China* (Boston: Beacon Press, 1967), p. 18; Nicola Di Cosmo, *Ancient China and Its Enemies: The Rise of Nomadic Power in East Asian History* (Cambridge; New York: Cambridge University Press, 2002), p. 96; Andrew Gillett, 'The Mirror of Jordanes: Concepts of the Barbarian, Then and Now' in Philip Rousseau, ed., *A Companion to Late Antiquity* (Chichester, West Sussex: Wiley Blackwell, 2009), p. 397; Christopher I. Beckwith, *Empires of the Silk Road: A History of Central Eurasia from the Bronze Age to the Present* (Princeton: Princeton University Press, 2009), pp. 357-362; Fang Weigui, 'Yi, Yang, Xi, Wai and Other Terms: The Transition from 'Barbarian' to 'Foreigner' in Nineteenth-Century China', in Michael Lackner, Iwo Amelung, and Joachim Kurtz, ed., *New Terms for New Ideas: Western Knowledge and Lexical Change in Late Imperial China* (Leiden: Brill, 2001), p. 96; Poo Mu-chou, *Enemies of Civilization: Attitudes toward Foreigners in Ancient Mesopotamia, Egypt, and China* (New York: State University of New York Press, 2005), pp. 43-44; 46-47; Yang Shao-yun, *Reinventing the Barbarian: Rhetorical and Philosophical Uses of the Yi-Di in Mid-Imperial China, 600-1300*, Ph.D. diss. (University of California, Berkeley, 2014), pp. xiii-xvii; Uffe Bergeton, *The Emergence of Civilizational Consciousness in Early China: History Word by Word* (London; New York: Routledge, 2019), pp.135-17; Li Wai-yee, 'Hua-Yi zhi bian, Hua-Yi zhi bian: cong *Zuo zhuan* tanqi' 華夷之辨, 華夷之辯: 從《左傳》談起, in *Lingnan xuebao* 嶺南學報, vol.13, no.1 (2020), p.20; Randolph Ford, *Rome, China, and the Barbarians: Ethnographic Traditions and the transformation of Empires* (Cambridge: Cambridge University Press, 2020), pp.96-105; Marc Abramson, *Ethnic Identity in Tang China* (Philadelphia: University of Pennsylvania Press, 2008), pp. viii-xi.

[8] Tomb inscriptions of members of Qibi family have been discovered that show their lives under the Tang. They include the inscriptions of Qibi Ming 契苾明 (650-695), the first son of Qibi Heli; Mrs Shi 史氏 (655-720), the sixth daughter of Qibi Heli; Qibi Song 契苾嵩 (d. 730), the second son of Ming; Mrs Hun 渾氏 (683-706), Ming's daughter; Qibi Shangbin 契苾尚賓 (706-739), a great grandson of Qibi Heli; Qibi Tong 契苾通 (784-854), the fifth generation of the Qibi family since Qibi Heli; and Tong's wife, Mrs Qibi. See *Shike shiliao xinbian* 石刻史料新編, ed. Xinwenfeng chuban bianjibu 新文豐出版編輯部 (Taipei: Xin wenfeng chuban, 1977), vol. 1, p. 1191; *Sui Tang Wudai muzhi huibian* 隋唐五代墓志匯編, ed. Wu Gang 吳鋼 (Tianjin: Tianjin guji chubanshe, 1991), Shaanxi 陝西, vol. 4, p. 137; *Tangdai muzhi huibian* 唐代墓志匯編, ed. Zhou Shaoliang 周紹良 (Shanghai: Shanghai guji chubanshe, 1992), pp. 1374-1375, 2261; *Tangdai muzhi huibian xuji* 唐代墓志匯編續集, ed. Zhou Shaoliang (Shanghai: Shanghai guji chubanshe,

Heli was only one among many non-Han commanders who served the Tang court, albeit a particularly prominent one. Generals from Sogdian, Xianbei 鮮卑, Goguryeo 高句麗, and other foreign backgrounds were also active in the Tang's military forces.[9] These figures were known as 'alien generals' 蕃將.[10] Their presence in Tang territory was a result of the massive influx of foreign people to the Central Plains under the rise of a series of non-Han regimes in the region following the fall of the Eastern Han 東漢 (25-220).[11] During Taizong's reign, the Tang also expanded its territory towards Central Asia and the Korean peninsula, thereby incorporating even more people from foreign polities. On the one hand, these non-Han inhabitants of the Tang empire seem to have been able to preserve their ethnicity throughout the Tang period, like the Qibi family did. On the other hand, they made significant contributions to the Tang empire.

The significant presence of non-Han peoples has earned the Tang a reputation as a 'cosmopolitan empire', but most accounts take the Tang's control over such a multi-ethnic population for granted.[12] They seldom question how the Tang court managed to rule peoples of different cultural backgrounds or how it developed an effective mode of political and institutional organisation to assert successful control of those peoples. The episode with Qibi Heli suggests, first of all, that allegiance to the Tang court was more important than ethnicity in

2001), p. 478; *Quan Tang wen buyi* 全唐文補遺, ed. Shaanxi sheng guji zhengli bangongshi 陝西省古籍整理辦公室 (Xi'an: San Qin chubanshe, 1994), vol. 7, p. 350; vol. 8, p. 27. According to these records, Qibi Heli and Qibi Ming married Tang princesses, but Qibi Heli's daughter Mrs Shi and Qibi Tong married Sogdians. Qibi Song married an Uyghur. Ming's daughter, Mrs Hun, married a member of the Tiele tribe. For discussion of the marriages of Qibi family, see Dong Chunlin 董春林, *Tangdai Qibi jiazu yanjiu* 唐代契苾家族研究, M.A. diss. (Xiangtan daxue, 2008), pp. 22-25; Nishimura Yoko 西村陽子, 'Tō-matsu Go-dai no Dai-hoku ni okeru Sada shūdan no naibu kōzō to Dai-hoku Suiun-shi – "Ki-hitsu Tsū boshi mei" no bunseki o chūshin toshite' 唐末五代の代北における沙陀集団の内部構造と代北水運使 –「契苾通墓誌銘」の分析を中心として, in *Nairiku Ajia-shi kenkyū* 内陸アジア史研究, vol. 23 (2008), pp. 1-24; Zhang Wenyan 张文燕, *Tangdai Qibi Heli jiazhu jiguan bianqian* 唐代契苾何力家族籍貫变迁, M.A. diss. (Minzu daxue, 2013), pp. 10-36.

[9] As in the cases of 'Xueyantuo' and 'Tiele', the etymological origins of 'Xianbei' in Central Asian languages is unclear. Modern scholars have attempted to reconstruct the pronunciation of 'Xianbei' in early medieval Sinitic as 'Serbi' or 'Särbi'. But this is a modern creation and unattested in any primary source. See the summary of the issue by Hoong Teik Toh, 'The -yu Ending in Xiongnu, Xianbei, and Gaoju Onomastica', *Sino-Platonic Papers*, no.146 (2005), pp. 10-12.

[10] For studies of 'alien generals', see Zhang Qun 章群, *Tangdai fanjiang yanjiu* 唐代蕃將研究 (Taipei: Lianjing chuban, 1986); and idem, *Tangdai fanjiang yanjiu (xubian)* 唐代蕃將研究 (續編) (Taipei: Lianjing chuban, 1990).

[11] For the immigration of non-Han peoples into the Central Plains during this period, see Ge Jianxiong 葛剑雄, *Zhongguo yimin shi: Xian-Qin zhi Wei Jin Nanbeichao shiqi* 中国移民史: 先秦至魏晋南北朝时期 (Fuzhou: Fujian renmin chubanshe, 1997), vol. 2, pp. 453-602.

[12] See, for example, the use of this phrase by Mark Lewis in the title of his *China's Cosmopolitan Empire: The Tang Dynasty* (Cambridge, Mass.: Harvard University Press, 2009).

building relationships between Tang emperors and their non-Han subjects.[13] When Qibi reportedly left the Tang for the khaghanate of the Xueyantuo, certain court officials suspected him of fomenting rebellion. But, in the official record, Taizong appears never to have lost faith in Qibi, although Qibi was not Han.[14] He also did not hesitate to save him by giving away a princess in marriage to the Xueyantuo in exchange for Qibi's return, as mentioned. Beyond Taizong's relationship with Qibi, the Tang court continued to employ members of the Qibi family in high-ranking military positions for generations, showing that non-Han subjects could still be trustworthy and valuable members of the empire.[15]

If ethnicity was not the primary concern in the state's treatment of non-Han generals such as Qibi Heli, then what integrated these people into a unified entity? As we will see in what follows, Taizong's attitude towards Qibi Heli was consistent with how the Tang court defined subjecthood in legal terms. Political affiliation, not ethnicity, was the central criterion used to identify its subjects under the law. This system of subjecthood was vital for the court to prescribe punishments appropriate for local and foreign criminals, as well as to register non-Han peoples as Tang subjects for taxation and labour recruitment. In other words, Qibi's experiences not only represent the complex relationships between the non-Han peoples and the Tang court, but also hint at the institutional mechanisms on the basis which the court formed and operated its multi-ethnic empire.

This thesis aims to investigate key institutional mechanisms of multi-ethnic rule. It analyses how political affiliation became the focus of the Tang court in developing its notion of subjecthood, and how were such notions were administered in practice. Only with this legal and institutional perspective can we seek to explain how the Tang empire managed to govern a vast territory and a large multi-ethnic population. Imperial laws and administration are therefore the focus of this thesis.

Qibi Heli lived in a seventh-century environment that would undergo radical changes a century later, with the An Lushan 安祿山 rebellion (755-764).

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[13] Jonathan K. Skaff has portrayed Qibi's loyalty to Taizong as the ideal relationship between Türk-Mongol military men and Tang emperors, which accommodated both the Confucian ideal of loyalty, *zhong* 忠, and the dedication of a military client to his patron as recognised in Türk-Mongolian culture. See his *Sui-Tang China and Its Turko-Mongol Neighbors: Culture, Power and Connections, 580-800* (Oxford: Oxford University Press, 2012), pp. 100-101.

[14] *Jiu Tang shu*, 109.3292; *Xin Tang shu*, 110.4118.

[15] The Qibi family occupied a hereditary position as governor of Helan Prefecture 賀蘭州 (in present-day central Gansu Province) and other military posts in the Tang forces. Until the third generation after Qibi, they usually served at or above rank 3b. Their status later declined, but they still secured positions at ranks 4 and 5. They later revived in mid-Tang when Qibi Tong achieved positions at rank 3. See Dong Chunlin, *Tangdai Qibi jiazu yanjiu*, pp. 17-22.

The Central Plains became very different in almost all aspects from that time on. This triggered a strong anti-foreign sentiment among the Han people from the mid-eighth century on, and it considerably changed the ethnic dynamics and relations of the Central Plains.[16] Tang law also changed after An Lushan's rebellion. Since the Tang court could no longer assert effective control over the whole empire after the rebellion, it relied on *ad hoc* regulations to issue new laws that eventually developed a new legal system close to case law that was fundamentally different from the one in early Tang.[17] The conceptions and institutions of subjecthood after the mid-eighth century should therefore be understood in very different political, ethnic and legal contexts and deserve an independent study. This thesis restricts itself to the period before the outbreak of the rebellion and leaves subsequent developments for future research.

Historical Contexts

Tang Foreign Relations

Three historical contexts will be particularly important in framing the analysis that follows. The first is the Tang's foreign relations. The fundamental reason for the need to differentiate subjects from non-subjects was that the Tang did not rule the entirety of its known world and thus foreign powers and foreign subjects existed. A series of foreign rivals vigorously challenged the Tang's sovereignty and territorial control throughout the early half of the Tang's time. In this competitive political environment, the early Tang court developed a notion

[16] While Yang Shao-yun has recently argued that such change of attitude towards foreigners was not only the result of the An Lushan rebellion or the subsequent foreign invasions, he has still confirmed that the literati of Han ethnicity substantially changed their attitude towards non-Han people from the ninth century on. See his *The Way of the Barbarians: Redrawing Ethnic Boundaries in Tang and Song China* (Seattle: University of Washington Press, 2019). For more on the impact of the rebellion on ethnic relations in the Central Plains, see also Herbert Franke and Denis C. Twitchett, ed., *The Cambridge History of China* (Cambridge: Cambridge University Press, 1994), vol. 6, Alien Regimes and Border States, 907-1368, pp. 1-14; Marc Abramson, *Ethnic Identity in Tang China*, pp. xiv-xv; Fu Lecheng 傅樂成, 'Tangdai Yi-Xia guannian zhi zhuanbian' 唐代夷夏觀念之轉變, in *Han Tang shi lunji* 漢唐史論集 (Taipei: Lianjing chuban, 1977), pp. 209-226; Charles Holcombe, 'Immigrants and Strangers: From Cosmopolitanism to Confucian Universalism in Tang China', in *Tang Studies*, vol. 20/21 (2002), pp. 20-21, pp. 71-112; Xu Zhuoyun 许倬云, *Wan'gu jianghe: Zhongguo lishi wenhua de zhuanzhe yu kaizhan* 万古江河: 中国历史文化的转折与开展 (Shanghai: Shanghai wenyi chubanshe, 2006), pp. 148-176; Sugiyama Masaaki 杉山正明, *Shikkusuru sōgen no seifukusha: Ryō Seika Kin Gen* 疾駆する草原の征服者: 遼西夏金元 (Tōkyō: Kōdansha, 2005), pp. 22-365.

[17] This new legal tradition lasted until the Yuan dynasty. See Dai Jianguo 戴建国, *Tang Song biange shiqi de falü yu shehui* 唐宋变革时期的法律与社会 (Shanghai: Shanghai guji chubanshe, 2010), pp. 35-219; Bettine Birge, *Marriage and the Law in the Age of Khubilai Khan: Cases from the Yuan dianzhang* (Cambridge, Massachusetts: Harvard University Press, 2017), pp. 52-56.

of subjecthood by which it could identify those under its direct rule and, as a corollary, which it might take as the foundation for its power.

Wang Zhenping has pointed out that the Tang empire was part of a 'multi-polar Asia' in which polities competed against one another for power and none was able to dominate the entire region. Although the Tang was a major political power in Asia at this time and enforced tribute status on many surrounding polities, its relationships with them were largely nominal.[18] The absence of codified international law further contributed to this basic instability and, as Johnathan K. Skaff has noted, led to an ongoing flux of territorial expansion and contraction as different empires and kingdoms invaded one another.[19] Tineke D'Haeseleer has described this competitive nature of inter-polity relations in pre-modern East Asia through a model of galactic polity. Similar to the cosmic order in which planets are kept in orbit by the sun, smaller polities became satellites of their more powerful neighbours. But the relations between these polities depended on their balance of power. Smaller polities could gain independence or be captured by other powers when the great powers weakened, just like the planets may leave the sun if there is a decline in the sun's gravity.[20]

A prime example of Tang's strong foreign rivals was the Türks. Since the mid-sixth century, the Türk empire had dominated Central and Northeast Asia.[21] In the 580s, despite the fact that the empire had divided into two, the Türks remained influential throughout the region during the early years of the Tang dynasty.[22] The founding emperor of the Tang, Gaozu 高祖 (r. 618-626), was once a vassal of the Eastern Türks and relied on their military support to rebel against

[18] Wang Zhenping, *Tang China in Multi-polar Asia: A History of Diplomacy and War* (Honolulu: University of Hawai'i Press, 2013), pp. 1-2.

[19] Johnathan K. Skaff, *Sui-Tang China and Its Turko-Mongol Neighbors*, p. 105.

[20] This model is originally formulated by Stanley Tambiah, as noted by D'Haeseleer herself. See Tineke D'Haeseleer, *Northeast Asia during the Tang Dynasty: Relations of the Tang Court with Koguryŏ, Bohai, and Youzhou-Yingzhou*, Ph.D. diss. (University of Cambridge, 2011), pp. 13-16.

[21] Wu Yugui 吴玉贵, *Tujue hanguo yu Sui Tang guanxi shi yanjiu* 突厥汗国与隋唐关系史研究 (Beijing: Zhongguo shehuikexue chubanshe, 1998), p. 1. Cen Zhongmian 岑仲勉 has critically summarised accounts of the Türks in Sinitic sources and has produced a chronological account of the Türk empire, *Tujue jishi* 突厥集史 (Beijing: Zhonghua shuju, 1958). For the rise of the empire before Tang, see vol.1, pp. 3-114. General accounts of Türk history also discuss the early growth of the Türk empire, see Lin Enxian 林恩顯, *Tujue yanjiu* 突厥研究 (Taipei: Taiwan shangwu yinshuguan, 1988), pp. 1-50; Denis Sinor, 'The Establishment and Dissolution of the Türk Empire', in *The Cambridge History of Early Inner Asia* (Cambridge: Cambridge University Press 1990), pp. 285-300; Xue Zongzheng 薛宗正, *Tujue shi* 突厥史 (Beijing: Zhongguo shehui kexue chubanshe, 1992), pp. 86-138.

[22] For discussion of the split of the Türk empire, see Lin Enxian, *Tujue yanjiu*, pp. 51-77; Denis Sinor, 'The Establishment and Dissolution of the Türk Empire', pp. 305-307; Wu Yugui, *Tujue hanguo yu Sui Tang guanxi shi yanjiu*, pp. 21-26. Zhu Zhenhong 朱振宏 has also analysed the split of the empire from the perspective of Western Türks: *Xi Tujue yu Suichao guanxi shi yanjiu* 西突厥與隋朝關係史研究 (Xinbei: Daoxiang chuban, 2015), pp. 27-124.

the Sui 隋 court.[23] In 624, the Eastern Türks' invasion of the Tang also urged the Tang court to consider a scorched-earth tactic by burning the empire's capital, Chang'an 長安, and relocating to the east. This plan was only suspended after strong opposition of Emperor Taizong for the damage that it would do to the Tang court's power and authority. Taizong himself led armies to expel the invasion afterwards.[24] In 630, he took advantage of the civil war raging among the Eastern Türks to conquer them.[25] In 642, he also defeated the Western Türks and so finally eliminated the most significant threat of the time.[26] However, these conquests left more than a hundred thousand of vanquished Türk people subject to Tang's rule. How the Tang court attempted to find ways of incorporating large number of Türk tribes into the empire will draw our attention in Chapter 2.

The Tang's second major rival was Tibet 吐蕃. The Tibetan empire rose after the collapse of the Western Türks and threatened the Tang's western frontier from what is now Xinjiang region to the Sichuan and Yunnan provinces. Situated in a cold and dry plateau with scarce natural resources to the north of the Himalayas, the Tibetans tended to expand towards the lowlands to the north and the east.[27] On reaching Tang territory, they created relentless conflicts with the Tang.[28] The key event was their invasion of the Tang's four major military stations on its western border. Following the conquest of the Western Türks, the Tang court established four garrisons in former Türk vassal kingdoms in Central Asia under the Anxi Protectorate Office 安西都護府, the headquarters of the Tang's western forces.[29] Known as 'the Four Garrisons of Anxi' 安西四鎮, these

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[23] Chen Yinke 陳寅恪, 'Lun Tang Gaozu chengchen yu Tujue shi' 論唐高祖稱臣於突厥事, in *Hanliu tang ji* 寒柳堂集 (Beijing: Sanlian shudian, 2001), pp. 108–132; Wong Yue-sat 黃約瑟 (Joseph Wong), 'Lüelun Li-Tang qibing yu Tujue guanxi' 略論李唐起兵與突厥關係, in *Shihuo yuekan* 食貨月刊, vol. 16 (1988), pp. 434-445; Wu Yugui, *Tujue hanguo yu Sui Tang guanxi shi yanjiu*, pp. 148-160; Pan Yihong, *Son of Heaven and Heavenly Qaghan: Sui-Tang China and Its Neighbors* (Bellingham, Washington: Center for East Asian Studies, Western Washington University, 1997), pp. 171-174.

[24] *Zizhi tongjian* 資治通鑑, by Sima Guang 司馬光 (1019-1086), et al. (Beijing: Zhonghua shuju, 1956), 191.5984.

[25] For details of this campaign, see Wang Xiaofu, *Tangchao dui Tujue de zhanzheng* 唐朝对突厥的战争 (Beijing: Huaxia chubanshe, 1997), pp. 61-67; David Graff, 'Strategy and Contingency in the Tang Defeat of the Eastern Turks, 629-630', in Nicola Di Cosmo, ed., *Warfare in Inner Asian History, 500–1800* (Leiden: Brill, 2002), pp. 33-71.

[26] Wu Yugui, *Tujue hanguo yu Sui Tang guanxi shi yanjiu*, pp. 375-404.

[27] Lin Guanqun 林冠群, *Tangdai Tufan shi yanjiu* 唐代吐蕃史研究 (Taipei: Lianjing chuban, 2011), pp. 10-11.

[28] Helmut Hoffman, 'Early and medieval Tibet', in *The Cambridge History of Early Inner Asia*, pp. 376-377; Lin Guanqun, *Yubo gange: Tang Fan guanxi shi yanjiu* 玉帛干戈: 唐蕃關係史研究 (Taipei: Lianjing chuban, 2016), pp. 99-142.

[29] It is not certain which were the four garrisons because Tang records are conflicting. While all accounts mention Kuci 龜茲 (present-day Luntai, Xinjiang region), Yutian 于闐 (present-day Hetian, Xinjiang region), and Shule 疏勒 (present-day Kashgar, Xinjiang region), some refer to Suyab 碎葉 (present-day Chuy, Kyrgyzstan) as the fourth garrisons and some to Yanqi 焉耆

military stations safeguarded the Tang's western borderland, which also became a target of Tibet's expansion. In 665, Tibet started to invade the garrisons and conquered all four in 670, which provoked a decades-long competition between the two empires for the control of the garrisons. It was only from 692 that the Tang was able to consolidate its control of the garrisons against Tibetan invasion. Yet, from the 720s, Tibet organised another series of sustained raids on the Tang border. Tibet remained a major enemy of the Tang until it declined in the ninth century.[30] Through these military campaigns, the Tibetans asserted their power over neighbouring polities and turned many of the Tang's dependent polities against it. The strong threat of the Tibetan empire will serve as a background to Chapter 3, where we will examine the Tang court's attempts to administer its dependent polities.

Apart from the Türks and Tibetans, the people of Goguryeo and the Mohe 靺鞨 also pressured the Tang's north-eastern border.[31] With its capital situated in the western part of the empire, the Tang court installed most of its military forces in the metropolitan region and the west to defend against such western rivals as the Türks and Tibetans. This made its defensive power relatively weak in the east.[32] This encouraged the emergence of successive rivals from the northeast.

(present-day Yanqi, Xinjiang region). The locations of these garrisons have also become subject to lively debate in modern scholarship. See the summary of the debate in Zeng Xianxi 曾賢熙, *Tangdai qianqi (618-755) dui Anxi sizhen de jingying* 唐代前期 (618-755) 對安西四鎮的經營 (Xinbei: Hua Mulan wenhua chubanshe, 2011), pp. 1-2; Shang Yongliang 尚永亮, 'Tang Suiye yu Anxi sizhen bainian yanjiu shulun' 唐碎叶与安西四镇百年研究述论, in *Zhejiang daxue xuebao (renwen shehui kexue ban)* 浙江大学学报 (人文社会科学版), vol. 46, no. 1 (2016), pp. 39-56.

[30] *Xin Tang shu*, 216.6078-6079. For further discussion of the competition between the Tang and Tibet for the control of Anxi regions, see Christopher I. Beckwith, *The Tibetan Empire in Central Asia* (Princeton: Princeton University Press, 1987), pp. 37-54; Xue Zongzheng, *Anxi yu Beiting: Tangdai xichui bianzheng yanjiu* 安西与北庭—唐代西陲边政研究 (Ha'erbin: Heilongjiang jiaoyu chubanshe, 1995), pp. 65-181; Zeng Xianxi, *Tangdai qianqi (618-755) dui Anxi sizhen de jingying*, pp. 61-98; Shi Molin 石墨林, *Tang Anxi duhufu shishi biannian* 唐安西都护府史事编年 (Wulumuqi: Xinjiang renmin chubanshe, 2012), pp. 202-276; Lin Guanqun, *Yubo gange: Tang Fan guanxi shi yanjiu*, pp. 174-218; Helmut Hoffman, 'Early and Medieval Tibet', 382-385; Lin Guanqun, *Yubo gange,* pp. 339-542.

[31] Whether the Mohe (or Molgal in McCune-Reischauer romanisation) should be seen as related to the 'Chinese' or 'Korean' peoples is a subject of considerable debate among modern scholars. By and large, this debate proceeds from patriotic sentiment in China and Korea today, with implications of modern national and territorial claims. This thesis has no intention of intervening in the debate. The adoption of the Sinitic romanisation of 'Mohe' should not be taken to imply a belief that this people was 'Chinese'. Instead, it simply reflects this thesis' focus on Tang, Sinific sources. For the debate surrounding the national associations of the Mohe people, see Wei Guozhong, Zhu Guochen and Hao Qingyun, *Bohai guo shi*, pp. 234-244; Han Ciu-cheol. 'The Ethnic Composition of Parhae's Population' in Tongbuga Yŏksa Chaedan, ed., *A New History of Parhae*, trans. John B. Duncan (Leiden; Boston: Brill, 2012), pp. 15-20; Guo Sumei 郭素美 and Liang Yuduo 梁玉多, *Bohai Mohe minzu yuanliu yanjiu* 渤海靺鞨民族源流研究 (Beijing: Shehui kexue wenxian chubanshe, 2015), pp. 121-154.

[32] Gu Jiguang 谷霽光, *Fubing zhidu kaoshi* 府兵制度考釋 (Shanghai: Shanghai renmin chubanshe, 1962), pp. 153-158; Kikuchi Hideo 菊池英夫, 'Tō sesshōfu no bunpu mondai ni kansuru ichi

The first that threated the Tang was Goguryeo, which was keen on expanding for more resources and greater space for development.[33] It often attacked envoys of Baekje 百濟 and Silla 新羅, the two other kingdoms on the peninsula, in an attempt to cut off the Tang's connections with other polities of the region.[34]

From the 640s, when the Eastern Türks had fallen and the Tibetans had not yet started to invade the Anxi garrisons, the Tang court shifted its focus to the east to eliminate Goguryeo. In 660, as the result of the Tang eastern campaign, the Tang court conquered Baekje, now Goguryeo's ally. In 668, it defeated Goguryeo itself.[35] But the Tang court was unable to maintain its rule over the Korean peninsula in the face of severe local upheavals. In 670, the Tang court had to withdraw its army from the peninsula to defend against the Tibetan invasion. During its withdrawal, it abducted many former subjects of Goguryeo during the retreat.[36] Against this background, when the Tang court promulgated its official commentary on the Code in 653, the Goguryeo kingdom became a standard point of reference in it to explain the Tang concept of subjecthood. We will examine what this entailed in Chapter 1.

The fall of Goguryeo and the withdrawal of Tang forces left a power vacuum in northeast Asia that encouraged the expansion of the Mohe.[37] Travel control was a major measure to maintain subjecthood as will be illustrated in

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kaishaku' 唐折衝府の分布問題に関する一解釈, in *Tōyō-shi kenkyū* 東洋史研究, vol. 27, no. 2 (1968), pp. 1-37; Kang Le 康樂, *Tangdai qianqi de bianfang* 唐代前期的邊防 (Taipei: Guoli Taiwan daxue chuban, 1979), pp. 146-150; David Graff, *Medieval Chinese Warfare 300-900* (London: Routledge, 2001), pp. 190-191.

[33] Since the third century, Goguryeo had attempted to invade the area of present-day Liaodong peninsula, provoking intense conflict with different polities on the Central Plains. Goguryeo also expanded south into the Korean peninsula when there were chances. See Yi Ki-baek 李基白, *Kankoku shi shinron* 韓國史新論, trans. Takeda Yukio 武田幸男 (Tōkyō: Gakuseisha, 1979), pp. 72-73; No T'ae-don 盧泰敦 *Gaogouli shi yanjiu* 高句麗史研究, trans. Zhang Chengzhe 張成哲 (Taipei: Taiwan xuesheng shuju, 2007), pp. 210-211; Yang Xiuzu 杨秀祖, *Gaogouli jundui yu zhanzheng yanjiu* 高句丽军队与战争研究 (Changchun: Jilin daxue chubanshe, 2010), pp. 3-112.

[34] Yi Ki-baek, *Kankoku shi shinron*, pp. 75-76; Tonami Mamoru and Takeda Yukio, *Zui Tō teikoku to kodai Chōsen*, p. 364.

[35] For further discussion of the war and conquest, see David Graff, *Medieval Chinese Warfare 300-900*, pp. 198-201; Kobayashi Yasuko 小林惠子, *Hakusukinoe no tatakai to Jinshin no ran: Tō shoki no Chōsen sangoku to Nihon* 白村江の戰いと壬申の亂: 唐初期の朝鮮三國と日本 (Tōkyō: Gendai Shichōsha, 1988), pp. 66-132; Liu Ju 刘矩 and Jiang Weidong 姜维东, *Tang zheng Gaogouli shi* 唐征高句丽史 (Changchun: Jilin renmin chubanshe, 2006), pp. 53-269; Yang Xiuzu, *Gaogouli jundui yu zhanzheng yanjiu*, pp. 150-206.

[36] Yi Ki-baek, *Kankoku shi shinron*, pp. 97-99; Tonami Mamoru and Takeda Yukio, *Zui Tō teikoku to kodai Chōsen*, pp. 382-382; Liu Ju and Jiang Weidong, *Tang zheng Gaogouli shi*, pp. 277-293; Wang Zhenping, *Tang China in Multi-polar Asia: A History of Diplomacy and War*, pp. 55-85.

[37] For the impact of the fall of Goguryeo and the retreat of the Tang forces on the balance of power of northeast Asia, see Denis C. Twitchett and Klaus-Peter Tietze, 'The Liao', in *The Cambridge History of China*, vol. 6, pp. 48; Wei Guozhong 魏国忠, Zhu Guochen 朱国忱 and Hao Qingyun 郝庆云, *Bohaiguo shi* 渤海国史 (Beijing: Zhongguo shehui kexue chubanshe, 2006), pp. 1-6; Wang Zhenping, *Tang China in Multi-polar Asia: A History of Diplomacy and War*, p. 86.

Chapter 3. The foreign relation that shaped the Tang's travel policy should thus be noted as well. The Mohe resided across the present-day southeast Russia and Heilongjiang province of the People's Republic of China. They offered their allegiance to the Türks.[38] Following the decline of the Türks, they assembled various northeast Asian tribes, including the Goguryeo people and established the Mohe kingdom 靺鞨國 in southern Manchuria in 698.[39] Mohe rulers received the title of Commandery Prince of Bohai 渤海郡王 from the Tang court as a result of their tribute paid to the Tang court in 713, and the Mohe accepted nominal status as a Tang vassal polity. They later renamed their polity as the 'Kingdom of Bohai' 渤海國 (or the Kingdom of Balhae in McCune-Reischauer romanisation of the title).[40] They built up a peaceful relationship with the Tang empire and took advantage of the relationship to expand their territory in northeast Asia. In 732, with the expansion of the kingdom, the Mohe's ambition had grown so much that they invaded the Tang's prefecture of Dengzhou 登州 (present-day Weihai, Shandong province).[41] This invasion failed, but it alerted the Tang court to the Mohe's potential threat. It is likely that the growing threat posed by the Mohe's expansion contributed to the Tang's strict border control over outbound travel in the east: As so often happened, foreign relations shaped domestic policy. Since travel control was a major measure by which the Tang court maintained power over its subjects, we will return to the impact of the Mohe in Chapter 3.

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[38] Ma Yihong 马一虹, *Mohe, Bohai yu zhoubian guojia, buzu guanxi shi yanjiu* 靺鞨, 渤海与周边国家, 部族关系史研究 (Beijing: Zhongguo shehui kexue chubanshe, 2011), pp. 66-85; 105-119.

[39] For the establishment of the Mogher kingdom, see Jin Yufu 金毓黻, *Bohaiguo zhi chang bian* 渤海國志長編 (Taipei: Huwen shuju, 1968), pp. 11-12; Wei, Guozhong, Zhu Guochen and Hao Qingyun, *Bohaiguo shi*, pp. 41-69; Sakayori Masashi 酒寄雅志, *Bokkai to kodai no Nihon* 渤海と古代の日本 (Tōkyō: Azekura Shobō, 2001), pp. 50-54; Liu Haiyang 刘海洋 and Zhao Zhenhai 赵振海, *Bohai lishi biannian* 渤海历史编年 (Beijing: Kexue chubanshe, 2017), pp. 45-48.

[40] *Xin Tang shu*, 218.6180; Jin Yufu, *Bohaiguo zhi chang bian*, pp. 11-13; Wei, Guozhong, Zhu Guochen and Hao Qingyun, *Bohaiguo shi*, pp. 50-65; Liu Haiyang and Zhao Zhenhai, *Bohai lishi biannian*, pp. 49-50.
As with the rendering of Mohe, the present use of the Sinitic term 'Bohai' should not be taken to imply that the kingdom was 'Chinese'. It simply reflects the use of the name in the Tang sources with which this thesis is primarily concerned. In the diplomatic documents of Nihon, by contrast, the kingdom is sometimes referred as 'Goryeo' 高麗. For the debate on the naming of the Kingdom of Bohai, see Wei Guozhong, Zhu Guochen and Hao Qingyun, *Bohai guo shi*, pp. 234-244; Lim Sang-sun, 'The Founding and Naming of Parhae' in, Tongbuga Yŏksa Chaedan, ed., *A New History of Parhae*, trans. John B. Duncan (Leiden; Boston: Global Oriental, 2012), pp. 5-6, 13-14; Guo Sumei 郭素美 and Liang Yuduo 梁玉多, *Bohai Mohe minzu yuanliu yanjiu* 渤海靺鞨民族源流研究 (Beijing: Shehui kexue wenxian chubanshe, 2015), pp. 121-154.

[41] *Xin Tang shu*, 218.6181; Jin Yufu, *Bohai guo zhi chang bian*, pp. 13-14; Wei, Guozhong, Zhu Guochen and Hao Qingyun, *Bohaiguo shi*, pp. 93-96; Kim Eun Gug, 'An Enduring Window between North and South: Parhae and Silla', in Tongbuga Yŏksa Chaedan, ed., *A New History of Parhae*, pp. 79-81; Sakayori Masashi, *Bokkai to kodai no Nihon*, pp. 57-59; Liu Haiyang and Zhao Zhenhai, *Bohai lishi biannian*, pp. 66-67.

These relations with powerful neighbours forced the Tang court to recognise an inconvenient truth: While Tang monarchs called themselves the 'Sons of Heaven' and claimed to rule 'all under Heaven', in reality they only controlled a certain region of the known world and their empire had territorial limits. This sense of finite territorial control was reflected through their deployment of military forces over the borderlands to guard against a foreign invasion. These borderlands not only demarcated the extent of the Tang imperial spaces but also shaped the Tang's conceptions of subjecthood and sovereignty. We will address the connection between the two in Chapters 1 and 3.

Natural features were important in shaping the Tang borderlands. They also determined how different regions across the border communicated and how imperial administration was conducted. The eastern coast marked a natural boundary with the kingdoms on the Korean peninsula and Japanese islands. Sea routes linked the Central Plains with these regions. The Tang's imperial bureaucracy therefore relied heavily on naval forces to safeguard the borders and to enforce its policies for controlling travel.[42] The Tang's coastal defences posed the main obstacle to the attempts by the eminent Buddhist monk Jianzhen 鑑真 (688-763) to cross the sea to Nihon, as we will see in Chapter 3. In the west, the Tibetan plateau also created a barrier between the Tang and the Tibetan empire. Most of the territorial conflicts between them occurred along the plateau, which determined the Tang's deployment in the western front over time.[43] In the north, Owen Lattimore, Piper R. Gaubatz, Jonathan K. Skaff, and others have argued that the division between the fertile farmland along the Yellow River Valley and the abundant grasslands across present-day Mongolia and Xinjiang constituted borderlands that for millennia separated polities on the Central Plains from northern and Inner Asian nomadic powers, including the Tang from the Türks.[44] This northern terrain was flat and open thereby vulnerable to rapid military

[42] See Kang Le, *Tangdai qianqi de bianfang*, pp. 6-7; Wang Jie 王杰, Yang Hong 楊宏, and Li Baomin 李寶民 'Gongyuan 7-9 shiji de Huanghai haidao yu Tang wangchao de haifang' 公元 7-9 世紀的黃海海盜與唐王朝的海防, in *Hangug hanghae hangman hag hoe: hagsuldae hoenon munjib* 한국항해항만학회:학술대회논문집 (Busan: Hanguk haeyang daehakgyo, 2000), pp. 201-203.

[43] Kang Le, *Tangdai qianqi de bianfang*, pp. 62-65; Lin Guanqun, *Yubo gange: Tang Fan guanxi shi yanjiu*, pp. 174-218; David Graff, *Medieval Chinese Warfare*, pp. 205-207.

[44] Owen Lattimore, *Inner Asian Frontiers of China* (Boston: Beacon Press, 1962), pp. 53-102; Piper R. Gaubatz, *Beyond the Great Wall: Urban Form and Transformation on the Chinese Frontiers* (Stanford, CA: Stanford University Press, 1996), pp. 19-21; Jonathan K. Skaff, *Sui-Tang China and Its Turko-Mongol Neighbors*, pp. 24-30; Li Hongbin 李鸿宾, 'Tangchao beibu jiangyu de bianqian: jianlun jiangyu wenti de benzhi yu shuxing' 唐朝北部疆域的变迁—兼论疆域问题的本质与属性, in *Zhongguo bianjiang shidi yanjiu* 中国边疆史地研究, vol. 24, no. 2 (2014), pp. 63-76.

conquest. Both the Central Plain regimes and nomadic peoples could seldom establish solid control of the region, leaving it unstable and open for competition.

As will be discussed in Chapter 2, when nomadic tribes and polities from the unstable northern periphery submitted to the Tang court, they were organized into 'subordinate prefectures' 羈縻州.[45] The court sought to establish indirect control over them through this administrative measure. These prefectures enjoyed autonomy under the Tang's authority, and they were entitled to install their own rulers. But they were still expected to contribute soldiers to the Tang's military campaigns in exchange for the Tang's protection against invasions by other powers.[46] The court set up several 'protectorate offices' 都護府 to oversee these subordinate prefectures. Situated in strategic locations through the borderlands, these offices had their own military forces to assert the Tang's authority over the submitted tribes and to mobilise tribal soldiers in military campaigns. The aforementioned Anxi garrisons were an example of these military forces.[47] The subordinate prefectures and protectorate offices also served as bulwarks against foreign invasion. Kang Le 康樂 is therefore correct to regard them as the empire's first line of military defence.[48]

After these protectorate regions, Tang forces stationed at frontier prefectures 邊州 formed the second line of defence. Frontier prefectures were part of the system of standard prefectures 正州, which fell under the direct rule of the Tang court.[49] They controlled commanderies 軍 and garrisons 鎮, as well as surrounding fortifications of fortresses 塞, beacons 烽, and postal stations 驛

[45] *Ji* 羈 and *mi* 縻 literally denote a horse bridle and an ox halter, respectively. In this compound, they refer to loose control of non-Han peoples, metaphorically comparing their governance to controlling horses and oxen. Jonathan K. Skaff and David A. Graff therefore translate the term *jimizhou* as 'bridle county' or 'bridle prefecture'. Wang Zhenping renders it as 'loose rein prefecture'. To emphasise the position of such prefectures in Tang's territorial administration, this thesis follows Charles O. Hucker in referring to the territories as 'subordinate prefectures'. See Jonathan K. Skaff, *Sui-Tang China and Its Turko-Mongol Neighbors*, pp. 61-62; David A. Graff, T*he Eurasian Way of War: Military Practice in Seventh-century China and Byzantium* (Routledge, 2016), p. 38; Wang Zhenping, *Tang China in Multi-Polar Asia*, p. 40; Charles O. Hucker, *A Dictionary of Official Titles in Imperial China* (Stanford, Calif.: Stanford University Press, 1985), p. 132 (no. 571).

[46] For the role of subordinate prefectures in border defence, see Kang Le, *Tangdai qianqi de bianfang*, pp. 47-52; Liu Tong 刘统, *Tangdai jimi fuzhou yanjiu* 唐代羈縻府州研究 (Xi'an: Xibei daxue chubanshe, 1998), pp. 109-142.

[47] See Liu Tong, *Tangdai jimi fuzhou yanjiu*, pp. 31-48; Li Dalong 李大龙, *Duhu zhidu yanjiu* 都护制度研究 (Ha'erbin: Heilongjiang jiaoyu chubanshe, 2003), pp. 112-127; Li Zongjun 李宗俊, *Tang qianqi xibei junshi dili wenti yanjiu* 唐前期西北军事地理问题研究 (Beijing: Zhongguo shehui kexue chubanshe, 2015), pp. 353-364.

[48] Kang Le, *Tangdai qianqi de bianfang*, pp. 44-60.

[49] Not all standard prefectures in borderlands were deemed frontier prefectures, but only those situated in strategic locations and chartered in the Ordinance. See Xu Weiwei 许伟伟, *Tangdai qianqi bianzhou ruogan wenti chutan* 唐代前期边州若干问题初探, M.A. diss. (Wuhan daxue, 2006), pp. 8-18.

across the borderland. These forces built a defensive network along the frontiers.[50] Unlike previous polities, as Li Hongbin 李鸿宾 has noted, the Tang did not rely on such grand and costly stationary fortifications as long defensive walls. Despite retaining passes 關 at particular strategic importance, the mobile forces of frontier prefectures became the major defensive power.[51] The area of lands controlled by these forces still constituted a frontier military zone demarcating the Tang's borders.[52]

As we will discuss in Chapter 1, the Code employs frontier passes and fortresses to establish a legal definition of borderlands. We will further see in Chapter 3 that the Tang court did not allow any Tang subjects to cross the borderlands and leave the empire without its permission. To fulfil their subjecthood, Tang subjects were to stay within Tang territory under the court's control. Buddhist monks who were eager to travel abroad on pilgrimage, such as Xuanzang 玄奘 (602-664) in the seventh century and Jianzhen in the eighth century, suffered from the ban on cross-border movements and had to leave the empire illegally. Migrating merchants were also banned from returning to their home polities once they had naturalised into the Tang and had become Tang subjects. They will be a focus of Chapter 4. In sum, Tang subjecthood actually meant a state of confinement.

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[50] See Kikuchi Hideo, 'Setsudoshisei kakuritsu izen ni okeru "gun" seido no tenkai' 節度使制確立以前における「軍」制度の展開, in *Tōyō gakuhō* 東洋学報, vol. 44, no. 2 (1961), pp. 208-242; 'Setsudoshisei kakuritsu izen ni okeru "gun" seido no tenkai (zokuhen)' 節度使制確立以前における「軍」制度の展開（続編）, in *Tōyō gakuhō*, vol. 45, no. 1 (1962), pp. 33-68; 'Tōdai henbō kikan toshite no shusoku, jō, chin nado no seiritsu katei ni tsuite' 唐代邊防機關としての守捉、城、鎭等の成立過程について, in *Tōyō shigaku* 東洋史學, vol. 27, 1964, pp. 31-57; Cheng Xilin 程喜霖, *Han Tang fenghou zhidu yanjiu* 汉唐烽堠制度研究 (Xi'an: Sanqin chubanshe, 1990), pp. 147-194; Wang Yongxing 王永兴, *Tangdai qianqi junshishi lüelun gao* 唐代前期军事史略论稿 (Beijing: Kunlun chubanshe, 2003), pp. 172-192.

[51] The construction of large defensive walls consumed considerable resources. Yet these were unnecessary for the Tang court. By the time it had secured its economic resources after the chaos of the late Sui, it had already defeated its major opponent, the Türks, and now faced incursions from highly mobile nomadic powers. Li Hongbin, 'Tangchao san shouxiangcheng yu beibu fangwu wenti' 唐朝三受降城与北部防务问题, in *Sui Tang Wudai zhu wenti yanjiu* 隋唐五代诸问题研究 (Beijing: Zhongyang minzu daxue chubanshe, 2006), pp. 19-21; 'Tangchu yudi qixiu changcheng zhi jiantao' 唐初御敌弃修长城之检讨, in *Jiangyu, quanli, renqun: Sui Tang shi zhuti zhuanlun* 疆域・权力・人群: 隋唐史诸题专论 (Beijing: Renmin chubanshe, 2020), pp.16-35.

[52] See Li Hongbin 'Tangchao beibu jiangyu de bianqian: jianlun jiangyu wenti de benzhi yu shuxing', pp. 69-70; Yan Gengwang 嚴耕望, 'Tangdai shengshi yu xi'nan linguo zhi jiangjie' 唐代盛時與西南鄰國之疆界 and 'Tangdai beijiang zhijie lingxia zhi jingjie' 唐代北疆直接領轄之境界, in *Yan Gengwang shixue lunwenji* 嚴耕望史學論文集 (Shanghai: Shanghai guji chebanshe, 2009), vol. 2, pp. 670-716.

‘Law’ in Tang Contexts

Laws and institutions were crucial to understand how the Tang court responded to competition with its neighbours over territory, how it maintained the integrity of its complex borderlands, and how it kept control over its subjects. But what did ‘law’ mean under the Tang?

Theorists of jurisprudence have long struggled to reach a universal definition of ‘law’ in the face of a wide range of legal traditions and practices that have existed across the world in different times and spaces. Baron Hampstead and Thurman Arnold have even suggested that no such definition could ever be established.[53] And Andrei Marmor has eschewed any attempt at an objective account of ‘law’ by adopting the relative, subjective definition that ‘whatever counts as law in a given society is law in that society’.[54]

With such caveats in mind, the Tang term *fa* 法 is often taken to be comparable to the English term ‘law’. Its semantic scope ranged from the order found in the natural world to the judicial rules of the state. As formal regulations of the state, *fa* was a generic term which could refer to all kinds of normative rules and state institutions for imperial governance. In conjunction with other terms as modifiers, *fa* could then denote the specific aspect of that normative order. For instance, *xingfa* 刑法 set forth the rules on inflicting punishment;[55] *shuifa* 稅法 referred to taxation systems;[56] and *tianfa* 田法 meant the regulations on land allocation.[57] As noted by Shiga Shūzō, such *fa* presupposed a political structure that was centred at an absolute ruler over his populace. Rather than to demarcate individual rights, *fa* was made and used by the ruler to control the society through his bureaucracy and state institutions. It therefore mainly appeared as criminal and administrative rules.[58]

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[53] Baron Hampstead, *Introduction to Jurisprudence* (London: Stevens & Sons, 1972), p. 39; Hilaire McCoubrey and Nigel D. White, *Textbook on Jurisprudence* (London: Blackstone Press, 1996), p. 2.

[54] Andrei Marmor, ‘What’s Left of General Jurisprudence? On Law’s Ontology and Content’, in *Jurisprudence*, vol. 10, no. 2 (2019), p. 163.

[55] The prime examples of the use of *xingfa* could be seen in the ‘Treaties of the Rules on Inflicting Punishments’ 刑法志 of *Sui shu* 隋書 and *Jin shu* 晉書, the two official histories complied by the Tang court. See *Sui shu*, by Wei Zheng 魏徵 (580-643) et al. (Beijing: Zhonghua shuju, 2019), 25.695-718; *Jin shu*, by Wei Zheng et al. (Beijing: Zhonghua shuju, 1974), 30.915-942.

[56] See, for example, see *Tang huiyao jiaozheng* 唐會要校證, by Wang Pu 王溥 (922-982) et al., ed. Niu Jiqing 牛繼清 (Xi’an: Shanqin chuban, 2012), vol. 2, 84.1324.

[57] See, for example, *Tongdian* 通典, by Du You 杜祐 (735-812) et al. (Beijing: Zhonghua shuju, 1988), 1.9.

[58] Shiga Shūzō, ‘A Basic History of T'ang Legislative Forms’, in *Asia Major*, vol. 5, no. 2 (1992), pp. 97-98.

In this light, *wenfa* 文法, codified law, in Tang contexts, refers to both judicial and administrative regulations given by the state. *The Compendium of Administrative Law of the Six Divisions of the Tang Bureaucracy* 唐六典, the official compendium of imperial offices compiled by the Tang court in the 720s, indicated that the four types of codified law under the Tang were the Code 律, Statutes 令, Decrees 格, and Ordinances 式.[59] Among the four types, the Code stipulated the punishments for crimes committed by both local and foreign subjects. It also indicated the legal definition of 'foreigners' when it explained how they should be punished. The other types were made up of either instructions or regulations for state administration at the various levels. The Statutes stated general administrative principles. The Statutes of Households 戶令, for example, stipulated the general rules for taxation and the proper administrative procedure to handle naturalisation and so they will draw our notice in Chapters 2 and 4, respectively. For new administrative affairs that had not been covered by the Statutes, the throne or central court would hand down *ad hoc* commands in edicts. Those commands that were suitable to serve as regular rules were collected as Decrees. Articles from the Decrees will support our analysis of the practice of naturalisation in Chapter 4. Lastly, the Ordinances were detailed regulations drafted for each state office to follow when enacting the Statutes and Decrees.[60] Chapter 4 discusses how the Bureau of Reception 主客司 under the Ministry of Rites 禮部 received foreign envoys under the 'Ordinances of the Bureau of Reception' 主客式 as well.

Punishment was the foundation of the codified law. The Statutes, Decrees, and Ordinances were administrative regulations, yet those who violated them were liable for punishment under the Code. This extended to foreigners.[61] So, for all its predominantly administrative focus, Tang law ultimately functioned as a regulatory system backed by punishment for those who failed to comply with it. Therefore, the *New Tang History* 新唐書, the official history of the Tang compiled

[59] *Tang liudian*, by Li Linfu 李林甫 (683-753) et al. (Beijing: Zhonghua shuju, 1992), 6.180.

[60] This is a general understanding of the differences between the four laws. Yet since no full edition of the three regulations survives as it does for the Code and so we largely rely on the descriptions of Song people to understand their differences. For this reason, modern scholars like Denis C. Twitchett and Zhao Jing 趙晶 doubt that we can really differentiate the regulations as such. See Denis C. Twitchett, 'The Fragment of the T'ang Ordinances of the Department of Waterways Discovered at Tun-huang', in *Asia Major* (New Series), 6.1, 1957, pp. 24-36; Gao Mingshi 高明士, *Lüling fa yu tianxia fa* 律令法與天下法 (Taipei: Wenan tushu chuban, 2012), p. 5; Zhao Jing, 'Tang ling fuyuan suo ju shiliao jianzheng: yi lingshi fenbian wei xiansuo' 唐令復原所據史料檢證──以令式分辨為線索 in *Zhongyang yanjiuyuan Lishi yuyan yanjiusuo jikan* 中央研究院歷史語言研究所集刊, vol. 86, no. 2 (2015), pp. 317-364.

[61] *Tang lü shuyi* 唐律疏議 by Zhangsun Wuji 長孫無忌 et al., (Beijing: Zhonghua shuju, 1983), 27.521, Article 449.

in the mid-eleventh century, called the codified law 'the Tang books of punishment' 唐之刑書.[62]

This sense of law echoes how an early legal theorist, John Austin (1790-1859), defined 'law' in the nineteenth century. Austin regarded law as commands issued by a sovereign, such as the state, to its people, supported by threats of punishment or sanctions for non-compliance.[63] This view later came to be criticised by Herbert L. A. Hart for its inapplicability to modern society.[64] But it can serve as a reference for this thesis to take 'law' as a set of formal regulations promulgated by the Tang imperial court, as a sovereign authority, with the enforcement of punishment as needed. Since these regulations also included extensive administrative rules, as we have just seen, this thesis will necessarily extend its discussion of Tang subjecthood to more than its merely judicial aspects; it will also address how this issue was handled more broadly by the imperial administration under the Tang.

Analytical Contexts

Although the present thesis is motivated by the historical contexts discussed above, it also engages with recurring concerns in modern scholarship. The central focus on subjecthood—the legal and institutional quality that defined insiders and outsiders of the empire—relates immediately to the well-known 'distinction between Hua and Yi peoples' 華夷之辨. The distinction was influential across dynasties during the entirety of imperial times. It was founded on the idea that Confucian ritual norms, *li* 禮, established the principal values and rules by which the entire human realm should be governed. This distinction was put forward by people of the Central Plains, who claimed to be Hua and who asserted their role as the progenitors of the ritual norms on which the distinction rested. They established their cultural superiority over that of other communities on this basis. By contrast, they designated all those who fell outside the realm of established values and rules as uncivilised Yi.[65]

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[62] *Xin Tang shu*, 56.1407.

[63] John Austin, *The Province of Jurisprudence Determined* (Cambridge: Cambridge University Press, 1995), pp. vii-ix.

[64] Herbert L. A. Hart, 'Positivism and the Separation of Law and Morality', in *Harvard Law Review*, vol. 71 (1958), pp. 603-604.

[65] See Chen Zhi 陈致, 'Yi-Xia xinbian' 夷夏新辨, in *Zhongguo shi yanjiu* 中国史研究, 2004 vol.1, p. 17; Poo Mu-chou, *Enemies of Civilization*, pp. 47-48; Yuri Pines, 'Beasts or Humans: Pre-Imperial Origins of Sino-Barbarian Dichotomy', in Reuven Amitai and Michal Biran, ed., *Mongols, Turks, and Others: Eurasian Nomads and the Sedentary World* (Leiden; Boston: Brill, 2005), pp. 59-102; Yoshimoto Michimasa 吉本道雅, 'Chūgoku kodai ni okeru Ka-I shisō no seiritsu' 中国古代における華夷思想の成立, in Fuma Susumu 夫馬進, ed., *Chūgoku Tōajia gaikō kōryū-shi no kenkyū* 中国東アジア外交交流史の研究 (Kyōto: Kyōto daigaku gakujutsu shuppankai, 2007), pp. 5-7.

The distinction between Hua and Yi peoples has therefore become a popular research area for its far-reaching influences in the Central Plains and beyond. Its application in foreign policy has drawn particular attention. In the 1960s, John K. Fairbank developed an influential theory of the 'Chinese world order', in which he proposed that the Hua-Yi distinction had led polities in the Central Plains to treat others as tribute polities.[66] Yet, it has become clear that this order was largely imaginary. In the 1980s, Morris Rossabi and others argued with their studies on Song diplomacy that Central Plain regimes were not always the supreme power in East Asia. The Song rather found itself faced with rivals of at least equal power in the region throughout its reign.[67] More recently, in their research on Qing foreign relations, Hsiao-ting Lin, Odd Westad, and Peter Perdue have separately indicated that neighbours of Central Plain regimes did not accept the hierarchy between Hua and Yi. They reinterpreted ritual relationships in their own ways.[68] Similarly, Wang Xiaofu 王小甫 has surveyed Tang experiences with foreign powers and has argued that such Hua-Yi hierarchy only reflected rulers' perception of their ideal world but not the reality.[69] By and large, these recent efforts have reconsidered the actual role of the Hua-Yi distinction and hierarchy in regulating relations between rival polities. They have shown that Central Plain regimes often struggled to apply the ideal order to their known world under substantial foreign challenges. We should not exaggerate the practical significance of the Hua-Yi distinction.

With this caveat, how should we understand the role of the distinction in Tang policies and state institutions? Could we still assume that it shaped all Tang imperial systems towards foreigners? In the vast, multi-ethnic empire of the Tang, where the non-Han general Qibi Heli could also be a loyal and trusted servant of the court, how did the state understand 'Hua' and 'Yi'? Did the distinction affect the Tang's formulation of subjecthood? As we will see in Chapter 1, although Tang law adopted terms from the discourse of Hua-Yi distinction, it also sought to re-

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[66] John K. Fairbank, ed., *The Chinese World Order: Traditional China's Foreign Relations* (Cambridge: Harvard University Press, 1968), pp. 1-19, 257-275.

[67] See, for example, Morris Rossabi, 'Introduction'; Wang Gungwu, 'The Rhetoric of a Lesser Empire: Early Sung Relations with Its Neighbors', in Morris Rossabi, ed., *China among Equals: The Middle Kingdom and Its Neighbors, 10th-14th Centuries* (Berkeley: University of California Press, 1983), pp. 1-17, 47-65.

[68] Hsiao-ting Lin, 'The Tributary System in China's Historical Imagination: China and Hunza, ca. 1760-1960', in *Journal of the Royal Asiatic Society*, third series, vol.19, no. 4 (2009), pp. 489-507; Odd A. Westad, *Restless Empire: China and the World since 1750* (New York: Basic Books, 2012), pp. 1-10; Peter C. Perdue, 'The Tenacious Tributary System', in *Journal of Contemporary China*, vol. 24 (2015), pp. 1002-1014.

[69] Wang Xiaofu, 'Sui Tang Wudai Dongbei Ya zhengzhi dashi' 隋唐五代东北亚政治大势, in Wang Xiaofu, ed., *Sheng Tang shidai yu Dongbei Ya zhengju* 盛唐时代与东北亚政局 (Shanghai: Shanghai cishu chubanshe, 2003), pp. 3-34.

define those terms in ways that diverged from conventional notions of the Hua-Yi distinction. As a result, it did not define foreign people by their cultural or ethnic qualities. On these grounds, as Chapter 2 shows, the Tang court was able to absorb many 'barbarians' into its empire as ordinary subjects. In all this, the Hua-Yi distinction played out not through diplomatic relations between rival polities, but in domestic administration. By examining how the early Tang court used legal measures to conceive of and govern those living in its territories, we will therefore evaluate the effects of the distinction on individuals and so move away from the state-level discourses of earlier studies.

Sources

With its central focus on law and institutions, this research is founded on an analysis of the four sets of state regulations of the Code, Statutes, Decrees, and Ordinances. The Code is paramount to our study. Since the Code needed to identify precisely who was liable for the stipulated punishment and in what way, it offers the most detailed explanation of the Tang legal concepts of subjecthood. In 653, the Tang court also issued an official commentary on the Code in order to assist the public's understanding.[70] This further explains the meaning of, or reasoning behind, the terms and definitions given in the Code and it clarifies the application of the stipulated punishments in different scenarios. Besides the Code, the administrative rules of Statutes, Decrees, and Ordinances provide further concrete examples of the legal control asserted over both Tang subjects and foreigners through household registration, tax collection, travel restrictions, and so forth.

The ever-evolving nature of the law means that caution is required in basing conclusions on these regulations. We should remain alert to the fact that the Tang rules extant today only reflect Tang law of certain periods but do not reflect developments over the entire Tang dynasty. The law was modified throughout the early half of the dynasty in response to social changes and the needs of the state. This resulted in about ten editions of the Code, two editions of the commentary, seven of the Statutes, and dozens of the Decrees and Ordinances.[71] However, just a small proportion of this legislation survives today. Only one edition of the Code is preserved in its entirety with the official

[70] Liu Junwen 劉俊文, *Tang lü shuyi jianjie* 唐律疏議箋解 (Beijing: Zhonghua shuju, 1996), xulun 序論, pp. 66-67.

[71] Records of amendments to the law are found in *Tang huiyao*, *Jiu Tang shu* and *Xin Tang shu*. Liu Junwen has also traced the evolution of Tang law. See *Tang huiyao* vol. 1, 39.601-606; *Jiu Tang shu*, 1.1-9.209; 46.2009-2011, 50.2133-2156; *Xin Tang shu*, 1.1-5.140, 50.1407-1417, 58.1493-1497; Liu Junwen, *Tang lü shuyi jianjie*, xulun, pp. 12-29.

commentary, and even the exact date of that edition is questionable. Library catalogues from Qing date the extant edition of the Code to the mid-seventh century on the basis that it carries a preface dating to 653, attributed to Zhangsun Wuji 長孫無忌 (594-659), who supervised the compilation of the commentary.[72] In the 1930s, however, Niida Noboru 仁井田陞 and Makino Tatsumi 牧野巽 found that the extant Code contains official titles, institutions, and naming taboos from the Kaiyuan 開元 era (713-741) and so they dated it to that period.[73] In the 1990s, Liu Junwen 劉俊文 further identified evidence in the Code of new regulations issued in the 710s and so he dated the extant edition of the Code to between 710 and 737.[74] Despite such uncertainties over its dating, this edition of the Code has become a standard source for modern scholars of Tang law and it supplies the base text for Wallace Johnson's full translation of the Code into English.[75]

No complete edition survives for any of the other three types of legal regulations. Modern scholars have restored these regulations from different records, but most of the recovered materials are still from the Kaiyuan period.[76]

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[72] See, for example, *Siku quanshu zongmu tiyao* 四庫全書總目提要 by Yongrong 永瑢 (1744-1790) and Ji Yun 紀昀 (1724-1805) et al., in *Wenjinge Siku quanshu tiyao huibian* 文津閣四庫全書提要匯編, ed. Siku quanshu chuban gongzuo weiyuanhui 四庫全書出版工作委員會 (Beijing: Shangwu yinshuguan, 2006), vol.2, 13.471.

[73] In response to Niida and Makino's proposal, a heated debate was triggered among modern Japanese and Chinese scholars over the twentieth century. As noted by Xu Daolin 徐道鄰, this debate became political during the Sino-Japanese conflicts in the early twentieth century. Japanese scholars intended to prove that the Taihō Code 大寶律 of the Asuka 飛鳥 period (592-710), promulgated in 701 was not a replica of Tang Code and that the legal system of Nihon was more advanced than that of the Tang. See Niida Noboru and Makino Tatsumi, 'Ko *Tōritsu sogi* seisaku nendai kō' 故唐律疏議制作年代考, in *Tōhō gakuhō* 東方學報 (Tōkyō), vol. 1-2 (1931), reprinted in Ritsuryō Kenkyūkai 律令研究會, ed., *Yakuchū Nihon ritsuryō* 譯註日本律令 (Tōkyō: Tōkyōdō, 1975-1999), vol. 1, pp. 366-636; Xu Daolin, '*Kaiyuan lü* kao' 開元律考, in *Xin faxue* 新法學, vol. 1, no. 3 (1943), pp. 17-19; 'Tang lü zhong de falü sixiang he zhidu' 唐律中的法律思想和制度, in *Zhongguo fazhishi lunji* 中國法制史論集 (Taipei: Zhiwen chubanshe, 1975), pp. 56-58; Yang Tingfu 杨廷福, '*Tang lü shuyi* zhizuo niandai kao' 唐律疏议制作年代考, *Tang lü chutan* 唐律初探 (Tianjin: Tianjin renmin chubanshe, 1982), pp. 1-30.

[74] Liu Junwen, *Tang lü shuyi jianjie*, xulun, pp. 66-70.

[75] See Wallace Johnson, *The T'ang Code* (Princeton: Princeton University Press, 1979-1997), vols. 1 and 2. I am heavily indebted to Johnson's translation, although I have adapted it to the particular analysis and terminology of the discussions that follow.

[76] For example, Niida Noboru and Ikeda On 池田溫 have recovered 715 articles from the Tang Statutes with most coming from the Kaiyuan period. In 1999, Dai Jianguo discovered the Tiansheng Statutes 天聖令, which were the administrative rules of the Song Tiansheng period (1023-1032). Remnants of the statutes were preserved in a Ming manuscript edition in the Tianyige 天一閣, but it lacks any preface or introduction. It was long thought to be a Ming text. It was only when Dai Jianguo examined the text that he recognised it as being of Song provenance. Certain articles of the Tang Statutes of the Kaiyuan period which had been consulted in drafting the Song rules are also recorded in the manuscript. In addition, in his *Tang shi jiyi* 唐式輯佚, Huo Cunfu 霍存福 has also drawn on the records mentioned above to restore certain articles of the Ordinances, which are likely close to their Kaiyuan versions. See *Tōrei shūi* 唐令拾遺, by Niida Noboru (Tōkyō: Tōhō bunka gakuin Tōkyō kenkyūjo, 1933); *Tōrei shūi ho* 唐令拾遺補, by Niida Noboru and Ikeda On (Tōkyō: Tōkyō daigaku shuppankai, 1997); *Tianyige*

In employing these regulations in this discussion, this thesis will also evaluate the applicability of the rules in each case.

The four sets of state regulations represent a prescriptive account of the law, which only shows the operation of the law in ideal terms. For a sense of how the law was actually applied, we need to turn instead to several other types of legal sources. The first types are the Dunhuang 敦煌 and Turfan 吐魯番 manuscripts. We will use these to examine the practice of household registration and the taxation system in particular.[77] The Tang court asserted control over Dunhuang and Turfan for about two hundred years, starting from the early seventh century. The manuscripts written during this time therefore reveal the application of early Tang rule at least at a regional level. Besides, as both cities served as hubs of transportation on the Silk Road, many travellers passed through them and left writings and records in manuscript form. Chapters 2 and 4 draw upon these records to demonstrate how household registration absorbed foreign people into the empire and extracted tax revenue from their incomes.

Judgements 判 of judicial cases also offer an opportunity to sample how legal prescriptions were conceived in practical settings. Yet only a few real cases have survived; most of the surviving 'judgements' were in fact produced as exercises by candidates sitting for the civil examinations. By passing the first stage of the examinations held by the Ministry of Rites and obtaining their degrees—usually *mingjing* 明經 or *jinshi* 進士—candidates only achieved the qualification necessary for admission into officialdom. They still had to take a screening test administered by the Ministry of Personnel 吏部 to determine their appointment rank. This test concentrated on the personal manners and practical skills of the candidates to determine how they were likely to perform as bureaucrats. The composition of judgements was considered an essential skill, alongside demeanour 身, oral presentation 言, and calligraphy 書. Yet the composition of judgements bore the greatest weight in determining the examination result. [78] In the examination, various predicaments of state

cang Ming chaoben Tiansheng ling jiaozheng 天一閣藏明鈔天聖令校證, ed. Zhongguo shehui kexue yuan lishi yanjiusuo 中國社會科學院歷史研究所 (Beijing: Zhonghua shuju, 2006); *Tang shi jiyi*, by Huo Cunfu, in Yang Yifan 楊一凡, ed., *Zhongguo fazhishi kaozheng xubian* 中國法制史考證續編 (Beijing: Shehui kexue wenxian chubanshe, 2009), vol.8.

[77] Useful summaries of the history and characteristics of the manuscripts appear in: Ikeda On, 'Tonkō Ibun' 敦煌遺文, in Imai Shoji 今井庄次 et al., ed., *Sho no Nihonshi* 書の日本史 (Tōkyō: Heibonsha, 1975), vol. 1, pp. 82-88; *Chūgoku kodai sekichō kenkyū* 中国古代籍帳研究 (Tōkyō: Tōkyō daigaku Tōyō bunka kenkyūjo, 1979), pp. 6-14; Wang Shu, *Dunhuang Tulufan wenxian* 敦煌吐魯番文獻 (Beijing: Wenwu chubanshe, 2002), pp. 51-71; Zhang Yongquan 张涌泉, *Dunhuang xieben wenxian xue* 敦煌寫本文獻學 (Lanzhou: Gansu jiaoyu chubanshe, 2013), pp. 3-12; Imre Galambos, *Dunhuang Manuscript Culture: End of the First Millennium* (Berlin; Boston: De Gruyter 2020), pp. 3-6.

[78] See *Tongdian*, 15.360; Wu Zongguo, *Tangdai keju zhidu yanjiu*, pp. 25-66.

administration or judicial affairs were given, and candidates needed to write a judgement to express their opinions on how best to deal with the situation. In many cases, they had to cite the law to support their answers. To achieve the highest possible position from which to launch their careers, candidates therefore paid much attention to the subject and produced the large number of mock judgments we see today.[79] In the absence of many real cases, these mock writings become significant references to study the operations of the law. Although they do not directly reflect the real practices of the legal and administrative systems, they still reveal contemporary understandings of how the law should be applied.

Moreover, although these mock judgements are usually written in parallel proses and they appear to be literary, many of them are likely derived from real cases. For instance, Huo Cunfu 霍存福 has traced the source origins of a Tang collection of mock cases, *Dragon-Sinews and Phoenix-Marrow Decisions* 龍筋鳳髓判 by Zhang Zhuo 張鷟 (658-730), a popular writer and statesman during Gaozong's reign. This collection was published in the early eighth century as reference answers for the examination on judgement composition. It is one of the few Tang casebooks that has survived into our times. Huo has found that many mock judgements contributed by Zhang originate from authentic incidents at the time, even though names and titles of involving figures have been modified to cover their real identities.[80] A judgement from the collection is quoted in Chapter 4 to explain restrictions imposed on the activities of foreign envoys. Other mock judgements on crimes committed by migrants and foreign travellers, found among the Dunhuang and Turfan manuscripts, receive attention in Chapter 3.

The preceding types of sources were composed by people serving in the Tang's legal or administrative systems. Records written by those outside those systems should also be consulted. Journals of travellers particularly draw our attention. As the Tang court imposed vigorous restrictions on cross-border movements to consolidate its control over people and their affiliation to the state. The records of travellers shed important light on lived experiences of those who were subject to such restrictions.

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[79] For the Tang civil examination's influence on the nature of Tang judgements, see Tan Shujuan 譚淑娟, *Tangdai pantiwen yanjiu* 唐代判体文研究 (Jinan: Qi Lu shushe, 2014), pp. 30-41.

[80] Huo Cunfu, 'Zhang Zhuo *Longjin fengsui pan* panci wenmu yuanzi zhenshi anli, zouzhang, shishi kao' 張鷟《龍筋鳳髓判》判詞問目源自真實案例, 奏章, 史事考, in Yang Yifan, ed., *Zhongguo fazhishi kaozheng* 中國法制史考證 (Beijing: Shehui kexue wenxian chubanshe, 2003), jiabian 甲編, vol. 4, pp. 400-418.
For a general critical introduction to the text, see Takikawa Masajirō 瀧川政次郎, '"*Longjin fengsui pan*" ni tsuite' 龍筋鳳髓判について, in *Shakai-Keizai-shigaku* 社会経済史学, vol. 10, no. 8 (1940), pp. 747-774.

Chapter 3 consults biographies of Buddhist pilgrims, who were one of the major groups of travellers of the time. These biographies were usually written by the disciples and followers of their clerical subjects. They were intended to illustrate the hardship of the pilgrims' journeys and to highlight their perseverance and contribution to Buddhism. They therefore record how these monks overcame travel restrictions imposed by the state. While these hagiographies might flatter their subjects, they also serve to explain the Tang border controls and travel bans in practice, particularly on how travellers responded to the imposed restrictions and negotiated with state administration as will be discussed in Chapter 3.

Records of contemporary foreign states also afford the possibility of viewing the Tang's border controls from the perspective of those on the receiving end. These foreign records recount the experiences of travellers who were less well-known and have no specific biographies dedicated to them, thereby offering more cases to study. Chapter 3 consults the official history of Goguryeo, Silla, and Baekje, *The History of the Three Kingdoms* 三國史記 (Samguk sagi), to trace the travel experiences of Silla princes under the Tang.[81] Chapter 3 also investigates the lives of Tang expatriates in Nihon through the court records of the Asuka and Nara regimes, *The Chronicles of Nihon* 日本書紀 (Nihon Shoki) and *The Continued Chronicles of Nihon* 続日本紀 (Shoku Nihongi).[82]

Organisation of the Thesis

This thesis organises its findings into four chapters. To trace the different ways in which notions of subjecthood were perceived in early Tang, we need to begin by setting out the normative concepts of subjecthood on which the court sought to base its authority. These will offer a yardstick against which to measure variations in how these concepts were understood and put into practice. Chapter 1 will therefore show how the Tang court defined 'subjects' and 'foreigners' in legal terms, and what were the main concerns behind such a definition. Since the Tang court did not innovate its view, this chapter also traces the cultural and institutional traditions that it inherited, such as the distinction between Hua and Yi peoples.

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[81] *Samguk sagi*, by Kim Busik 金富軾 (1075-1151), et al., is accessible online at the National Institute of Korean History of South Korea 국사편찬위원회, *Korean History Database* 한국사데이터베이스: http://db.history.go.kr/item/level.do?itemId=sg

[82] *Nihon Shoki*, by Prince Toneri 舍人親王 (676-735), et al., in *Shintei zōho kokushi taikei* 新訂増補国史大系 (Tōkyō: Yoshikawa Kōbunkan, 1985), vols. 1, 2; *Shoku Nihongi*, by Fujiwara no Tsuginawa 藤原継縄 (727-796), et al., in *Shintei zōho kokushi taikei*, vol. 3.

How was this normative legal notion of subjecthood put into practice? Chapter 2 explores how the court registered people of foreign origins who conducted farming, like the Sogdian and Goguryeo people, as its subjects with a view to absorbing them through legal means into the empire. It also discusses how the Tang court adjusted its institutional framework and developed the system of subordinate prefectures to accommodate nomadic people such as the Türks, who could not be governed under the standard taxation system for their different mode of economic production of animal husbandry. This different way of ruling and administration serves to explain the nature of subjecthood as practised by the Tang: Ethnicity was not the key quality to categorise subjects.

Chapter 3 demonstrates the mechanisms for maintaining subjecthood that how the state systems on subjecthood explained in Chapters 1 and 2 perpetuated themselves. It argues that the Tang court banned all manner of private cross-border travel by its subjects in order to consolidate the differentiation of Tang subjects from those who lived outside Tang's borders and to reinforce its control over the people. Therefore, travel restrictions became a measure to maintain subjecthood. The experiences of Buddhist pilgrims illustrate how the travel ban worked in practice. The chapter also indicates that the Tang claimed no authority over the Han people living beyond Tang territory. The chapter proposes that territorial boundaries at once restricted the spatial mobility of Tang people as well as demarcated the limits of Tang authority and the court's enforcement of its laws and administration.

Chapter 4 explores the practice of the travel ban in Chapter 3 from the perspective of foreign travellers. It discusses how people from other polities were also affected by the travel bans. It points out that the Tang court only opened its border to certain kinds of foreign people. While there was a system of naturalisation that allowed people from other polities to apply to become Tang subjects, they were also regulated by the bans on private travel and were no longer able to return to their own polities. This chapter discerns the controlling side of Tang subjecthood and the Tang's administration. This ultimately leads to a discussion of the nature of the Tang's rule and of the community formed under this rule.

Chapter 1

The Legal Conception of 'Subjects' and 'Foreigners'

During the Zhengguan 貞觀 period (627-649), a household in the imperial capital, Chang'an, was reported to have been robbed by people designated as *Hu* 胡. The robbery quickly caught the attention of local authorities. The official in charge of the case, Yang Zuan 楊纂 (fl. 627), focused his search for suspects among the *Hu* in the city but found no trace of the fugitives. A colleague suggested that the investigation extends also to 'Han neighbourhoods' 漢裏, since 'there are cases of *Hu* wearing Han hats and of Han wearing *Hu* hats' 有胡着漢帽漢着胡帽. This advice was adopted, and the thieves were soon caught.[83]

Hu was a generic term for people from Central Asia and referred to different ethnic groups at different times. During the Han dynasty, for example, it mostly denoted Xiongnu 匈奴. In the Tang period, it shifted to denote Sogdians who came originally from present-day Uzbekistan and Tajikistan, although, as Xie Haiping 謝海平 has indicated, the term could also sometimes refer to Türks or to other Central Asian peoples.[84]

Regardless of the intended referent of *Hu* here, the robbery highlights the challenges of the Tang administration in ruling its multi-ethnic empire. Although

[83] This episode is recorded in a collection of anecdotes, *Da Tang xinyu* 大唐新語, compiled in 807 by Liu Su 劉肅 (fl. 807). Its creditability as a historical source is hard to establish because little of Liu is known except his reference to his official position as the Archivist 主簿 of Xunyang County 潯陽縣 in Jiangzhou 江州 (present-day Jiujiang, Jiangxi Province). There are no accounts of this robbery in other extant records, precluding verification on the basis of independent evidence. Nonetheless, as Liu explained in his preface, he dedicated this to recording deeds and events of the Tang dynasty that had didactic potential and so it at least has historical value as a source of insight into social views of the time, if not actual events. See *Da Tang xinyu* by Liu Su (Beijing: Zhonghua shuju, 1984), 'yuan xu 原序' 1, 9.138; and the discussion of its value as evidence in Li Han 李晗, '*Da Tang xinyu* shiliao jiazhi tanwei'《大唐新语》史料价值探微, in *Qunwen tiandi* 群文天地, vol. 1, no. 8 (2013), p. 144.

[84] See Edwin G. Pulleyblank, 'The Chinese and Their Neighbors in Prehistoric and Early Historic China', in David N. Keightley, ed., *The Origins of Chinese Civilization* (Berkeley, CA: University of California Press, 1983), pp. 449–466; Xie Haiping, *Tangdai liu Hua waiguoren shenghuo kaoshu* 唐代留華外國人生活考述 (Taipei: Shangwu yinshuguan, 1978), pp. 2-7; Moriyasu Takao 森安孝夫, *Shiruku rōdo to Tō teikoku* シルクロードと唐帝国 (Tōkyō: Kōdansha, 2007), pp. 106-108; Rong Xinjiang 荣新江, 'He wei Huren? Sui Tang shiqi Hu ren zushu de ziren yu taren' 何谓胡人? 隋唐时期胡人族属的自认与他认, in *Qianling wenhua yanjiu* 乾陵文化研究, vol. 4 (2008), pp. 3-9.

one's physical appearance, including one's clothing and headdress, served as a common marker of one's ethnic background in the mid-seventh century, it was clearly not reliable. This fluidity challenged the state's capacity to control the populations in its territory: Even at a local level, the *Hu* thieves pursued by Yang Zuan almost escaped from investigation and punishment by Chang'an authorities. Faced with large numbers of ethnic groups residing throughout its empire, how could the court identify foreign people and assert its rule over them effectively?

One of the most important mechanisms that the court used to this end was law. This chapter explores how the Tang court formulated a practical framework to define outsiders in legal terms. As a corollary, it discusses how the law identified insiders and so it explores Tang legal concepts of subjecthood. Since the Tang court developed its ideas about subjecthood on the basis of previous dynasties' cultural conventions about, and institutional treatment of foreigners, this chapter starts with an overview of this heritage as a context for the discussion that follows. It then turns to the law itself and examines the key articles and terms used in legal settings to denote subjecthood and to draw practical distinctions between insiders and outsiders. Finally, this chapter analyses how other legal regulations referred to foreigners, to discern the primary concerns of the court over foreign people that contributed to shaping its legal concepts of foreigners and subjecthood.

The Conceptual Inheritance: The 'Hua-Yi Distinction' and its Reception under the Tang

Long before the establishment of the Tang, thinkers from the Central Plains had developed the notion of a 'Hua-Yi Distinction' to conceptualise and differentiate themselves from foreigners. The term Hua originally denoted greatness or grandness, but also referred to beauty and prosperity, with its root meaning of flower.[85] By Zhou times (Western Zhou, c. 1046–771 BC; Eastern Zhou, 771–256 BC) at the latest, Central Plain thinkers had come to identify themselves as either Hua or Xia 夏, another term that signified greatness.[86] In

[85] Mu-chou Poo, *Enemies of Civilization*, pp. 47-48.

[86] Some suggested that the use of the name Xia might first be a Zhou court's attempt to claim itself as the successor of the Xia house and deny the Shang authority and legacy. It then became a political symbol for the Zhou states to assert their inheritance of the ancient high culture against the increasing threats of foreign peoples in Eastern Zhou time. See *Shangshu zhushu* 尚書注疏, in *Shisan jing zhushu*, 14.201a; 16.247a; Takatsu Junya 高津純也, '`Ka' ji no `chūka'-teki yōhō ni tsuite —`Ka-i shisō' no gensho-teki keitai ni kansuru joron'「夏」字の「中華」的用法について—「華夷思想」の原初的形態に関する序論, in *Ronshū* henshū iinkai 論集編集委員會, ed., *Ronshū: Chūgoku kodai no moji to bunka* 論集: 中国古代の文字と文化 (Tōkyō: Kyūko shoin, 1999), pp. 269-286; Chen Zhi, 'Yi-Xia xinbian', p. 17.

contrast, there is evidence to suggest that they saw people of other cultures as barbarians who were often generally represented in later times by the term Yi.[87] While the notion was discriminatory, it was inclusive that it still allowed for the assimilation of barbarians into the Hua community. Unlike the modern conception of race as defined by blood, the Hua-Yi idea defined the difference between insiders and outsiders by cultural practices, particularly the standard practice of *li* (ritual propriety). *Li* was a broad set of moral values and ritual norms ranging from the proper gifts to present in diplomatic meetings to the appropriate behaviours performed before a king or senior family member. Zhou people believed that this *li* rite comprised the ideal guidelines to establish hierarchy and order across the state and society and so should regulate the entire human realm.[88] They regarded those who upheld such norms as members of Hua and those who did not as barbarians. Yet barbarians could obliterate their inferiority and join the Hua community by learning and practising the rites. For instance, Mencius once indicated that the great ancient Hua rulers, Shun 舜 and King Wen of Zhou 周文王 (r. 1100-1050 BC) originated from barbarian regions. But, in Mencius' account, they were seen to have upheld the Hua values and rites, achieved excellent governance, and became sages.[89]

Under this belief, the primary obligation of a qualified ruler was to teach and civilise people with such values and rites, like a beacon shining over the

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[87] This term might not carry a negative meaning in the first place. It might merely notify people good at archery with its bronze script character of a person carrying a bow. But alongside the growth and maturity of Central Plain culture during Zhou times, it had clearly borne a sense of inferiority by the Spring-Autumn period. See Mu-chou Poo, *Enemies of* Civilization, pp. 68-100; Yoshimoto Michimasa, 'Chūgoku kodai ni okeru Ka-I shisō no seiritsu', pp. 5-7; Yang Huang, 'The Invention of the "Barbarian" and Ethnic Identity in Early Greece and China', in Hans Beck and Griet Vankeerberghen, ed., *Rulers and Ruled in Ancient Greece, Rome, and China* (Cambridge: Cambridge University Press, 2021), pp. 399-419.

[88] This set of ritual norms and values first referred to the code of diplomatic conduct among the regimes that claimed to be Hua to ally under the Zhou house against foreign powers, which then became the benchmark for crafting a political and cultural boundary between 'Hua' and others. See Yoshimoto Michimasa, 'Chūgoku kodai ni okeru Ka-I shisō no seiritsu', pp. 5-6.

[89] *Mengzi zhushu* 孟子注疏, in *Shisan jing zhushu*, 8b.141a.

The inclusiveness of theHua community has been doubted. Frank Dikötter, for example, believes that the Hua-Yi distinction did not really lie in cultural differences, but racial sentiments, as shown by the fact that non-Hua peoples were often dehumanized as beasts in the Hua-Yi discourse. He argues, therefore, that the modern racial nationalism in China was deeply rooted in pre-modern culture. Yet, as Yuri Pines has pointed out, while non-Hua peoples were indeed compared with animals, it was only a metaphor and no thinkers in the pre-imperial time denied or challenged their cultural changeability. It was only in the imperial times that we see thinkers who doubted such potential. The inclusiveness of Hua is still a consensus across all schools of thought in the pre-imperial time and the major feature of the original theory of Hua-Yi Distinction. See Frank Dikotter, *The Discourse of Race in Modern China* (Stanford: Stanford University Press, 1992), pp. 1-30; Yuri Pines, 'Beasts or Humans: Pre-Imperial Origins of Sino-Barbarian Dichotomy', pp. 59-102; Yoshimoto Michimasa, 'Chūgoku kodai ni okeru Ka-I shisō no seiritsu', pp. 10-18.

people in darkness as described by Paul R. Goldin.[90] The *Zuo Commentary* 左傳 thus pointed out that, 'Heaven gives birth to people and establishes rulers for them to assert guidance over them' 天生民而立之君使司牧之.[91] Barbarians should also be enlightened. The utopia depicted in the *Gongyang Commentary* 公羊傳 is one where all barbarians are civilised to be Hua and the entire human realm could be equally advanced.[92] Alongside this educational role, rulers since the Warring States period had also been praised as sages, *sheng ren* 聖人. This was a result of the rising power of monarchs who used this title to assert their authority. Their ministers also used this title to urge the rulers to behave themselves. Suggested by the original meaning of the term *sheng,* which referred to an acute sense of world affairs, a sage in the Hua context is someone who is intelligent and has a profound insight into human issues and governance. To be qualified for reigning on the throne, rulers should have these outstanding qualities to transform people and lead the human realm into the ideal world.[93]

The Hua-Yi notion was passed down to the Tang and shaped its state ideology as well.[94] The court asserted its own view on it through official annotation of Confucian classics. In 642, to unify the understanding of Confucian doctrines that had been differently interpreted by private scholars in the empire and to establish its intellectual authority, the court commissioned Kong Yingda 孔穎達 (574-648), a prominent Confucian who was said to be a 32nd generation descendant of Confucius, to compile an official commentary of the five major Confucian classics: *The Classic of Changes* 易經, *The Revered Documents* 尚書, *The Classic of Poetry* 詩經, *The Book of Rites* 禮記 and *Zuo Commentary*. Titled *The Standard Meaning of the Five Classics* 五經正義, this commentary became the official textbook for civil service examinations and represented the state's view of the Confucian classics.[95] According to Kong and his team of compilers, the Tang

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[90] Paul R. Goldin, 'Steppe Nomads as a Philosophical Problem in Classical China', in Paula L. W. Sabloff, ed., *Mapping Mongolia: Situating Mongolia in the World from Geologic Time to the Present* (Philadelphia: Museum of Archaeology and Anthropology, University of Pennsylvania, 2011), p. 220.

[91] *Chunqiu Zuo zhuan zhushu*, 562b.

[92] *Chunqiu Gongyang zhuan zhushu* 春秋公羊傳注疏, in *Shisan jing zhushu*, Yingong 隱公 1.17a.

[93] See Xiao Fan 蕭璠, 'Huangdi de shengren hua ji qi yiyi shilun' 皇帝的聖人化及其意義試論, in *Zhongyang yanjiuyuan lishi yuyan yanjiushuo jikan* 中央研究院歷史語言研究所集刊, vol.62, part 1 (1993), pp. 1-37.

[94] Howard J. Wechsler has pointed out that while considerable number of high officials at the Tang court were not committed to Confucianism, the traditional thought remained influential in early Tang. See his 'The Confucian Impact on Early T'ang Decision-Making', in *T'oung Pao*, vol. 66 (1980), pp. 1-40.

[95] *Jiu Tang shu*, 4.71.

For further discussion of the compilation of the official commentary, see Noma Fumichika 野間文史, *Gokyō seigi no kenkyū: sono seiritsu to tenkai* 五經正義の研究: その成立と展開 (Tōkyō: Kenbun shuppan, 1998); Qiao Xiuyan 喬秀岩, *Yishuxue shauiwang shilun* 義疏學衰亡史論

court also understood Hua as a cultural community defined by ritual norms. In explaining the meaning of the terms Hua and Xia, they annotated *Zuo Commentary* with the remark that:

> 'Xia' means grandness. The Central Polity represents the grandness of rites and is therefore called Xia; [It] conveys the beauty of clothing, so it is called Hua. 'Hua' and 'Xia' mean the same.
> 夏，大也。中國有禮儀之大，故稱夏；有服章之美，謂之華。華、夏一也。[96]

In other words, those who did not uphold the Hua rites, including those who did not share the beauty of Hua clothing, should be regarded as outsiders. Kong's commission also defended the convertibility between Hua people and barbarians. They quoted the example of the Qi 杞 polity in the Spring-Autumn period to explain this. The royal household of the polity was believed to be the descendent of Xia dynasty. However, situated in present-day Shandong Province, the polity existed among eastern barbarians and had adopted their rites since the reign of Chenggong 成公 (r. 654–637 BC). In line with the view of *Zuo Commentary*, the Kong's commission also saw Qi as a barbarian polity, and Chenggong's funeral deserved to be conducted according to barbarian rites.[97]

Furthermore, the commission upheld the obligation of the Hua rulers to enlighten these uncivilised people. Commenting on a line in *The Classic of Changes*, they wrote that:

> What [this line] says—that sages "observe the patterns of the human realm"—refers to [their observations represented] in *The Classic of Poetry*, *The Book of Documents*, *The Book of Rites,* and *The Classic of Music*. [One] should take these teachings as a model to transform all under Heaven.
> 言聖人觀察人文，則《詩》、《書》、《禮》、《樂》之謂，當法此教而化成天下也。[98]

(Taipei: Wanjuanlou, 2013), pp. 101-128; Lucas R. Bender, 'The Corrected Interpretations of the Five Classics (Wujing zhengyi) and the Tang Legacy of Obscure Learning (Xuanxue)', in *T'oung Pao*, vol. 105 (2019), pp. 76-127.

[96] The 'clothing' should mean to be social distinctions rather than fashion in its ordinary sense, is how Du Yu 杜預 (222-285) annotated elsewhere in *Zuo Commentary* that clothing is what differentiates the honoured and the humble 尊卑別也. The distinctions were just expressed by standards of ornamentation in clothing and therefore Kong addressed them as 'the beauty of clothing'. See *Chunqiu Zuo zhuan zhushu*, 32.391a, 56.976b.

[97] *Ibid*., 15.250b.

[98] *Zhou yi zhushu* 周易注疏, in *Shisan jing zhushu*, 3.56a.

In interpreting the Confucian classics as the representation of the sages' observations, Kong's commission reinforced the status of Confucianism as the guiding doctrine of understanding human affairs and established the obligation of rulers to transform the world through Confucian teaching. This 'all under Heaven' included barbarians as well, which is why they commented on a line in *Zuo Commentary*:

> To teach fathers propriety, mothers benevolence, elder brothers friendliness, younger brothers respect, and sons filial piety—these are referred to as the Five Teachings. … When all the Xia people and barbarians follow these teachings, it is called "domestic peace and external accomplishment".
> 教父以義，教母以慈，教兄以友，教弟以恭，教子以孝，是之謂五教。 … 諸夏夷狄皆從其教，是為內平外成。[99]

Therefore, to enlighten both the Hua people and barbarians was the ultimate goal of a regime who identified themselves as Hua. In sum, through editing and annotating Confucian classics, the Tang inherited the early beliefs regarding the Hua-Yi distinctions as well as the lofty aspiration to civilise and transform the human realm. Wang Gungwu has indicated that this extensive interpretation of the role of the Son of Heaven as an all-embracing universal ruler of the world constituted a major part of the political rhetoric of the Tang. Court edicts frequently adopted such rhetorical language in concerning the issues of non-Han people and tribute regimes.[100]

The Institutional Precedents: the 'Hua-Yi Distinction' in State Administrations

Lofty ideology and grand imperial rhetoric were abstract ideas that needed to be translated into practical systems. As for how to do so, the non-Han regimes before Tang set forth significant precedents. Liang Qichao 梁啟超, Chen Yinke 陳寅恪 and Liu Junwen have indicated that Tang law was developed based on the systems of the Northern regimes.[101] This institutional connection is no

[99] *Chunqiu Zuo zhuan zhushu*, 20.354a.
[100] Wang Gungwu, 'The Rhetoric of a Lesser Empire: Early Sung Relations with Its Neighbors', in Morris Rossabi, eds., *China among Equals*, p. 48.
[101] Liang Qichao, 'Lun Zhongguo chengwenfa bianzhi zhi yuange deshi' 論中國成文法編制之沿革得失, in Tang Zhijun 湯志鈞 and Tang Renze 湯仁澤, ed., *Liang Qichao quanji* 梁啟超全集 (Beijing: Zhongguo renmin daxue chubanshe, 2018), vol. 5, p. 480; Chen Yinke, *Sui Tang zhidu yuanyuan lüelun gao* 隋唐制度淵源略論稿 (Beijing: Sanlian shudian, 2001), pp. 111-127; Liu Junwen, *Tang lü shuyi jianjie*, xulun, pp. 1-11.

surprise since the Li 李 clan, the imperial household of the Tang, had served the Northern courts since the Northern Wei 北魏 (386-534). They naturally transplanted these familiar systems to the Tang.[102] The institutional practice of the Northern courts thus deserves attention.

First, the non-Han rulers of the Northern courts also adopted the Hua-Yi notion to frame their political rhetoric and justify their rule over the Central Plains and Han people. At the time, all of these regimes still claimed to be the members of the 'Hua' community in order to draw support from the Han. For example, in 304, Liu Yuan 劉淵 (r. 304-310), the Xiongnu chieftain, built the first non-Han regime, Zhao 趙 (304-329) in the Central Plains. In his declaration of enthronement, he cited the precedent of King Wen of Zhou to argue that he could also be a qualified emperor of the Hua realm even though he was not Han. In doing so, he also claimed to embrace the Hua, Confucian rites, and ethics of rulership.[103]

Certainly, as pointed out by Kawamoto Yoshiaki 川本芳昭, this claim of Hua did not necessarily imply Sinicisation. Non-Han people still preserved their cultures and identity, such as languages and customs when they adopted the Confucian practices.[104] In 389, the founding ruler of the Xianbei Northern Wei, Emperor Daowu 道武帝 (r. 386-409), illustrated this complexity well. In his proclamation for the establishment of the regime, he indicated that even though 'the customs between [his and Han] peoples are different' 民俗雖殊, he could still uphold high virtue 德 to govern the Hua realm.[105] While recognising cultural differences between Xianbei and Han, he still claimed to be a legitimate ruler of the Central Plains by his respect for Confucian values. While Hua was originally a term of self-identification for the Han people against cultural others, then, non-Han rulers reinterpreted the notion as a trans-ethnic civilisational label under which the Xianbei people were not Han but could still belong to the Hua community.

In practice as well as rhetoric, the Northern Wei court claimed to be the successors of previous Central Plain dynasties. It employed Confucian scholars

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[102] See Chen Yinke, *Tangdai zhengzhi shi shulun gao* 唐代政治史述論稿 (Beijing: Sanlian shuju, 2001), pp. 183-197; Howard J. Wechsler, 'The founding of the T'ang Dynasty: Kao Tsu', in Denis C. Twitchett, ed., *The Cambridge History of China* (Cambridge: Cambridge University Press, 1979), vol.3, Sui and T'ang China, part 1, pp. 150-159.

[103] Liu Yuan also drew on his genealogical connexion to the Han imperial house and his Xiongnu heritage to claim to legitimacy. See *Jin shu*, 101.2649; David B. Honey, 'Lineage as Legitimation in the Rise of Liu Yüan and Shih Le' in *Journal of the American Oriental Society*, vol. 110, no. 4 (1990), pp. 616-621.

[104] Kawamoto Yoshiaki, *Gi Shin Nanbokuchō jidai no minzoku mondai* 魏晋南北朝時代の民族問題 (Tōkyō: Kyūko shoin, 1998), pp. 11-65.

[105] *Wei shu* 魏書, by Wei Shou 魏收 (507-572) et al., (Beijing: Zhonghua shuju, 1974), 2.32.

and officials of Han ethnicity in the court and adopted a wide range of Confucian rites in state worships and ceremonies.[106] On the other hand, it preserved the Xianbei tongue as the 'state language' 國語 and retained native Xianbei customs on private occasions such as marriage and funeral.[107] It was only during the reign of Emperor Xiaowen 孝文帝 (r. 471-499) that the Northern Wei court carried out a full range of Sinicisation reforms aiming to abolish all Xianbei traditions and assimilate with the Han people. However, the Xiaowen reform stimulated a strong resistance among the Xianbei people, which led to the split of the Northern Wei in 534.[108] Non-Han customs still prevailed in Northern Zhou 北周 (556-581) and Northern Qi 北齊 (550-557). Throughout their rules, while these regimes claimed to be Hua in order to justify their rule of the Central Plains, the ethnic differences and identity of non-Han people remained obvious. As a result, the labels of 'Hua' and 'Yi' became mere political rhetoric to assert the ruling legitimacy of the reigning courts and were not a substantial cultural claim.

This political nature of the Hua-Yi symbols is particularly evident in Northern states' narrative and administrative systems in relation to Southern Dynasties. To the Northern regimes, the southern powers established by people of Han ethnicity were a significant challenge to their claims of Hua. Many Han elites still regarded the southern courts as the legitimate rulers of the Central Plains.[109] To assert their legitimacy against and denounce the southerners, the Northern courts therefore labelled their southern rivals as barbarians. For instance, in the official Northern Qi history on Northern Wei, *The Book* of *Wei* 魏書, southern emperors, including Emperor Daowu of Chu 楚悼武帝 (r. 403-404), Emperor Wu of Song 宋武帝 (r. 420-422), and Emperor Wu of Liang 梁武帝 (r. 502-549), were persistently referred to as 'Island Barbarians' 島夷.[110]

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[106] For more Northern Wei's practices in adopting the Confucian customs, see Liu Puning, *China's Northern Wei Dynasty, 386-535: The Struggle for Legitimacy* (New York: Routledge, 2021), pp. 38-73.

[107] For further discussion of Xianbei customs under Northern Wei, see Su Zhe 蘇哲, *Gi Shin Nanbokuchō hekigabo no sekai: e ni egakareta gun'yū kakkyo to minzoku idō no jidai* 魏晋南北朝壁画墓の世界: 絵に描かれた群雄割拠と民族移動の時代 (Tōkyō: Hakuteisha, 2007), pp. 56-133; Duan Ruichao 段锐超, 'Minzu rentong shiye xia de Beichao yuyan wenzi yanjiu' 民族认同视野下的北朝语言文字认同研究, in *Zhongyang minzu daxue xuebao (zhexue shehui kexue ban)* 中央民族大学学报(哲学社会科学版), vo. 40, no. 3 (2013), pp. 78-85; Huang Tzu-Hsin 黃子馨, 'Beichao hunsu kao: yi minge, shiliao wei li' 北朝婚俗考—以民歌、史料為例, in *Danjiang zhongwen xuebao* 淡江中文學報, vol. 35 (2016), pp. 173-204.

[108] Kawamoto Yoshiaki, *Gi Shin Nanbokuchō jidai no minzoku mondai*, pp. 187-340.

[109] Liu Pujiang 刘浦江, 'Nanbeichao de lishi yichan yu Sui Tang shidai de zhengtong lun' 南北朝的历史遗产与隋唐时代的正统论, in *Zhengtong yu Hua Yi: Zhongguo chuantong zhengzhi wenhua yanjiu* 正统与华夷: 中国传统政治文化研究 (Beijing: Zhonghua shuju, 2017), pp. 17-19.

[110] For example, see *Wei shu*, 2.41-42; 7a.147; 7b. 174; 8.192; also see Yoshikawa Tadao 吉川忠夫, 'Tō-i to sakuryo no aida: tenseki no ryūden o chūshin to shita Nanbokuchō bunka kōryū-shi' 島夷と索虜のあいだ: 典籍の流傳を中心とした南北朝文化交流史, in *Tōhō gakuhō*, vol. 72

This label was also applied to state institutions. In late Northern Wei, the state office accommodating defectors from foreign polities was called the 'Lodge for Barbarians of the Four Cardinal Directions' 四夷館. This lodge had four branches, namely Jinling 金陵, Rouran 柔然, Fusang 扶桑 and Yanzi 崦嵫. The first two referred to the two major rivals of Northern Wei: the southern regimes which established their capital in Jinling (present-day Nanjing, Jiangsu province); and the Rouran Khaghanate (330-555) in the north, a nomadic power that reached from Lake Alakol in present-day Kazakhstan to Mongolia. The other two dealt with the polities in the east and west like those of the Korean peninsula and Central Asia, respectively.[111] Despite its general meaning and rhetorical connotation, 'Yi' was used within the Northern Wei system in a practical and functional sense that simply referred to peoples from foreign polities regardless of their cultural background in reality. This convention is comparable to how the Tang defined foreigners in legal terms, as is shown later.

The Political Circumstances: The Ethnic Background of the Tang Imperial Household

Given the potential connections between political rhetoric and state institutional terms, in order to understand the immediate context of the laws, we should also observe the political circumstances of the Tang that might affect its legislation. By and large, the Tang imperial household also faced similar political pressure to the Northern dynasties concerning their ethnic background. Marc Abramson has shown that, while non-Han people are widely believed to have been well assimilated into the Han society under the Tang, awareness of the ethnic differences between the Han and non-Han remained conspicuous over the Tang period. Such a sense of difference grew especially strong in confrontations where the parties involved used ethnic identity to mark allies and foes.[112] Although the Tang court succeeded in unifying the Central Plains to a point where no Han rival regimes comparable to the Southern dynasties remained, the mixed ethnic background of the Tang imperial household still made it difficult to win the respect from the elites of Han ethnicity.

(2000), pp. 133-158; Guo Shuo 郭硕, '"Daoyi" chenghao yu Beichao Hua Yi guan de bianqian' "岛夷"称号与北朝华夷观的变迁, in *Wen shi zhe* 文史哲, vol. 378, no.3 (2020), pp. 26-35.

[111] *Louyang qielan ji jiaozhu* 洛陽伽藍記校注, by Yang Xuanzhi 楊衒之 (fl. 547), ed. Fan Xiangyong 范祥雍 (Shanghai: Shanghai guji chubanshe, 1978), 3.160; Wang Jing 王靜, 'Beiwei siyiguan lunkao' 北魏四夷馆论考, in *Minzu yanjiu*, 1999 vol. 4, pp. 75-82.

[112] Marc Abramson, *Ethnic Identity in Tang China*, pp. 1-10.

The royal Li house was closely connected to the Xianbei people. This was not only because they had served several Xianbei regimes before the establishment of the Tang. During their service in the Western Wei court, they also had a Xianbei surname, Da'ye 大野.[113] Whether their ancestors were of Han ethnicity is also an issue.[114] In any case, Emperor Gaozu's mother was a noble Xianbei lady, and he married a Xianbei empress as well.[115] This mixed ethnic background encouraged conservative elites of Han ethnicity to despise the imperial household. This came out in the conflicts between the royal family and the traditional Han elite clans. Under the non-Han rule of the Northern dynasties, some prominent Han clans still preserved their cultural purity with traditional Confucian classical teaching in heredity and insisted on intermarrying only with other Han elite families. These clans therefore received great respect not only among Han people but also among Northern authorities, who relied on them to win support from the Han. In Tang times, the social status of such families remained high. In 638, Emperor Taizong commissioned Gao Shilian 高士廉 (576-674), a chief minister of the time, to compile the *Treatise on Clans* 氏族志 to divide the major clans of the empire into nine classes. Despite his political circumstances, Gao still ranked the traditional elite Han clans, such as the Cui clan of Boling (in present-day Baoding, Hebei province) 博陵崔氏 as the highest, above the royal Li house. Since this ranking directly challenged the supreme authority of the imperial household, Taizong was furious and forced Gao to rank the Li house the highest instead.[116] To elites of Han ethnicity, the social status of the imperial household was still not comparable to the traditional Han clans.

Because of the complexity of its ethnic background, the royal Li house of the Tang court also had to justify its legitimacy to rule the Han people, much as the Northern dynasties had done. A prime example was their claims about a genealogical relationship with Laozi 老子, the legendary early Daoist thinker who had come to be regarded as the supreme deity in Daoism. Over the course of the Tang era, from Fu Yi 傅奕 (554-639) to Han Yu 韓愈 (768-824), conservative

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[113] *Jiu Tang shu*, 1.1; *Zizhi tongjian*, 163.5058.

[114] Liu Pansui 劉盼遂 strongly believes that the Li house was rooted in non-Han tribes, and Chen Yinke thought that although their ancestors were Han, they were still heavily influenced by the Xianbei. See Liu Pansui, 'Li Tang wei fanxing kao' 李唐爲蕃姓考, in Nie Shiqiao 聶石樵, ed., *Liu Pansui wenji* 劉盼遂文集 (Beijing: Beijing sifan daxue chubanshe, 2002), pp. 645-664; Chen Yinke, *Tangdai zhengzhi shi shulun gao*, p. 196.

[115] *Zhou shu* 周書, by Linghu Defen 令狐德棻 (583-666) et al., (Beijing: Zhonghua shuju, 1971), 5.70.

[116] Patricia Ebrey, T*he Aristocratic Families of Early Imperial China: A Case Study of the Po-ling Ts'ui Family* (Cambridge; New York: Cambridge University Press, 1978), pp. 87-115; Li Songtao 李松濤, *Tangdai qianqi zhengzhi wenhua yanjiu* 唐代前期政治文化研究 (Taipei: Xuesheng shuju, 2009), p. 107.

elites of Han ethnicity often criticised Buddhism as a barbarian religion which threatened the Hua's ritual values and order.[117] Some of them, like Fu Yi who was also an ardent Daoist, therefore, upheld Daoism, an indigenous Central Plain religion, to suppress the Buddhists' power. Partly to conceal their controversial ethnic background, the Li house claimed to be Laozi's descendants and made Daoism the state religion.[118] Apart from the religious measures, the court also upheld Confucianism to further appeal to the Han people. For instance, Tang emperors had frequently indicated that it was their guiding principle of imperial governance. In addition, Confucian classics were also the core content of civil examination.[119] The Statues stipulated that every county of the empire should build a Confucian temple to show respect to Confucius. In the capital, members of the State Academy 國子監 should also pay respect to Confucius and his seventy-two students every spring and autumn.[120]

Nevertheless, the ethnic background of the Li house still provoked open challenges in early Tang. In 639, for instance, Fu Yi's major opponent on the religious front, Falin 法琳 (572-640), a Buddhist monk, criticised the Li house for fabricating their genealogical history in the course of complaining about the Tang court's partiality for Daoism directly to Emperor Taizong. He denied the royal house's relation with Laozi and asserted that they were Xianbei but not Han. This seriously irritated the emperor, who even considered sentencing him to death. Finally, Falin was banished to Yizhou 益州 (modern Chengdu, Sichuan Province), but in the end, he died due to immune deficiency to local diseases on his way to Yizhou in the next year.[121] A challenge to the imperial assertion of the ethnic background of the royal house would result in severe punishment. The need of the Tang court to defend its ethnic legitimacy to rule the empire remained strong.

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[117] Marc Abramson, *Ethnic Identity in Tang China*, pp. 52-82.

[118] Daoism also contributed to the foundation of the Tang in providing pro-Tang prophecies and auspicious signs. It helped uniting the multi-ethnic population of the empire in devotion of Han cult, too. See Ren Jiyu 任继愈, *Zhongguo daojiao shi* 中国道教史 (Shanghai: Shanghai renmin chubanshe, 1990), pp. 266-273; Tim Barrett, *Taoism under the T'ang: Religion & Empire during the Golden Age of Chinese History* (London: Wellsweep, 1996), pp. 20-21; Livia Kohn and Russell Kirkland, 'Daoism in the Tang (618-907)', in Livia Kohn, ed., *Daoism Handbook* (Leiden; Boston: Brill, 2000), pp. 340-341.

[119] Wu Zongguo 吴宗国, *Tangdai keju zhidu yanjiu* 唐代科举制度研究 (Shenyang: Liaoning daxue chubanshe, 1992), pp. 25-54.

[120] *Tōrei shūi*, p. 206; 217; Howard J. Wechsler, 'The Confucian Impact on Early T'ang Decision-Making', pp. 1-2.

[121] *Tang hufa shamen Falin beizhuan* 唐護法沙門法琳別傳 by Yan Cong 彦琮 (fl. 627-649), in *Taishō shinshū Daizōkyō* 大正新脩大藏經 (Tōkyō: Taishō Shinshū Daizōkyō Kankōkai, 1988), T50n2051.3, 210a05-c01; 0212a17; For more on Falin's life, see Thomas Jülch, 'In Defense of the Samgha: The Buddhist Apologetic Mission of the Early Tang Monk Falin', in *The Middle Kingdom and the Dharma Wheel: Aspects of the relationship between the Buddhist Saṃgha and the state in Chinese history* (Leiden: Brill, 2016), pp. 18-93.

Huàwai and *Huànei*: Tang Legal Conceptions of Foreigners and Subjecthood

Just as there had been a divergence between rhetoric and the actual administrative practices of the Tang's political predecessors in the north, so the Tang Code drew on the discourse of the Hua-Yi Distinction while adopting subtler treatment of foreigners in practice. In its introductory section which indicated the underlying concepts of the penal regulations, 'Titles of Penalties and General Rules' 名例, the Code explained the concept of 'foreigners' in the law in this way:

> Cases in which *huàwai* people of the same "kind" offend against one another are ruled according to their original customs and their laws. Cases involving those of different "kinds" are sentenced by the laws and codes [of our empire].
> 諸化外人，同類自相犯者，各依本俗法。異類相犯者，以法律論。[122]

The term used to refer to foreigners was *huàwai people* 化外人. With *huà* primarily meaning 'to change' or 'to convert', the term appears to denote the people out of the Tang's own culture or civilising influence according to its literal meaning. The term derives from the Hua-Yi discourse, which echoed the discussed educational role of a ruler. The literal translation of the term would be 'people beyond transformation'.[123]

The categorisation unit for the people in question, *lei* 類, seemed to lend canonical support to such a reading. In *Zuo Commentary*, for example, we see that Ji Wenzi 季文子 (651 BC–568 BC) warned Duke Cheng of Lu 魯成公 (r. 590 BC–573 BC) against placing trust in the Chu 楚 court with an argument that centred on the term *lei*: 'If they are not of our kind, their minds must be different' 非我族類其心必異. Originally, this line was an expression of the scepticism of the Lu court towards the Chu as they came from a different household than the Lu.[124] The Chu court was often seen as a barbarian power at the time because of its southern roots, which were far from the Central Plain cultural stronghold in the north. Later writers therefore quoted this phrase to stress the cultural cleavage between Han and other peoples. For instance, in response to the increasing number of non-Han inhabitants of the Central Plains in the late third century and the growing anxiety over their potential threat to the region's ethnic order, political stability, and ethical integrity, Jiang Tong 江統 (d. 310), a junior officer of the Western Jin 西晉 (266-316) state, quoted *Zuo Commentary* before

[122] *Tang lü shuyi*, 6.133.
[123] Wallace Johnson has translated this term into 'people beyond the pale of Civilisation'. See *The T'ang Code* (Princeton: Princeton University Press, 1997), vol. 1, p. 252.
[124] *Chunqiu Zuo zhuan zhushu,* 26.439a.

commenting that 'the aspirations and demeanours of barbarians are not the same as Hua' 戎狄志態不與華同.[125]

In this light, both *lei* and *huàwai* seem to be cultural concepts denoting non-Han people. However, the official commentary in the Tang Code offers an alternative reading that urges against any ethnic or cultural interpretation of the term:

> "*Huàwai* people" refers to those from alien or barbarian polities that have instated their own rulers and leaders. They each have their own customs, and their institutions and laws are different. When those of the same "kind" offend against one another, [the court] must consult the institutions of their original polities and pass judgements according to their customs and laws. With cases involving those of different "kinds'" such as when peoples of Goguryeo and Baekje offend against one another, [our] codes are always applied to determine the penalty and sentence.
> 「化外人」謂蕃夷之國，別立君長者。各有風俗，制法不同。其有同類自相犯者，須問本國之制，依其俗法斷之。異類相犯者，若高麗之與百濟相犯之類，皆以國家法律，論定刑名。[126]

In recognition of the cultural and institutional differences among different *huàwai* peoples, the commentary moved beyond the cultural reading. It indicated that the key criterion for passing judgement in such cases was affiliation to a foreign polity that claimed sovereignty over the people in question.

The quoted example of Goguryeo and Baekje further explains the meaning of *huàwai* well. As mentioned in the Introduction, Emperor Taizong undertook three great military campaigns against Goguryeo in the 640s and 650s, aiming to expand Tang territory to the east.[127] Therefore, when the commentary of the Code was promulgated in 653, the peninsula was a pressing issue for the court, which might explain the reason for raising them as an example here.

One way in which this example illustrates the Tang article is to clarify the reading of the ambiguous term *lei*. In the contemporary records of the Tang court, both kingdoms were understood to belong to the same ethnic group, Buyeo 扶

[125] Jiang's essay would come to serve as a recurring point of reference for early Tang scholars. In the seventh century, it was reprinted in the Tang official history on the Jin 晉 Dynasty (265-420), *Jin Shu*. Wei Zheng, one of the most trusted ministers of Emperor Taizong, also quoted this line in his memorial to oppose Taizong's idea of accepting the Türk people living in the Tang empire. See *Jin shu*, 65.1529; *Jiu Tang shu*, 194a.5162.
[126] *Tang lü shuyi*, 6.133.
[127] *Zizhi tongjian*, 197.6193-199.6252.

餘.[128] Despite this shared ethnic background, the Code considered their subjects as different 'kinds' of *huàwai* people. Indeed, the two kingdoms were independent regimes for centuries and 'their own customs, institutions, and laws' were different. For instance, while traitors in both kingdoms were punished by decapitation, Goguryeo also burnt them alive, but not to the point of death, before the execution of the death penalty. Similarly, while murderers were killed in Goguryeo, Baekje allowed them to offer slaves as compensation instead of their own lives.[129] The differences of their legal systems were also noted in Tang historical records such as the *History of the Northern Dynasties* 北史, so the compilers of the Code would have been aware of it.[130] When the Code granted the right to foreign peoples of the same 'kind' to handle their legal disputes by their own practices, it was legitimate to categorise the peoples according to the state systems they were accustomed to rather than by ethnic background. That *lei* in this context was therefore an indication of political affiliation and not ethnicity.

As well as lacking ethnic content when used in Tang legal contexts, the term *lei* also carried none of the implications of cultural difference otherwise found in the conventional discourse of Hua and Yi. Given the proximity of the two kingdoms to the Central Plains, they had long been under the considerable cultural influence of these Central Plains. As shown by contemporary records, the Tang court was fully aware of the spread of books and practices that adopted its own linguistic and social conventions in the two kingdoms.[131] Goguryeo and Baekje were also tribute regimes of the Tang. As early as in 619 and 621, the second and fourth years of the Tang dynasty, both of them had paid tribute to and established diplomatic relations with the Tang.[132] Therefore, even though they were under the sphere of influences of the Central Plains to some degrees, and they were subordinated to the Tang at least nominally as its tribute regimes, their people were still regarded as *huàwai* in Tang legal contexts. The legal term in practice must have been a political term referring to those beyond the direct control of the Tang. As a result, Liu Junwen and others have proposed to read

[128] *Bei shi* 北史, by Li Yanshou 李延壽 (fl. 679-680) et al., (Beijing: Zhonghua shuju, 1974), 94.3120; *Nan shi* 南史, by Li Yanshou et al., (Beijing: Zhonghua shuju, 1975), 79.1696; *Sui shu*, 81.1817.

[129] See *Xin Tang shu*, 220.6186, 6198; Zhang Chunhai 张春海, *Tang lü Gaoli lü bijiao yanjiu* 唐律、高丽律比较研究 (Beijing: Falü chubanshe, 2016), pp. 1-15.

[130] *Bei shi*, 94.3116; 3119. Although the history work was not compiled with official commission, its author, Li Yanshou was a court historian, and he submitted his work to the court after he completed the compilation. The history was also popular in Tang times. See *Jiu Tang shu*, 73.2599-2600; *Xin Tang shu*, 102.3985-3986.

[131] *Bei shi*, 94.3116, 3119-3220; *Sui shu*, 81.1814; 1817-1818.

[132] Another major kingdom on the Korean peninsula, Silla 新羅, also followed their steps in 624. See *Jiu Tang shu*, 199a.5320, 5329, 5335.

huàwai people as a political concept, referring to people of foreign polities.[133] Nakada Kaoru 中田薫 and other early modern scholars have also compared the concept of *huàwai* with the modern system of nationality 國籍, from which they have further discussed the similarities and differences between Tang and Roman laws.[134]

We might also infer from this example of Goguryeo and Baekje that a political definition of foreignness endured in legal contexts in the seventh and early eighth centuries. Tang conquered Baekje and Goguryeo in 660 and 668, respectively. The current version of Tang Code was published between 710 and 737. The anachronistic use of this example in the early eighth century shows that the Tang court had preserved it untouched in its later revision of the Code and commentary, suggesting that it felt no need to change its legal definition of foreigners. Furthermore, the Tang court did not amend the Code and commentary after the An Lushan Rebellion. For those regulations that were no longer suitable for the time being, the court issued ad hoc edicts 敕 to stipulate new rules and replace corresponding articles of the Code.[135] In the late Tang, there was no such new rule promulgated even to modify the meaning of foreigners, suggesting that the definition was valid during the time as well.[136]

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[133] Liu Junwen, *Tang lü shuyi jianjie*, 6.479-481; Shen Shuowen 沈寿文, 'Tanglü shuyi "huàwai ren" bianxi'《唐律疏议》"化外人" 辨析, in *Yunnan daxue xuebao* 云南大学学报, vol. 19, no.3 (2006), pp. 115-118; Qian Daqun 钱大群, *Tang lü shuyi xinzhu* 唐律疏议新注 (Nanjing: Nanjing shifan daxue, 2007), 6.207-208; Zhao Jun 赵君, 'Tanglü shuyi "huàwai ren" zai tantao'《唐律疏议》"化外人" 再探讨, in *Fazhi yu shehui* 法制与社会, Aug 2010, pp. 10-11, 23; Gan Huaizhen 甘懷真, 'Cong Tang lü huàwai ren guiding kan Tangdai de guoji zhidu' 從唐律化外人規定看唐代的國籍制度, in *Zaoqi Zhongguo shi yanjiu* 早期中國史研究 vol. 3, no. 2 (2011), pp. 1-32; Wang Yikang 王义康, 'Tangdai de huàwai yu huànei' 唐代的化外与化内, in *Lishi yanjiu* 历史研究, 2014 no. 5, pp. 4-60; Wang Bingju 王炳军, 'Tanglü "huàwai ren" tiao de falü jieshi' 唐律 "化外人" 条的法律解释, in *Falü fangfa* 法律方法, no.3 (2018), pp. 184-199.

[134] See Nakada Kaoru, 'Tōdai hō ni okeru gaigokujin no chii' 唐代法に於ける外國人の地位, in *Hōseishi ronshū* 法制史論集 (Tōkyō: Iwanami shoten, 1936), pp. 1361-1392; Xu Daolin, *Tang lü tonglun* 唐律通論 (Shanghai: Zhonghua shuju, 1943), pp. 23-24; Niida Noboru, 'Chūka shiso to zokujin shugi oyobi zokuchi shugi' 中華思想と属人主義および属地主義, in *Houzei shi kenkyū* 法制史研究 vol. 3 (1953), pp. 124-172; Aida Hanji 會田範治, *Tō-ritsu oyobi Yōrō-ritsu myōreiritsu kōgai* 唐律及び養老律名例律梗概 (Tōkyō: Yushindo, 1964), p. 108; Dai Yanhui 戴炎輝, *Tang lü tonglun* 唐律通論 (Taipei: Guoli bianyi guan, 1964), p. 24.

[135] For further discussion of the use of *ad hoc* edicts in late Tang legislation, see Dai Jianguo, *Tang Song biange shiqi de falü yu shehui*, pp. 35-96.

[136] These new regulations issued in late Tang are documented in the Code of the Song dynasty, *Song Xingtong* 宋刑統. The Song penal regulation was based on the Tang's, which directly preserved the Tang Codes in entirety but attaches the late Tang legislative edicts that were considered applicable in early Song as new rules. The Song codex therefore collected a lot of Tang regulations. See Dai Jianguo, *Tang Song biange shiqi de falü yu shehui*, pp. 97-219; *Songdai fazhi yanjiu conggao* 宋代法制研究丛稿 (Shanghai: Zhongxi shuju, 2019), pp. 1-38. For the section on 'huàwai people', see *Song xingtong jiaozheng* 宋刑統校證, by Dou Yi 竇儀 (914-966) et al., ed. Yue Chunzhi 岳純之 (Beijing: Beijing daxue chubanshe, 2015), 6.90.

The direct antonym of *huàwai* further illustrated the legal concept of subjecthood. Tang law referred to its people as *huànei people* 化內人. In the commentary on Article 88 of the Code which stipulated cross-border activities, it employed the term in the following lines:

> Those who cross the frontier passes and fortresses and deliver prohibited weapons to *huàwai* people illicitly are liable for strangulation. Those who enter into marriage [with *huàwai* people illicitly] are liable for banishment at 2,000 *li*. Those *huàwai* people who cross the border to enter [our empire's] territory and trade with *huànei* are incriminated in the same way as *huànei* people who cross the border to trade with *huàwai*. Their cases should also be reported to the Throne for further instruction. With the exception of envoys, people are not permitted to enter or leave the territory of [our] polity. The term used here is therefore simply "cross" but not "cross without permission".
>
> 越度緣邊關塞，將禁兵器私與化外人者，絞。共為婚姻者，流二千里。其化外人越度入境，與化內交易，得罪並與化內人越度、交易同，仍奏聽敕。出入國境，非公使者不合，故但云「越度」，不言「私度」。[137]

In this commentary, *huànei* signified the political domain under Tang control which was demarcated by frontier passes and fortresses. Physical territorial barriers distinguished *huànei* from *huàwai*. The boundary between the two realms was not open, as the final line of the commentary indicates: Only envoys were permitted to cross the border to *huàwai*. As will be discussed in Chapter 3, Tang commoners were not allowed to leave the Tang for any purposes. Therefore, Tang subjects, the *huànei* people, were those bound to the Tang territory. This opposite concept further clarifies that the *huà* in a Tang legal context does not mean a vague cultural sphere but an explicit political domain within imperial jurisdiction.[138]

In sum, the terms *huàwai* and *huànei* were slippery and operated in different ways according to local context. They appear to be cultural concepts, but they were not. However, this fluidity is often ignored by scholars. Despite the evidence above, Su Qin 蘇欽, Jiang Xin 姜歆, and many others still suggest understanding *huàwai* as a cultural term, meaning non-Han people. This is because they simply assume that the meanings of these terms were universal in pre-modern times. They usually quote anachronistic references, such as the use

[137] *Tang lü shuyi*, 8.177-178, Article 88.

[138] Wang Yi Kang and Gan Huaizhen have also argued that 'huàwai' and 'huànei' are political concepts in this way. See Wang Yikang, 'Tangdai de huàwai yu huànei', pp. 49-52; Gan Huaizhen, 'Cong Tang lü huàwai ren guiding kan Tangdai de guoji zhidu', pp. 7-13.

of *huà* in pre-Qin Confucian texts, to read the terms and seldom carefully examine the local context of the Tang Code.[139]

Cognate Concepts: *Fan*, *Guo,* and Han

Apart from *huàwai* and *huànei*, Tang law also uses other terms to denote foreign and local subjects. An analysis of the use of these terms further confirms the Tang's political conceptions of foreignness and subjecthood in the legal sense. One term that deserves our attention is *fan* 蕃, which appears in Article 88 to denote foreignness:

> Those who engage in illicit trade with *huàwai* people with exchange worth more than one *chi* of silk are liable for two and a half years of servitude [...].
> Commentary: [...] "Those who engage in illicit trade with *huàwai,* or *fan* people" means to trade and exchange in the market [with *huàwai* people] or to take *fan* people's goods and deliver goods to *fan* people. The penalty is decided by the value of the goods, in which one *chi* of silk is liable for two and a half years of servitude [...].
> 共化外人私相交易，若取與者，一尺徒二年半 [...]
> 疏議曰：[...] 若共化外、蕃人私相交易，謂市買博易，或取蕃人之物及將物與蕃人，計贓一尺徒二年半 [...][140]

'Fan people' 蕃人 here appears as a synonym of *huàwai* people to elucidate what precisely is meant by engaging in trade with subjects of foreign polities. 'Fan

[139] See Su Qin, 'Tang Ming lü "huàwai ren" tiao bianxi: jianlun Zhongguo gudai ge minzu falü wenhua de chongtu yu ronghe' 唐明律「化外人」条辨析:兼论中国古代各民族法律文化的冲突和融合, in *Faxue yanjiu* 法学研究 vol.18, no.5 (1996), pp. 141-151; Jiang Xin, 'Tangdai "huàwai ren" falü diwei tanxi—jianlun Yisilanjiao zai Tang shi chuanbu de falü yinsu' 唐代"化外人"法律地位探析—兼论伊斯兰教在唐时传布的法律因素, in *Ningxia shehui kexue* 宁夏社会科学, 2006 no.2, pp. 80-86; Zhang Miaomiao 张淼淼, *Tangdai huàwai ren de falü diwai shulun* 唐代化外人的法律地位述论, M. A. diss. (Suzhou daxue, 2010), pp. 1-8; Yen Ju-Hui 嚴蕙如, 'Shilun 'huàwai ren' yu wenhua rentong—yi ba shiji de du Tang Riben ren wei li' 試論「化外人」與文化認同—以八世紀的渡唐日本人為例, in Gao Mingshi 高明士, ed., *Tang lü yu guojia zhixu* 唐律與國家秩序 (Taipei: Yuanzhao chuban, 2013), pp. 303-344; *Tang Ri wenhua jiaoliu tansuo: renwu, lisu, fazhi zuowei shijiao* 唐日文化交流探索: 人物、禮俗、法制作為視角 (Taipei: Yuanhua wenchuang, 2019), pp. 71-82; Liu Jiqing 刘吉庆, 'Tanglü "huàwai ren" tiao—zhengzhi guishu yu falü shiyong de erfen shijiao shenshi" 唐律 "化外人" 条—政治归属与法律适用的二分视角审视, in *Falü shi pinglun* 法律史评论 2016 (00), pp. 255-263; Shen Weiwei 沈玮玮, 'Lun cong you gongshi dao wu gongshi de huàwai ren sifa yuanze' 论从有共识到无共识的化外人司法原则, in *Tanqiu* 探求, 2017 no. 4, p. 72; Guan Weikang 管伟康, 'Huàwai ren" guiding de lishi bianqian' 化外人"规定的历史变迁, in *Guangbo dianshi daxue xuebao* 广播电视大学学报, 2019 no. 2, pp. 16-24; Chen Ruoyu 陈若愚, 'Ping "yonghui lü" huàwai ren xiangfan tiao' 评《永徽律》'化外人相犯"条, in *Chengdu ligong daxue xuebao* 成都理工大学学报', vol. 7, no. 5 (2019), pp. 108-113.

[140] *Tang lü shuyi*, 8.177-178, Article 88.

people' was used as a political term rather than a cultural term. This reading of the term is confirmed by its antonym, *guo* 國, as used in the commentary of Article 88:

> "Taking the opportunity of serving as envoys" means taking the opportunity for serving as our court envoys to enter *fan*, or *fan* people taking the opportunity for serving as envoys entering our polity…. In accordance with the Reception Office Ordinance, "When *fan* visitors are coming to enter our court, [when they are] *en route*, [our subjects] are not allowed to interact or mingle with them, and the visitors may not be allowed to talk with people. If prefectural and county officials have no business [with the visitors], they too are not allowed to meet them." This means that neither officials nor ordinary subjects in our polity are allowed to interact or be associated with visitors […].
>
> 「因使」者，謂因公使入蕃，蕃人因使入國 […] 準主客式：「蕃客入朝，於在路不得與客交雜，亦不得令客與人言語。州、縣官人若無事，亦不得與客相見。」即是國內官人、百姓，不得與客交關 […][141]

Guo here denotes the territory under the administration of the Tang. This meaning is particularly evident in the reference to officials and commoners 'in our polity' 國內, which specified the officials and general population of the Tang. As a corollary, *fan* in these lines should again be taken to denote foreign polities.[142]

Yang Shao-yun has further argued that the antonym of *fan* in Tang times was Han 漢. For instance, in a Tang diplomatic meeting in 622 with the Eastern Türks, and in the Tang-Tibetan Treaty Inscription 唐蕃會盟碑 dated to 823, 'Han' was used interchangeably with 'Tang' denoting the Tang empire and meaning no ethnic entity.[143] Yang has also cited as evidence for his argument, a Tang edict issued by Emperor Taizong in 628:

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[141] *Tang lü shuyi*, 8.178, Article 88.

[142] This interpretation of the legal use of *fan* is supported by Yang Shao-yun's observation that *fan* in Tang texts is usually a generic term referring to foreign polities, while it sometimes also denotes Tibet specifically, as an abbreviation of *Tufan* 吐蕃. See Yang Shao-yun, '*Fan* and *Han*: The Origins and Uses of a Conceptual Dichotomy in Mid-Imperial China, ca. 500-1200', in Francesca Fiaschetti and Julia Schneider, ed., *Political Strategies of Identity Building in Non-Han Empires in China* (Wiesbaden: Harrassowitz Verlag, 2014), pp. 13-21. Most of the works of modern scholarship on Tang law mentioned above have overlooked the precise uses and implications of terms such as *fan*. Two rare exemptions are those by Gan Huaizhen and Wang Yikang. See Gan Huaizhen, 'Cong Tang lü huàwai ren guiding kan Tangdai de guoji zhidu', pp. 1-32; Wang Yikang, 'Tangdai de huàwai yu huànei', pp. 4-60.

[143] *Ibid*.

> The *Han* women that *fan* envoys have married as concubines are not allowed to be taken back to *fan*.
> 諸蕃使人所娶得漢婦女為妾者，並不得將還蕃。[144]

On the basis of this evidence, Yang 'believe[s] that under the Tang, terms like "Han persons" ('Hanren') or "Han woman" simply meant "a person from the Tang" or a "woman from the Tang" regardless of ethnicity'. Han was a 'geopolitical' concept.[145] Yang has not explained why the term 'Han women' in the edict has to be read as 'women from the Tang'. Yet, judging from circumstantial evidence, this Han should indeed refer to the Tang empire. The edict later became a decree cited in Article 88 of the Codes with slight word changes, but it retains the terms, 'Han women' and '*fan*'.[146] As shown earlier, the article regulated cross-border movements and marriage between *huànei* and *huàwai* people. This term 'Han women' in the edict should refer to Tang women in general but not women of a specific ethnicity as well. Also, as will be discussed in Chapter 3, to avoid an outflow of population and manpower to foreign regimes, the Tang court did not allow any Tang subjects to leave the empire without the court's permission. The reason why the edict banned foreign envoys from bringing their women to foreign regimes was likely out of the same concern. Therefore, what the court really aimed to do with the edict and decree was to forbid foreign envoys from bringing any Tang women out of the empire regardless of their ethnicity. This 'Han women' should mean Tang women subjects as Yang has suggested. And '*fan*' in the edict also signifies foreign territory beyond the Tang in line with how it is used in the Article 88.

However, just as *huàwai* and *huànei*, *fan* seems to have no universal meaning in the Tang, either. Yang may overlook the Tang texts that employ Han to refer to people of Han ethnicity, such as the Qibi Heli's episode discussed in the Introduction. Qibi argued that if Emperor Taizong were to punish the ethnically Han general who had lied to claim Qibi's victory as his own, it would prompt non-Han people to believe that the emperor 'favours aliens over Han' 厚蕃輕漢. Though Qibi was recorded as having emphasised his political and military service to the Tang, he still associated himself with the label of *fan* in explicit opposition to 'Han'. So, in this case, at least, 'Han' should be read as an ethnic and not a political term. Again, the terms *fan*, *guo,* and Han may refer to different ideas in different contexts. In a legal sense, they point to a political affiliation or territory but not an ethnicity in line with *huàwai* and *huànei*.

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[144] *Tang huiyao jiaozheng*, vol. 2, 100.1538.
[145] Yang Shao-yun, '*Fan* and *Han*', pp. 13-21.
[146] *Tang lü shuyi*, 8.178, Article 88.

Legal Terms as Political Rhetoric

However, why the Tang court adopted such a set of seemingly misleading terms is a question that must be answered. Those who have proposed to read *huàwai* and *huànei* as political concepts have not explained this. For this inquiry, we should then return to Article 232 of the Code. This article offers another reference for understanding the concept of *huàwai* in the explanation of the meaning of foreign espionage:

> "*Huàwai* people coming and conducting for espionage" refers to Yi people of the Four Directions, from beyond [our] authority and teaching, who enter our polity illicitly and come and go to conduct secret investigations.
> 化外人來為間諜者，謂聲教之外，四夷之人，私入國內，往來覘候者。[147]

Here, '*huàwai* people' was described as the barbarians beyond the 'authority and teaching' of the Hua regime, which appears to define them by their cultural quality as well.[148]

Yet the term *shengjiao* 聲教 was frequently used in political rhetoric to denote the actual territory of the empire. For example, in 621, after the Tang defeated one of its major rivals, Wang Shichong 王世充 (d. 621) during the Tang unification of the Central Plains, Emperor Gaozu included Wang's 'evil deeds' in the following lines:

> In the past, [Wang] Shichong was a hindrance who illegitimately occupied a part of the realm. [He] assailed and abused both the men of letters and commoners and obstructed the authority and teaching.
> 日者，世充作梗，僭擅一方；侵虐士民，阻絕聲教。[149]

Although Wang Shichong's family originated from Central Asia, he based his power on Luoyang, the central part of the Yellow River, which was the cultural stronghold of the Central Plains.[150] But this region was still described as being blocked from 'the authority and teaching', which was clearly a line of political

[147] *Tang lü shuyi*, 16.307, Article 232.
[148] See Yen Ju-Hui, 'Shilun 'huàwai ren' yu wenhua rentong—yi ba shiji de du Tang Riben ren wei li', pp. 308; *Tang Ri wenhua jiaoliu tansuo: renwu, lisu, fazhi zuowei shijiao*, pp. 73-74.
[149] 'She Henan zhuzhou wei Wang Shichong guawu zhao' 赦河南諸州為王世充詿誤詔, in *Tang da zhaoling ji*, 121.643.
[150] *Sui shu*, 85. 1894-1898.

rhetoric to denounce Wang as a corrupted ruler who caused human civilisation to deteriorate.

The use of *shengjiao* in the Code might also be understood in this way. In the article, *guonei* 國內 is provided as an antonym of *huàwai*. The spies out of the 'authority and teaching' are those coming outside of the empire. Both *huàwai* and *shengjiao* are therefore territorial concepts under this article as a result. In line with these terms, the 'Yi' mentioned is thus comparable to its use in the name 'Lodge for Barbarians of the Four Cardinal Directions', simply referring to people of foreign polities. These legal terms therefore carried rhetorical force, in which they denounced the foreign polity as being beyond culture or civilising influences and 'the authority and teaching' of the empire. Subjects of these polities are also labelled as barbarians, Yi, regardless of their cultural or ethnic background. These terms assert a strong sense of cultural and civilisational superiority over other regimes, which emphasises the inequality of status between the Tang, on the one hand, and foreign polities on the other. This shows that Tang law might also have played a role in a political assertion to establish the self-image of a superior, civilised empire over foreign polities and people.

As discussed, such a sense of superiority had been established well before the imperial time, but it seemingly did not shape the legal language in early imperial periods. As noted by Su Qin and others, a more straightforward alternative such as '*waiguo* people' 外國人 had been used since the first century BC.[151] This term simply meant 'people of foreign polities'. Besides, excavated remnants of the Western Han Code shows that the equivalent legal term referring to foreign people at the time was not *huàwai* but *jiaowai*:

> *Jiaowai* people who come into [our polity] as thieves are punished by chopping at the waist.
> 徼外人來入為盜者要 (腰) 斬.[152]

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[151] For example, see *Shiji*, by Sima Qian 司馬遷 (b. 145 or 135 BC) et al., (Beijing: Zhonghua shuju, 2014), 123.3171; *Han shu* 漢書, by Ban Gu 班固 (32-92) et al., (Beijing: Zhonghua shuju, 1962), 68.2932, 2962; also see Su Qin, 'Tang Ming lü "huàwai ren" tiao bianxi: jianlun Zhongguo gudai ge minzu falü wenhua de congtu yu ronghe', p. 144; Jiang Xin, 'Tangdai "huàwai ren" falü diwai tanxi—jianlun Yisilanjiao zai Tang si chuanbu de falü yinsu', p. 81; Zhang Miaomiao, *Tangdai huàwai ren de falü diwai shulun*, p. 4; Yen Ju-Hui 'Shilun "huàwai ren" yu wenhua rentong—yi ba shiji de du Tang Riben ren wei li', p. 305; *Tang Ri wenhua jiaoliu tansuo: renwu, lisu, fazhi zuowei shijiao*, p. 77; Liu Jiqing, 'Tanglü "huàwai ren" tiao—zhengzhi guishu yu falü shiyong de erfen shijiao shenshi", p. 261.

[152] See *Zhangjiashan Hanmu zhujian (ersiqi hao mu) shiwen xiuding ben* 張家山漢墓竹簡 (二四七號墓) 釋文修訂本, ed. Zhangjiashan ersiqi hao hanmu zhujian zhengli xiaozu 張家山二四七號漢墓竹簡整理小組 (Beijing: Wenwu chubanshe, 2006), p. 17.
For the English translation of the excavated code, see Anthony J. Barbieri-Low and Robin D.S. Yates, *Law, State, and Society in Early Imperial China: A Study with Critical Edition and*

Jiao 徼 simply meant the border of the empire, which was how *The Records of the Grand Historian* 史記 used the term. For example, in describing Sima Xiangru's 司馬相如 (179 BC–117 BC) expansion of Western Han territory into the southwest, it was stated that Sima turned the areas 'reaching the waters of Mo and Ruo in the west and Zangke in the south [into] its border' 西至沫、若水，南至牂柯為徼.[153] On this quoted sentence, the early Tang commentary, *Seeking the Obscure in the Records of the Grand Historian* 史記索隱, compiled by Sima Zhen 司馬貞 (679-732), cites the third-century lexicographer Zhang Yi 張揖 (fl. 227-232) and annotates that '*jiao* is a fortress which uses wood to fence water as the border against Man and Yi people' 徼，塞也。以木柵水為蠻夷界. Although it seems to be specific to demarcating the boundary between the population of Han and non-Han, the commentary offers a more general explanation of the term elsewhere: '*Jiao* means border pillbox. *Jiao* is used to surround the border. It is guarded regularly' 徼謂邊境亭鄣。以徼繞邊陲，常守之也.[154] In other words, *jiao* refers to border fortifications which, by their existence, demarcated territorial boundary and the 'border against Man and Yi people' with the waters of Mo and Ruo. The term *jiaowai* people was thus relatively neutral and straightforward as a territorial concept compared with *huàwai* in denoting what seems to be the same meaning.

When and in what circumstances did political rhetoric start affecting legal writing, changing the term for foreigners into *huàwai*? This is not clear. Since Shen Jiaben 沈家本 (1840-1913) and Liang Qichao, scholars have attempted to trace the origins of the term *huàwai*. Yet they only reached as far back as the Tang Code because extant evidence from earlier periods is too fragmentary to support analysis. Liu Junwen and Guan Weikang 管伟康 even believe that Emperor Taizong invented the *huàwai* article.[155]

But judging from the label of 'island barbarian' that the Northern dynasties attached to the people of southern regimes and from the Northern Wei's adoption of the name of the 'Lodge for Barbarians of the Four Cardinal Directions', legal language on foreigners might have become increasingly rhetorical under the intense confrontation between the Northern and Southern

Translation of the Legal Texts from Zhangjiashan Tomb no. 247 (Leiden; Boston: Brill, 2015), vol. 2, pp. 464-465.

[153] *Shiji,* 117.3668.

[154] *Ibid*., 91.2600.

[155] See Shen Jiaben, *Lidai xingfa kao* 歷代刑法考 (Beijing: Zhonghua shuju, 1985), p. 1806; Liang Qichao, 'Lun Zhongguo chengwenfa bianzhi zhi yange deshi', p. 480; Su Qin, 'Tang Ming lü "huàwai ren" tiao bianxi: jianlun Zhongguo gudai ge minzu falü wenhua de congtu yu ronghe', p. 141; Liu Junwen, *Tang lü shuyi jianjie*, 6.480; Guan Weikang, '"Huàwai ren" guiding de lishi bianqian', p. 16.

dynasties. In fact, on present evidence, the earliest example of the use of the term *huànei* is found in Northern Zhou. While the law of the Northern Zhou is lost, a record of the time hinted that the term might already have been in use in Northern Zhou law. In 577, after Northern Zhou conquered Northern Qi, the Zhou court announced in an edict that it would release all the slaves it captured from the eastern regime during the war that had just concluded. In its statement, it employed the term *huànei*:

> Those people of eastern land who were seized and abducted to *huànei* to be slaves from the seventh month of the third year of Yongxi (534) until the tenth month of the last year (576)…should all be freed and exempted from [services].
> 自永熙三年七月已來，去年十月已前，東土之民被鈔畧在化內為奴婢者……並宜放免。[156]

It is useful to go more deeply into the historical background of this statement. In 534, as mentioned, the Northern Wei had split into Eastern and Western Wei due to a civil war caused by the aggressive Sinicisation reform of Emperor Xiaowen. The split dynasties were both short-lived, and the Northern Qi and Northern Zhou replaced the Eastern and Western Wei in 550 and 557, respectively. During this fragmentation of the northern land, there were continual wars between these eastern and western regimes. In the seventh lunar month of 534, the first military campaigns began between the western and eastern polities. The final campaign of this half century of conflict began in the tenth lunar month of 576, resulting in Northern Zhou's conquest of Northern Qi the following year.[157] During these decades of wars, many subjects of the eastern regimes were abducted to the west as slaves. The edict quoted above released them in celebration of the Zhou conquest of the Qi. In the quoted lines, *huànei* was clearly already being used as a territorial concept, denoting the territory of the western regime against the 'eastern land' 東土. Although this edict was not a legal document, it still allows for the strong possibility that the term was already in use in Northern Zhou law, and so perhaps also its direct antonym, *huàwai*. It may be reasonable to suppose that the Tang court inherited these terms in the law from the Northern dynasties with the needs for political assertion under the ethnic tension between the imperial household and elites of Han ethnicity discussed above.

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[156] *Zhou shu*, 6.104.
[157] *Wei shu*, 11.291; *Zhou shu*, 6.95-96.

State Agenda Behind Legal Conceptions

In any case, the great importance that the imperial court placed on border and state security shaped these legal conceptions of subjecthood. The primary concern of the court over foreigners was not the cultural or ethnic impact they might bring to the empire but their foreign political affiliation that might threaten the court. These concerns are well illustrated by the 'Ten Abominations' 十惡, the ten most serious crimes listed in the Code. The core concern of the state over its subjects was their allegiance to itself. The top two crimes on the list are therefore 'plotting a rebellion' 謀反, which meant planning to overthrow the state; and 'plotting a great sedition' 謀大逆 denoting any plans for destroying the royal shrines or tombs. In this light, 'plotting [foreign] collusion' 謀叛 is ranked the third. This item refers to betraying the court on behalf of an enemy regime, such as fleeing to or plotting a revolt with a foreign power.[158] In other words, political ties with a foreign regime was truly thought of as a serious potential threat. The titles of all these crimes emphasised 'plotting' because even these crimes were only at the stage of planning without any action or implementation, they were already considered as crimes that should be punished. This illustrates the great precaution of the imperial court against anti-court movements including collusions with foreign forces in rebellion. The court aimed to eliminate all these potential threats before any plots were brought into practice. The punishment for 'plotting treason' was also severe. Those who committed the crime were liable for death penalty by strangulation with the criminal's wife and sons banished to a distance of 2000 *li*.[159] As explained in the Introduction, the early Tang empire was situated in a competitive environment that threats of foreign powers rose one after another. It is not surprising to see the Tang court having such a great precaution against foreign collusion.

Given the serious concerns over state security and foreign affiliation, most of the Code's articles that mention foreigners are about cross-border activities or contacts with a foreign regime as shown in the table below:

Table 1 Tang Code's Articles on Foreign Crimes

Articles	Titles	Term(s) in Use	Content

[158] *Tang lü shuyi*, 1.6-7, Article 6.
[159] *Ibid*., 17. 325, Article 251.

6	Plotting [foreign] Collusion 謀叛	*Fan*	Punishments for plotting treason in collusion with foreign regimes[160]
34	Assessing the Values of Illicit Goods and Labour Usage 平贓及平功庸	*Fan*	The formula to assess the values of illicit goods and labour used for crimes committed in foreign lands beyond standard counties and prefectures 州縣 [161]
36	At the Opportunity of Amnesty [the Amount of Taxation] that Should be Corrected and Collected 會赦應改正徵收	*Fan*	Tax exemption for the captives in foreign regimes who have returned to the empire[162]
88	Passing and Crossing a Frontier Customs Barrier 越度緣邊關塞	*huàwai, fan*	Punishments for committing illicit border-crossings or conducting illicit trades, marriages with subjects of foreign polity[163]
89	Frontier Walled Outposts Are Not Aware Villains Coming and Leaving 緣邊城戍不覺姦人出入	*huàwai, fan*	Punishments for careless officials of frontier walled outposts who are not aware of foreign villains passing through the empire's border[164]
90	Those in Charge of Beacon Fires not Giving an Alarm 烽候不警	*Fan*	Punishments for careless officials who are in charge of beacon fires giving no alarm about a foreign invasion[165]
109	Divulging Critical Matters 漏泄大事	*Fan*	Punishments for officials divulging critical matters such as plots of rebellion and treason or the plans of military campaigns to irrelevant parties including foreign envoys[166]
196	Death and Loss of Livestock Reproductions and Those for Tax Do Not Fulfil Their Quota 牧畜產死失及課不充	*Fan*	Punishments for herdsmen who have caused death and loss in livestock reproductions, including the calculation of the sentence when involving foreign livestock[167]
232	Informing Enemy of a Campaign 征討告賊消息	*Huàwai*	Punishments for commoners informing foreign spies about campaigns[168]

[160] *Ibid*., 1.8, Article 6.
[161] *Ibid*., 4.88-89, Article 34.
[162] *Ibid*., 4.97, Article 36.
[163] *Ibid*., 8.177-178, Article 88.
[164] *Ibid*., 8.178, Article 89.
[165] *Ibid*., 8.179, Article 90.
[166] *Ibid*., 8.195, Article 109.
[167] *Ibid*., 15.275-276, Article 196.
[168] *Ibid*., 16.307, Article 232.

Among these articles, Articles 6, 109, and 232 are about contacts with foreign states, concerns about plotting treason with foreign regimes as noted, and the leaking of state secrets to foreign envoys or spies by local officials and common people. The rest are all related to cross-border activities or movement. Articles 34 and 36 shed light on administrative issues over cross-border activities. The former explains the methods to assess the values of illicit goods stolen in a foreign territory for deciding the corresponding sentences for these crimes. The latter indicates the amount of taxes exempted for Tang captives in foreign polities who had managed to return to the empire. As discussed above, Article 88 focusses on the ban on illicit cross-border activities such as travel abroad and marriage with subjects of a foreign polity without the state's permission. To ensure the implementation of these restrictions on cross-border activities, Article 89 stipulated the punishments for frontier officials who overlooked those restrictions and allowed domestic or foreign spies to cross the borders. Article 89 paid attention to cross-border movements in the case of war, when frontier officials failed to light a beacon tower to signal foreign invasions.

In sum, the major concerns of the court about foreign people were their potential collusion with a foreign power and their cross-border activities that might challenge the state's control of its frontiers. It was therefore reasonable for the court to define foreignness in political and territorial terms. A cultural definition did not fulfil such needs. Ultimately, the immediate practical demands of state governance shaped Tang conceptions of subjecthood.

While this notion of subjecthood might have satisfied the state's needs, how did early Tang intellectuals, and even society at large, respond to it? As we will see in what follows, such a notion of subjecthood could be ethnically inclusive: one could be treated as a Tang subject regardless of one's ethnic background. But from at least the early imperial period on, there were recurring debates over whether to accept peoples of alien cultures into the Central Plain community.[169] In early Tang, similar conservative opinions emerged from time to time. Anti-expansionist ministers often opposed territorial expansion and the incorporation

[169] For example, Yuri Pines has noted that although no pre-imperial thinkers opposed the changeability between Hua and Yi that barbarians could always obliterate their cultural inferiority and become Hua by embracing the Hua rites as indicated above, some imperial elites started to advocate otherwise. For instance, Ban Gu 班固 (32-92), the renowned court historian of the Eastern Han, believed that nomads like Xiongnu 匈奴 are barbarians carrying 'human faces with beast hearts' 人面獸心. They could never be converted into Hua and should be kept away from the Central Plains permanently. In the early fourth century, Jiang Tong, the Western Jin official mentioned above, also followed Ban Gu's idea and proposed the expulsion of all Central Asian inhabitants of Jin territory, 'Xi Rong Lun'. See *Han shu*, 98.3834; *Jin shu*, 65.1529; Yuri Pines, 'Beasts or Humans: Pre-Imperial Origins of Sino-Barbarian Dichotomy', pp. 59-91.

of foreign lands and peoples into the empire. In 630, following the fall of the Eastern Türk khaghanate, several bands of Türk tribes fled to the oasis state of Yiwu 伊吾 (present-day Hami, Xinjiang). The Tang court therefore further conquered Yiwu and offered grain to the Türks in the region as an inducement to surrender to the Tang. Yet Li Daliang 李大亮 (586-644), governor-general of Liangzhou 凉州都督, opposed this strategy by arguing that the court should not consume resources to accommodate the Türks since barbarians were of little importance to the empire.[170] Also, in 640, Wei Zheng 魏徵 (580-643) strongly opposed setting up permanent rule over the Gaochang 高昌 kingdom and its people on similar grounds as will be considered in further detail in the following chapter. Although we have no record of a court debate over the issue of subjecthood *per se*, the arguments of these conservative Han thinkers implies a rejection of an inclusive notion of subjecthood.

Yet even such conservative arguments were limited to the particular context of opposition to conquering new lands and people. None went as far as Jiang Tong had done in the late third century to suggest expelling the non-Han people who were already resident in the Central Plains. The reason behind this could well be practical, rather than ideological. By the time of the Tang's establishment, many non-Han people had already settled in the Central Plains for centuries. The Tang royal house itself was also of mixed ethnic background. For the immediate purposes of this thesis, too, Zhangsun Wuji, who is attributed as the chief compiler of the official commentary on the Tang Code, was the elder brother of Taizong's Xianbei empress. For potential opponents of an inclusive notion of subjecthood, proposing to relocate all non-Han people out of the empire would have simply been impractical and, more than that, a direct offense to the royal house. Under such constraints, even conservative thinkers of Han ethnicity would likely have had to tolerate the court's notion of subjecthood, even if they did not embrace it wholeheartedly.

Concluding Remarks

In its legal discourse, the Tang court conceived of foreigners, according to their political affiliation, as subjects of a foreign ruler. As Shen Shouwen 沈寿文 has suggested, the Code aimed to develop a set of pragmatic regulations to identify and control foreigners. In this, the main, practical concern of the law in

[170] *Jiu Tang shu*, 62.2388. Yang Shao-yun has traced how early Tang ministers used the discourse of the Hua-Yi distinction as a rhetorical device to debate foreign policy. See his *Rhetorical and Philosophical Uses of the Yi-Di in Mid-Imperial China, 600–1300*, pp. 1-44.

governing foreigners was not their cultural background.[171] As a result, although the court adopted from Hua-Yi discourse such culturally resonant terms as *huàwai*, *huànei*, *shengjiao,* and Yi, it shifted the semantic scope of those terms to focus on their political content. This might have led the court to restrict a concept such as that of *huàwai* to designate only people of foreign polities. So legal language became political rhetoric. In calling people of foreign regimes the 'people beyond transformation'—the transformation brought about by the great civilisation of the Tang—the court labelled subjects of foreign polity as barbarians and established a self-image of a superior, civilised empire over the inferior foreign polities and people.

As an instrument of state rule, the focus of the law was on the people and actions that might challenge court security and imperial orders. In the case of the robbery that opened this chapter, what urged the authorities to pursue the Hu suspects was the damage they had caused to property. The authorities might also have been concerned about the criminal's possible affiliation with foreign powers, or if their activities might have involved foreign espionage as well, though our anecdote leaves that open to speculation. Conversely, the criminals' cultural or ethnic background does not emerge as particularly significant: Their ethnic background was helpful neither in verifying their individual identities nor in discovering any associations with foreign polities, especially given that the large population of non-Han people who had immigrated to the Central Plains.

The treatment of foreignness in Tang law necessarily reveals something of its obverse—the concept of subjecthood under this system. While the practical applications of this concept will be explored in what follows, the present chapter has surveyed how Tang law laid down the defining qualities of Tang subjects in normative terms. As a corollary to the Tang legal definition of foreigners as those in the service of foreign polities, Tang 'subjects' were people under the jurisdiction of Tang rule and bounded by Tang territory. Whether they were of Han ethnicity or not was irrelevant. Taken as a whole, then, this evidence indicates a Tang worldview that adopted a degree of pragmatism which has been largely overlooked by later scholarship. That pragmatism enabled the Tang court to represent its empire as a community that categorised people not by their ethnicity but their political affiliation.

[171] Shen Shouwen has argued this point in his '*Tanglü shuyi* "huàwai ren" bianxi', pp. 115-118'.

Chapter 2

Subjecthood in State Administration

In 668, after two decades of invasions, the Tang force defeated Goguryeo and conquered the northern Korean peninsula.[172] But the Tang court struggled to retain stable control of its new territory in the face of strong local resistance and rebellion. In 670, it therefore had to abandon the peninsula and recall its protectorate government and military forces.[173] During this retreat, the court relocated some thirty-eight thousand Goguryeo households to the empty lands in the capital region as well as to south-eastern circuits 道 of the empire, with the aim of growing the local populations.[174] Although the Tang court regarded the people of Goguryeo as 'eastern barbarians' 東夷, the court was driven by economic imperatives.[175] The early Tang empire relied on labour-intensive economic production to fund its operations. Its major tax revenue of the state derived from grains and textiles.[176] Growing its labour population was therefore key to building its economic strength. To increase its manpower, it made

[172] *Jiu Tang shu*, 199a.5327.
For further discussion of the war, see Liu Ju and Jiang Weidong, *Tang zheng Gaogouli shi*; Gugbangbu jeonjaeng sa pyeonchan wiwonhoe 국방부 전쟁사 편찬위원회, 고구려대수당전쟁사, *Goguryeo dae Su-Dang jeonjaeng sa* 고구려대수당전쟁사 (Seoul: Gugbangbu jeonjaeng sa pyeonchan wiwonhoe, 1995).

[173] See Wong Yue-sat (Joseph Wong), 'Wu Zetian yu Chaoxian zhengju' 武則天與朝鮮政局, in Lau Kin-ming 劉健明, ed., *Huang Yue'se Sui Tang shi lunji* 黃約瑟隋唐史論集 (Beijing: Zhonghua shuju, 1997), pp. 61, 71. For discussion of the inter-polity relations in Northeast Asia at the time, see Wang Xiaofu, 'Sui Tang Wudai dongbeiya zhengzhi dashi'; 'Tangchao yu Xinlou guanxi shilun' 唐朝与新罗关系史论, in Wang Xiaofu, ed., *Shengtang shidai yu dongbeiya zhengju*, pp. 3-34, 426-342.

[174] There are conflicting records on the number of households abducted to the Tang. Tang records such as *Tongdian* documents it as 28,000 but *Zizhi tongjian* and the Goryeo record, *Samguk sagi* took it as 38,000. *Tongjian* did not explain the reasons for the difference. See *Tongdian*, 16.5019; *Samguk sagi*, 22, the fourth lunar month of 669 (669 년 04 월(음)), http://db.history.go.kr/item/compareViewer.do?levelId=sg_022r_0020_0500 (12th March 2021); *Zizhi tongjian*, 201.6359.

[175] For example, *Sui shu*, included the history of Goguryeo in the chapter titled 'Eastern barbarians'. See *Sui shu*, 81.1813-1817.

[176] See Denis C. Twitchett, *Financial Administration under the T'ang Dynasty* (Cambridge: Cambridge University Press, 1970), pp. 24-48; Yoshida Torao 吉田虎雄, *Tōdai sozei no kenkyū* 唐代租税の研究 (Tōkyō: Kyūko shoin, 1973), pp. 11-24; Li Jinxiu 李锦绣, *Tangdai caizheng shigao* 唐代财政史稿 (Beijing: Beijing daxue chubanshe, 1995), vol. 1, pp. 415-457.

recurrent attempts to absorb foreign labourers into its territories, including by abducting the people of enemy regimes during wartime.[177]

The last chapter has established that the Code defined subjecthood by political affiliation but not ethnicity. Here, this thesis further discusses how such political affiliation was interpreted in operations of imperial governance. It shows that ethnic background was not a key criterion for the Tang court to identify and rule its subjects in day-to-day administration as well. As an expanding empire, the Tang actively absorbed non-Han people to grow its population and strength. It directly registered many of the people in household records as Tang subjects to collect their taxes and labour forces, regarding them as units of human resources. As a result, political affiliation was represented by regular contribution of resources to the state. Subjecthood became an economic relationship between the state and the people established by taxation and labourer supply.

To illuminate this relationship, this chapter first indicates how people's affiliation to the court was established by household registration. The households being registered by the court officially became Tang subjects. The court taxed and recruited labourers from the registered subjects according to the household records, in which paying taxes and serving as state labourers became the two fundamental obligations of the people as stipulated in the Tang Code. Secondly, in line with the concerns of taxations and labourer recruitment, the household registers were indifferent to the people's ethnic background, which simply recorded necessary information for the purposes of taxation and labourer supply. After that, this chapter examines the cases of Sogdians and Gaochang people to see how the household registration system played out in practice and absorbed non-Han people into the empire.

Finally, it reviews the place of subordinate prefectures, *jimizhou*, within that system of household registration. While the Tang court absorbed many non-Han people into standard administration, it set up many subordinate prefectures on borderlands to lay down indirect rule over submitted tribes or polities as mentioned in the Introduction. Then in which circumstances and for which kinds of non-Han people would the court govern the people through the system of

[177] In addition to this relocation of households, during the two decades of invasions, Tang also abducted thousands of Goguryeo people. For instance, in 645, the chief commander of the Tang military campaign, Li Ji 李勣 (594-669) removed 28,000 commoners and over 10,000 soldiers and brought them to the Tang from the peninsula. See *Jiu Tang shu*, 199a.5322-5323. For discussion of the relationship between the Tang invasions and the growth of its population, see Wu Songdi 吴松弟, *Zhongguo yimin shi*: *Sui-Tang Wudai shiqi* 中国移民史: 隋唐五代时期 (Fuzhou: Fujian renmin chubanshe, 1997), pp. 114-118; Bai Genxing 拜根兴, *Tangdai Gaoli Baiji yimin yanjiu: yi Xi'an Luoyang chutu muzhi wei zhongxin* 唐代高丽百济移民研究: 以西安洛阳出土墓志为中心 (Beijing: Zhongguo shehui kexue chubanshe, 2012), pp. 3-24.

subordinate prefectures rather than absorbing them into standard administration? How does this measure further explain the Tang ideas of subjecthood? This final section discusses these issues and offers an important exception that brings the standard measures taken by the state into sharp focus.

Household Registration, Taxation, and Labourer Recruitment

Household Registration and the Basic Obligations of Tang Subjects

In the practice of Tang imperial governance, people's affiliation to the state was embodied in household registration. Similar to modern governments, the Tang court registered all its subjects on records to acquire the necessary information for its administration. Since the subjects were registered in the unit of a household, their records were known as 'household registers' 戶籍.[178] These registers were universal documents pertained to all listed households under the Tang. As described in the Code that 'all subjects on [the empire's] soil had their documents of [household] registers' 率土黔庶皆有籍書, the documents represented the households' affiliation to the state and thereby their legal status as subjects in the empire. [179]

Based on the information collected in the register, the court required every household to pay taxes and offer manpower as a corvée for state projects such as local construction work on public facilities. Paying taxes and serving as a corvée became the basic obligations of Tang households. In the early half of the Tang period, the taxation and state labour recruitment method was the z*u-yong-diao* 租庸調 system. Annually, it required every mature man (above twenty years of age) of a household to remit two *dan* 石 of grain, *zu* 租, and a certain amount of local textile, *diao* 調, to the state as taxes. Besides, he should also serve twenty days as a local corvée or alternatively pay three *chi* 尺 of local textile as the compensation, *yong* 庸, for each day of the service. [180] In support of these

[178] Ikeda On, *Chūgoku kodai sekichō kenkyū*, pp. 60-61; 'T'ang Household Registers and Related Documents', in *Perspectives on the T'ang*, ed. Arthur F. Wright and Denis Twitchett (New Haven, Yale University Press, 1973), pp. 121-150; Ge Jianxiong and Dong Guodong 冻国栋, ed., *Zhongguo renkou shi: Sui Tang Wudai shiqi* 中国人口史: 隋唐五代时期 (Shanghai: Fudan daxue chubanshe, 2002), pp. 55-56.

[179] *Tanglü shiyi*, 12.231, Article 150.

[180] *Tōrei shūi*, 23.659 (Fuyiling 賦役令, Article 1), 667 (Fuyiling, Article 4); also, see *Tianyige cang Mingchao Tianshengling jiaozheng*, vol.2, pp. 474, 477. For further discussion of the taxation system, see Denis C. Twitchett, *Financial Administration under the T'ang Dynasty*, pp. 24-48; Yoshida Torao, *Tōdai sozei no kenkyū*, pp. 11-24; Li Jinxiu, *Tangdai caizheng shigao*, vol.1, pp. 415-457.

requirements, the Code stipulated the punishment for late or failed tax payment. Article 174 of the Code explains that:

> Those heads of households who do not pay the full amount for [their tax] are liable to 40 strokes of light flogging.
> Sub-commentary: For ordinary subjects, the person in charge of a household ought to remit taxes. [Those who] do not pay the full amount when it comes to the time [of remittance] are liable to 40 strokes of light flogging.
> 戶主不充者，笞四十。
> 疏議曰：百姓當戶，應輸課稅，依期不充，即笞四十。[181]

In Tang times, taxes were collected per household. The head of the unit was the person responsible for tax remittance.[182] He would therefore be punished when his household failed to pay.[183] Paying tax was an officially recognised obligation of Tang subjects. The specification of 'ordinary subjects', *baixing* 百姓, was to differentiate members of the general population from 'inferior people' 賤民, such as the bondsmen 奴 and bondswomen 婢. These people were seen as property of ordinary subjects and could be legally traded in market, so there was no need for them to pay taxes.[184] Beside those of the inferior class, there was a list of exceptional groups exempted from taxation, such as state officials, the elderly aged over sixty and the disabled. A household with all members made up of these persons were the 'tax-exempted households' 不課戶 sharing no tax burden at all.[185] But on the whole, paying taxes was still the basic obligation of ordinary Tang people. Similarly, ordinary subjects who did not

[181] *Tanglü shiyi*, 13.253, Article 174.
[182] *Tōrei shūi*, 9.223 (Huling 戶令, Article 6).
[183] The head of household did not have to be a man. Tang statutes stipulated that a woman could also be the head if there was no adult male in a household. Such a household was called '*nü hu*' 女戶 in Tang legal and household registration documents. Records preserved in Dunhuang and Turfan manuscripts yield some examples of household registration accounts for households headed by women. See *Tanglü shuyi*, 12.231, Article 150; Zhang Xinguo 张新国, 'Tang qianqi de nühu ji xiangguan wenti: yi Dunhuang Tulufan wenshu wei zhongxin' 唐前期的女户及相关问题——以敦煌吐鲁番文书为中心, in *Zhongguo bianjiang shidi yanjiu* 中国边疆史地研究, vol.25, no.1 (2015), pp. 88-102.
[184] See Yamane Kiyoshi 山根清志, 'Tō no hyakushō ni tsuite' 唐の百姓について in *Shakai keizai shigaku* 社会経済史学, vol. 47, no. 6 (1982), pp. 631-651; 'Tō no `hyakushō' mibun horon' 唐の「百姓」身分補論 in Kurihara Masuo sensei koki kinen ronshū henshū iinkai 栗原益男先生古稀記念論集編集委員会, ed., *Chūgoku kodai no hō to shakai: Kurihara Masuo sensei koki kinen ronshū* 中国古代の法と社会: 栗原益男先生古稀記念論集 (Tōkyō: Kyūko shoin, 1988), pp. 293-312.
For further discussion of inferior people, see Hamaguchi Shigekuni 濱口重國, *Tōōchō no senjin seido* 唐王朝の賤人制度 (Kyōto Diagaku Tōyō-shi Kenkyūkai, 1966); Li Jiping 李季平, *Tangdai nubi zhidu* 唐代奴婢制度 (Shanghai: Shanghai renmin chubanshe, 1986), pp. 190-229.
[185] *Tōrei shūi*, 9. 223 (Huling, Article 7).

contribute to the local corvée and did not pay the *yong* compensation were punished by thirty strokes of light flogging for each day of the service owed.[186] In other words, the Tang population was the empire's source of tax revenue and manpower. Yamane Kiyoshi 山根清志 has therefore regarded the ordinary subjects as Tang court's 'target of exploitation' 収奪の対象.[187]

Information Collected in the Household Registers

In line with these obligations of Tang subjects, Tang's household registers only collected necessary data for taxation and labourer recruitment and did not obtain any information on the ethnicity of the people. This hints that the court indeed saw them primarily as a source of taxation and labour and paid little attention to their ethnic background. The extant registers preserved today illustrate this attitude well. Below is one extracted from the register for the Cihui District 慈惠鄉 of Dunhuang County 燉煌縣 (present-day Dunhuang, Gansu province) pertaining to a local family in 716:

Figure 1 The Register of the Households of Wang Miaozhi and Yu Sanyi of Cihui District, Dunhuang County, Shazhou Prefecture

沙州燉煌縣慈惠鄉王妙智、余善意戶籍 [188]

Head of Household, Wang Miaozhi, age 56, widow (married, wife of a head of household, Zhang Youren, of Rinchi town, Dunhuang district of the county after the household registration of 713)

Daughter, Yang Wang, age 18, adult female (married, wife of Fubao, the grandson of a head of household, Yu Sanyi, of the district after the accounting of 714)

Head of Household, Yu Sanyi, age 81, elderly male (of a middle-bottom household), a tax-paying household with record of remittance

Grandson, Fubao, age 21, ordinary labourer (married Yang Wangwang, the daughter of a head of household, Wang Miaozhi of the town after the accounting of 714)

Wife of Fubao, Yang, age 18, wife of an ordinary labourer

Taxes to pay, 2 *dan*

Farmland received, 28 *mu*: 20 *mu* of the permanent; 7 *mu* of the uninheritable; 1 *mu* of residential garden and property

Farmland entitlement: 1 *qing* and 61 *mu*, 1 *qing* 3 *mu* received yet

[186] *Tanglü shiyi*, 28.534.

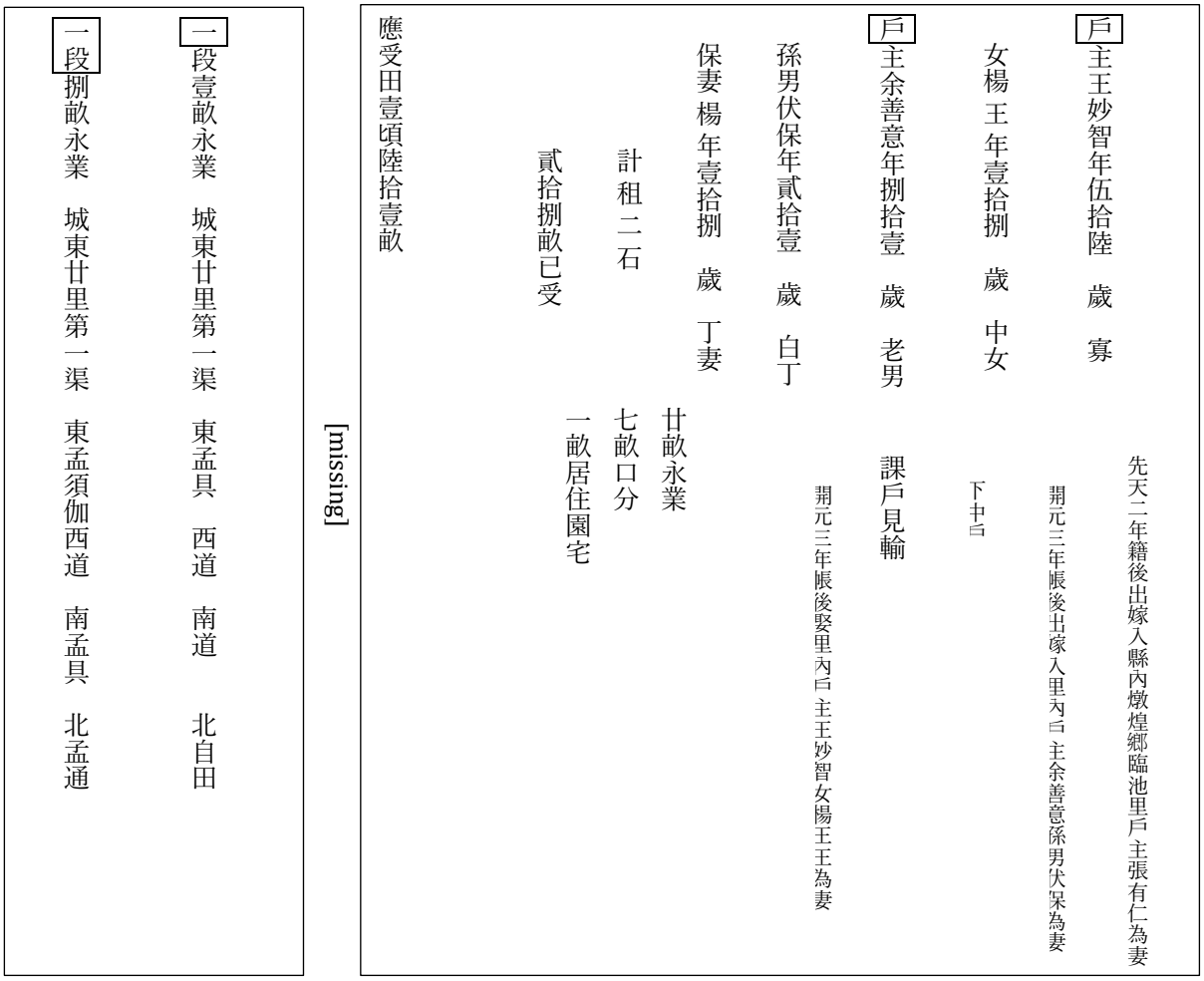
[187] See Yamane Kiyoshi, 'Tō no hyakushō ni tsuite' p. 651.

[188] See 'Shazhou Dunhuangxian Cihuixiang Kaiyuan sinian ji' 沙州燉煌縣慈惠鄉開元四年籍 (Pel.Chin. 3877)]11-12], in *Faguo guojia tushuguan cang Dunhuang xiyu wenxian* 法國國家圖書館藏敦煌西域文獻, ed. Shanghai guji chubanshe and Bibliothèque nationale de France (Shanghai: Shanghai guji chubanshe, 2003), vol. 29, pp. 63-64; also transcribed in Ikeda On, *Chūgoku kodai sekichō kenkyū*, p. 176.

[missing]

One piece [of land], 1 *mu* of the permanent, 20 *li* from the drain no. 1 of the eastern wall; in the east, Meng Ju's [land]; the west, a road; the south, a road; the north, owned land

One piece [of land], 8 *mu* of the permanent, 20 *li* from the drain no. 1 of the eastern wall; in the east, Meng Xujia's [land]; the west, road; the south, Meng Ju's [land]; the north, Meng Tong's [land]



Even in fragments, the content and features of the register are clear. It recorded two families joined by marriage, the Wangs and the Yus. The former married a daughter, Yang Wangwang, to the grandson of the latter, Yu Fubao, which linked them together.[189] With the records of residential property and land allotments attached behind both families, they probably shared the residence (the one *mu* of residential garden and property) and the land granted to them. Therefore, they were documented on this register together, while officially they were still

[189] Since her marriage with Zhang Youren only lasted for three years between the registration of 713 and that of 716 at the longest, this daughter probably came from her previous marriage, which would explain Wang's surname being recorded as Yang and not Zhang. These data reveal that the Wang household had no man to provide for taxation or state labour service.

regarded as two households, with two heads of households, Wang Miaozhi and Yu Shanyi.

All information recorded are about the families' economic conditions relevant for taxation as shown by the labels marked below the names of the household members. The register has no mention of the ethnic background of the household. The Wang and the Yu were probably of Han ethnicity, yet this is only an assumption based on their Han-like names. This is not unique to the above example, as no extant household records from Dunhuang and Turfan of any periods of the Tang contained such information.[190] It is possible that manuscripts discovered in the two places just reflect the practice in the northwest region of the Tang empire. Yet, in reviewing the contents recorded in the Tang household registers, the *New Tang History* only indicates the need to record people's age and the arability of lands but makes no mention of ethnic backgrounds of the subjects during the registration process.[191] It is reasonable to suppose that the features of the example given above reflect the general practice of the Tang household registration system.

The Absorption of Non-Han People into the Empire

The Case of Sogdians

The systems of household registration, taxation, and labourer recruitment were applied to absorb non-Han people into the empire as ordinary subjects. The first prime example is the Sogdians. While they enjoyed a certain degree of autonomy to self-govern their settlements across the Central Plains during the Northern Dynasties, they were registered as common subjects and were obligated to offer standard taxes and labour services under the Tang.

Sogdian people had come to the Central Plains from Central Asia for trade well before the establishment of the Tang dynasty. The earliest surviving record of their appearance in the Central Plains is from the third century during the Three-Kingdom period (220-280). The Sogdians participated in the battles between the Wei 魏 and Shu 蜀 regimes with their private armies.[192] To protect themselves on long-distance journeys, they developed their own military forces during their migration. Their private military forces were also involved in the

[190] See the household registers collected and transcribed in Ikeda On, *Chūgoku kodai sekichō kenkyū*, pp. 146-286.
[191] *Xin Tang shu*, 51.1343.
[192] See Moribe Yutaka 森部豊, *Sogudojin no tōhō katsudō to higashiyūrashia sekai no rekishiteki tenkai* ソグド人の東方活動と東ユーラシア世界の歴史的展開 (Suita: Kansai daigaku shuppanbu, 2010), pp. 27-30.

wars in the Central Plains from time to time. By the time of Northern and Sui dynasties, the Sogdians had established various semi-autonomous communities across the Yellow River Basin, each with its own chieftain, *sabao* 薩寶 (also written as 薩薄, 薩保, or 薩甫), to govern their people and armies. The central courts of the northern regimes recognised the status of these chieftains. They incorporated *sabao* into the state bureaucracy as local officials, accepting their power to govern these communities in exchange for their loyalty and support of the court. They also conferred military titles on the Sogdian leaders as a way to merge their forces into those of the northern regimes.[193] These Sogdian powers played a role in founding the Tang empire, too.[194]

[193] For the history of Sogdians in the Northern Dynasties, see *Ibid*., pp. 32-36; Haneda Akira 羽田明, 'Sogudojin no tōhō katsudō' ソグド人の東方活動, in *Iwanami kōza・sekai rekishi* 岩波講座・世界歴史 (Tōkyō: Iwanami shoten, 1971), vol. 6, pp. 409-434; Rong Xinjiang, 'Beichao Sui Tang Sute ren zhi qianxi ji qi juluo' 北朝隋唐粟特人之迁徙及其聚落, in *Zhonggu Zhongguo yu wailai wenming* 中古中国与外来文明 (Beijing: Sanlian shudian, 2001), pp. 37-53. For the political autonomy of these communities during the Northern and Sui dynasties, see Arakawa Masaharu, 'Hokuchō Zui•Tō-dai ni okeru "Sappō" no seikaku o megutte' 北朝隋•唐代における「薩寶」の性格をめぐって, *Tōyō-shi en* 東洋史苑, vol. 50 (1998), pp. 164-186; *Yūrashia no kōtsū kōeki to tō teikoku* ユーラシアの交通・交易と唐帝国 (Nagoya: Nagoya daigaku shuppankai, 2010), pp. 340-343; Rong Xinjiang, 'Sui ji Tangchu Bingzhou de sabao fu yu Sute juluo' 隋及唐初并州的萨保府与粟特聚落, *Wenwu* 文物, vol. 4 (2001), pp. 84-89.

[194] For example, the Sogdian chieftain, Cao Yi 曹怡 (581-655), joined Emperor Gaozu's forces to rebel against the Sui. See 'Cao Yi muzhi' 曹怡墓志 in *Fenyang shi bowuguan cang muzhi xuanbian* 汾陽市博物館藏墓志選編, ed. Wang Zhongzhang 王仲璋 (Taiyuang: Sanjin chubanshe, 2010), p. 1; Yamashita Masashi 山下将司, 'Tō no Taigen kyohei to Sansei sogudo gunfu: "Tō Sōyi boshi" o tegakari ni' 唐の太原挙兵と山西ソグド軍府：「唐・曹怡墓誌」を手がかりに, *Tōyō gakuhō*, vol. 93, no. 4 (2012), pp. 397-425; Wang Yongping 王永平, 'Sute houyi yu Taiyuan yuancong -- Shanxi Fenyang chutu Tang "Cao Yi muzhi" yanjiu' 粟特后裔与太原元从——山西汾阳出土唐《曹怡墓志》研究, in *Shanxi daxue xuebao (zhexue shehui kexue ban)* 山西大学学报 (哲学社会科学版), 2019 no. 4, pp. 27-36.

Figure 2 Sogdian Communities in the Northern, Sui, and Tang Dynasties[195]

As Arakawa Masaharu 荒川正晴 has shown, although these Sogdian powers contributed to the founding of the Tang, the court did not recognise their autonomy as previous regimes had done. The Tang court no longer appointed Sogdian leaders as *sabao*, permitting them to rule their followers. While the position of *sabao* was usually hereditary, descendants of the Sogdian chieftains who were *sabao* in Northern or Sui dynasties were no longer able to assume that position. For example, the Sogdian chieftain, Cao Yi's 曹怡 father was the *sabao* of the Sogdian community in Jiezhou 介州, but he himself was no longer a *sabao* and only retained an honourable military title, Chief Commandant of Cavalry 騎都尉, with no control of troops.[196] As a result of this shift, the position of *sabao* disappeared entirely from local government: no Tang record suggests that it existed in any local jurisdictions. It remained only in the capital as a religious official for conducting affairs related to Zoroastrianism, a religion widely practised by Sogdians, and it no longer had any authority in civil administration other than over religious affairs.[197]

As a result, the political and administrative autonomy of the Sogdian communities diminished. Although the Sogdian people were usually referred as *Hu* barbarians in Tang discourse, they now became ordinary subjects under the

[195] This map is made in reference to Iwami Kiyohiro, *Sogudojin boshi kenkyū* ソグド人墓誌研究 (Tōkyō: Kyūko shoin, 2016), p. 386.

[196] See 'Cao Yi muzhi', p. 1; Yamashita Masashi, 'Tō no Taigen kyohei to Sansei sogudo gunfu: "Tō Sōyi boshi" o tegakari ni', pp. 397-425; Wang Yongping, 'Sute houyi yu Taiyuang yuancong—Shanxi Fenyang chutu Tang "Cao Yi muzhi" yanjiu', pp. 27-36.

[197] Arakara Masaharu, 'Hokuchō Zui•Tō-dai ni okeru "Sappō" no seikaku o megutte', pp. 164-186; Rong Xinjiang, *Zhonggu Zhongguo yu Sute wenming* 中古中国与粟特文明 (Beijing: Sanlian shudian, 2014)', p. 5.

direct control of the Tang court, just as its Han subjects were. An example of their status under this new political order comes from the demographic analysis of the Conghua District 從化鄉 of Dunhuang County, which had a Sogdian settlement in the eighth century that is well-known to Sogdianists. A kind of household document, the corvée rosters 差科簿 of the district from the Tianbao 天寶 era (742-756) have survived, which permits a closer look at the lives of the local Sogdian people of the time.[198] As mentioned, Tang male subjects were required to supply labour to their local corvée as their regular contribution to the state. Therefore, on the basis of the county register, the county government compiled the corvée roster to list the local men of working age who were available for manual labour for the convenience of the local corvée administration. The roster from the Conghua district illustrates that the local Sogdian people were registered as ordinary subjects with corvée obligation as the Han people.[199] Below is a record extracted from the roster of the year 751:

Figure 3 Corvée Roster of Dunhuang County, Dunhuang Prefecture, 751

天寶十載燉煌郡燉煌縣差科簿 [200]

100 Persons, from Lower-Bottom Households

Kang Yingxian, age 43, auxiliary guard

Kang Lingqin, age 40, a son of a Pillar of the State (head of town)

Pei Yanshou, age 38, auxiliary guard

Younger brother, Yuanbin, age 39, ordinary labourer (local station solider)

Younger brother, Langjiang, age 28, ordinary labourer (local station soldier)

Shi Yuanjun, age 35, Chief Commandant of Cavalry (serving in local government office)

Younger brother, Yantuo, age 29, a son of a low-ranked official

Shi Shengong, age 52, guardsman

Younger brother, Tiezi, age 36, ordinary labourer (local station solider)

An Nunu, age 20, adult male (carer for the elderly)

Luo Adang, age 45, Commandant of Militant Cavalry

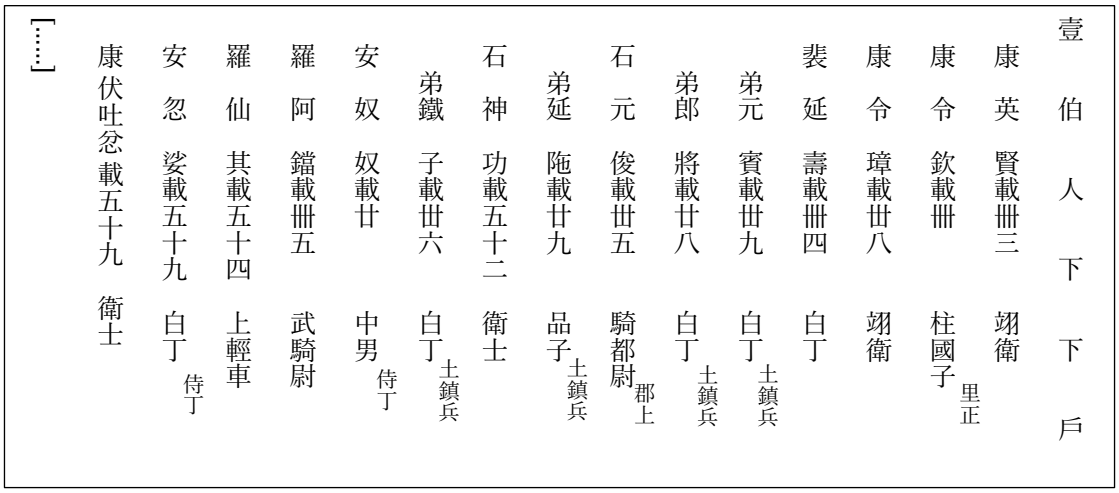
Luo Xianqi, age 54, Senior Commandant of Light Chariots

An Husuo, age 59, ordinary labourer (carer for the elderly)

Kyūko shoin, 2014), pp. 49-92.

[199] Ikeda On, *Chūgoku kodai sekichō kenkyū*, pp. 60-61; Wen Xin 文欣, 'Tangdai chaikebu zhizuo guocheng: cong Ahshitana 61 hao mu suo chu yizhi wenshu tanqi' 唐代差科簿制作过程——从阿斯塔那 61 号墓所出役制文书谈起, in *Lishi yanjiu*, 2007 no. 2, pp. 43-59.

[200] See 'Tianbao shizai Dunhuangxian chaikebu' 天寶十載燉煌縣差科簿 (Pel.Chin. 3559) [32-34], in *Faguo guojia tushuguan cang Dunhuang xiyu wenxian*, vol. 25, pp. 306-307; also transcribed in Ikeda On, *Chūgoku kodai sekichō kenkyū*, p. 273.
For the meanings of the titles mentioned in this corvée roster, see Wang Yongxing, 'Dunhuang Tangdai chaikebu kaoshi' 敦煌唐代差科簿考釋', in *Lishi yanjiu*, 1957 no. 12, pp. 72-99.


壹伯人下下戶
康英賢載卌三翊衛
康令欽載卌柱國子里正
康令璋載世八翊衛
裴延壽載卌四白丁
弟元賓載世九白丁土鎮兵
弟郎將載廿八白丁土鎮兵
石元俊載世五騎都尉郡上
弟延陁載廿九品子土鎮兵
石神功載五十二衛士
弟鐵子載世六白丁土鎮兵
安奴奴載廿中男侍丁
羅阿鐺載卌五武騎尉
羅仙其載五十四上輕車
安忽娑載五十九白丁侍丁
康伏吐忿載五十九衛士
[……]

Similar to the household registers, the corvée roster did not indicate ethnicity. But based on the rich studies on Sinitic transcription of Sogdian names, we can still infer that many of the people listed were Sogdians. For example, 'Kang' 康 and 'An' 安 were two typical Sogdian surnames which pertained to Sogdian city-polities of Samarkand and Bukhara.[201] The given name 'Futufen' 伏吐忿 was not Han either. Dieter Weber and Yoshida Yutaka 吉田豊 have separately traced the Sogdian origin of the name and have suggested that 'Futufen' derives from a Sogdian term 'Butifarn' meaning 'Buddha's glory'.[202] Bearers of these names were likely to have been Sogdians. 'Shi' 石 was a general Han surname, but it was also common among Sogdians from Chach, another Sogdian city-polity that was transliterated as 'the polity of Shi' 石國.[203] In addition, 'tuo' 陁 was a component of Sogdian names often found in Dunhuang and Turfan manuscripts which refer to 'servant'.[204] The brothers Shi Yuanjun 石元俊 and Shi Yantuo 石延陁 were thus likely to have been Sogdians, while it is hard to judge the origins of Shi Shengong 石神功 and Shi Tiezi 石鐵子. Despite these puzzling cases, it is overall clear that

[201] Yao Weiyuan 姚薇元, *Beichao huxing kao* 北朝胡姓考 (Beijing: Zhonghua shuju, 1962), pp. 379-384; Yutaka Yoshida, 'On the Origin of the Sogdian Surname Zhaowu 昭武 and Related Problems', in *Journal Asiatique*, vol. 291 (2003), pp. 35-67.

[202] Dieter Weber, 'Zur sogdischen Personennamengebung' in *Indogermanische Forschungen*, vol. 77, no.1 (1972), p. 199; Yoshida Yutaka and Kageyama Etsuko, 'Sogdian Names in Chinese Characters, Pinyin, Reconstructed Sogdian Pronunciation, and English Meanings', in de La Vaissière and Trombert, ed., *Les Sogdiens en Chine* (Paris: École française d'Extrême-Orient, 2005), pp. 305-306.

[203] Yao Weiyuan, *Beichao huxing kao*, pp. 388-389.

[204] Yoshida Yutaka and Kageyama Etsuko, 'Sogdian Names in Chinese Characters, Pinyin, Reconstructed Sogdian Pronunciation, and English Meanings', pp. 305-306.

many Sogdians were listed as ordinary local labourers. At the same time, persons bearing the Han-like names such as Pei Yanshou 裴延壽 were listed among the others without any specific markers, suggesting that subjects of different ethnic backgrounds were regarded equally as labourers in corvée services.

The Case of Gaochang

Apart from the Sogdians who had come to the Central Plains prior to the Tang dynasty, the Tang court incorporated many other non-Han people into the empire during territorial expansion. At strategic locations in its new territory, the court established standard prefectures to assert direct rule over the land and applied the above systems to govern new subjects. Through the discussion of the governance of new territory, we can see the ethnically inclusive systems of household registration prepared an effective institution for the state to absorb the vanquished as ordinary subjects and drew on their human resources. These systems supported the Tang court in running its expanding empire.

A conspicuous example of such a mode of population absorption is the conquest of the Gaochang Kingdom. Located in present-day Turfan, Xinjiang region, Gaochang occupied a key location on the Silk Road. It was a transportation hub as the eastern junction of the northern and southern corridors over the Tianshan 天山 Ranges, the two major routes connecting the Central Plains and Central Asia. The eminent Buddhist monk, Xuanzang, who is discussed in the next chapter, passed through the kingdom on his way to the Indian subcontinent, for example.[205] Any military campaigns towards Central Asia from the Central Plains needed to take this route as well. The kingdom had enjoyed good relations with the Tang and paid tribute to Emperor Taizong in 630 after the collapse of the Eastern Türk khaghanate.[206] However, it later allied itself with the Western Türks and subsequently became an enemy of the Tang.[207] In 640, when the Tang court shifted its attention to the Western Türks and attempted to eliminate the Türks'

[205] Aoyama Sadao 青山定雄, *Tō Sō jidai no kōtsū to chishi chizu no kenkyū* 唐宋時代の交通と地誌地図の研究 (Tōkyō: Yoshikawa Kōbunkan, 1969), pp. 14-28; Yan Gangwang, *Tangdai jiaotong tukao* 唐代交通圖考 (Taipei: Zhongyang yanjiuyuan lishi yuyan yanjiushuo, 1985), vol. 2, pp. 424-427; Valerie Hansen, *The Silk Road: A New History* (Oxford: Oxford University Press, 2012), pp. 83-112.
[206] *Zizhi tongjian*, 193.6083.
[207] *Xin Tang shu*, 221a.6221.

supporters, it invaded and conquered Gaochang.[208] The kingdom became a new regular prefecture under the Tang, called Xizhou 西州.[209]

Throughout this new territory, the Tang court immediately registered the new subjects in its household records and granted them their due allocation of land under the equal field system 均田制. This scheme granted farmland to every household across the Tang's standard territory so that the people were able to grow agricultural produce themselves both for their livelihoods and their tax payment. In general, every mature man was allotted a farmland of one *qing* 頃, while those with serious disease or disability were given forty *mu* 畝, and widowed wives or concubines were given thirty *mu*.[210]

Although the Gaochang kingdom was composed of people of different ethnic backgrounds, all of these various peoples, from Han to Sogdians, Türks, and Tocharians, became ordinary Tang subjects of Xizhou and had land shares under the scheme.[211] Again, a remnant of a household registration document illustrates this process well. Here is a piece of a 'manual declaration' 手實, a hand-written report prepared by the head of household to declare the property owned by the family for the local government to evaluate the taxes they should pay.[212] It was submitted in the ninth lunar month of 640, approximately one month after

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[208] For the reason of the Tang invasion, see Shimazaki Akira 嶋崎昌, Tō-chō wa Kōshō o tōbatsu shita gen'in wa nandesuka' 唐朝は高昌を討伐した原因は何ですか, *Zui Tō jidai no Higashi Turukisutan kenkyū: Kōshōkoku shi kenkyū o chūshin toshite* 隋唐時代の東トゥルキスタン研究－高昌国史研究を中心として (Tōkyō: Tōkyō daigaku shuppankai, 1983), pp. 81-112; Wang Yongxing, 'Tang mie Gaochang ji zhi Xizhou, Tingzhou kaolun' 唐灭高昌及置西州、庭州考论, in *Tangdai qianqi xibei junshi yanjiu* 唐代前期西北军事研究 (Beijing: Zhongguo shehui kexue chubanshe, 1994), pp. 106-119; Li Fang 李方, 'Tang mie Gaochang de yiyi' 唐灭高昌的意义, *Wenshi zhishi* 文史知识, 1995 no. 1, pp. 17-23.

[209] *Xin Tang shu*, 221a.6221.

[210] *Tang huiyao jiaozheng*, vol. 2, 83.1310.

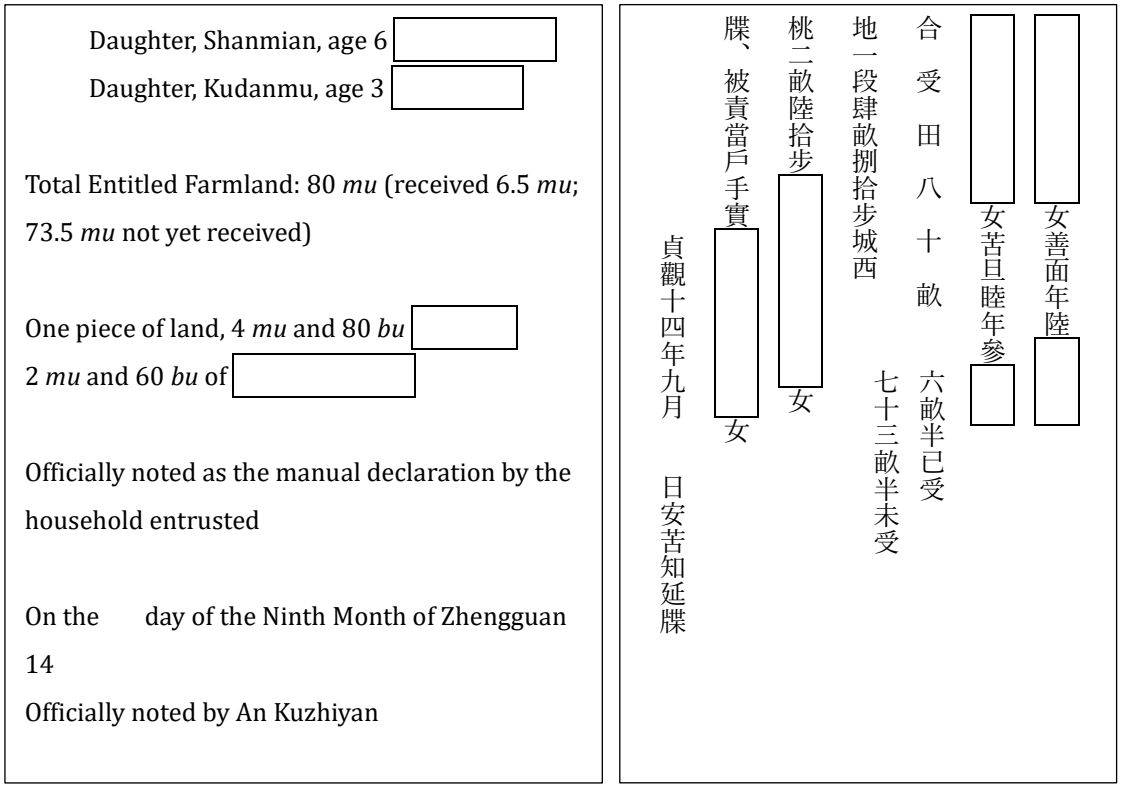
[211] Du Doucheng 杜斗城 and Zheng Binglin 郑炳林, 'Gaochang wangguo de minzu he renkou jiegou' 高昌王国的民族和人口结构, in *Xibei minzu yanjiu* 西北民族研究, 1988 no. 1, pp. 80-86; 282; Valerie Hansen, *The Silk Road: A New History*, pp. 83-85.

[212] During the course of household registration, various documents were made to facilitate the process. Firstly, every head of household prepared the manual declaration and submitted it to their 'head of town' 里正. In Tang local administration, every residential compound of a hundred households formed a 'town' 里; and every five towns constituted a 'district' 鄉. The head of town organised the declarations collected in his jurisdiction and passed them to the county 縣 government. After that, the magistrate of the county would go to each household to verify the submitted documents as well as compile the verified records in a 'county register' 縣籍 and hand it to the Ministry of Household Revenue 戶部 for planning the state budget. See Ikeda On, *Chūgoku kodai sekichō kenkyū*, pp. 60-76. For the role of the head of town in local administration in the Tang times, see Zhang Guogang 張國剛, 'Tangdai xiangcun zuzhi ji qi yanbian' 唐代鄉村組織及其演變 in Huang Kuan-Chung 黃寬重, ed., *Zhongguo shi xinlun: jiceng shehui fen'ce* 中國史新論：基層社會分冊 (Taipei: Zhongyang yanjiuyuan lishi yuyan yanjiushuo, 2009), pp. 191-201; Ishino Tomohiro 石野智大, 'Tōdai gōrisei-ka ni okeru risei no chian iji katsudō' 唐代郷里制下における里正の治安維持活動, in *Sundai Shigaku* 駿台史學, vol. 140 (2010), pp. 31-50.

the Tang occupation, revealing how the newly vanquished subjects were registered on the state records right after the conquest:

Figure 4 The Manual Declaration of An Kuzhiyan in Oct 640

貞觀十四年九月安苦知延手實 [213]



In this example, even the declaration made by the vanquished people of Gaochang, who were of various ethnic backgrounds, made no mention of the household members' ethnicity. It is only judging from the names of this household that we can guess that they were most likely Sogdian as their surname, 'An', was a clue. Their given names, Kuzhiyan 苦知延, Shanmian 善面, and Kudanmu 苦旦睦, were not Han-like either.[214] As for their assets, two lines of information about their land allotments are still legible: They were collectively entitled to have eighty *mu* of farmland, while six and half *mu* had been received and seventy-three point five *mu* had not yet been received.

This record of receipt of land allotment implies that, although they were Sogdians, they had a share of the land under the equal field system, the same as ordinary Han subjects. Certainly, as Zhu Lei 朱雷 and others have suspected, the Tang court would not have been able to redistribute the farmland of the entire

[213] 'Tang Zhengguan shisi nian Xizhou Gaochang xian Li Shi-zhu deng hu shoushi' 唐貞觀十四年西州高昌縣李石柱等戶手實, in *Tulufan chutu wenshu* 吐魯番出土文書, ed. Tang Changru 唐長孺 (Beijing: Wenwu chubanshe, 1992), vol. 2, p. 44.

[214] 'Tang Zhengguan shisi nian Xizhou Gaochang xian Li Shi-zhu deng hu shoushi' p. 44.

kingdom to the new subjects just one month after the conquest of Gaochang.[215] The allotment stated in the declaration was most likely the original property of the household, but from the time of the declaration, it was regarded as land granted by the court. Even so, this record still suggests that the Tang court recognised Sogdians' entitlement of land under the equal field system.

The central court's method for recording the registration of the Gaochang households only provides further evidence that it simply saw the new subjects as a kind of economic resource. Later, when the great mid-Tang statesman and historian Du You 杜佑 (735-812) recalled the conquest of Gaochang, he wrote in the *Comprehensive Manual of Institutions* 通典 that 'in the fourteenth year of [Zhengguan], Hou Junji destroyed Gaochang and obtained three prefectures, five counties, twenty-two fortified cities and 8046 households comprising 37,031 persons and 4,300 horses' 十四年，侯君集破高昌，得三郡、五縣、二十二城，戶八千四十六，口三萬七千三十一，馬四千三百匹.[216] Hou Junji was the chief commander of the Gaochang campaign.[217] The 'three prefectures, five counties, twenty-two cities' represented the original territorial division of the Gaochang kingdom. [218] Among the new multi-ethnic subjects obtained, Du You simply described them as 'households', *hu* 戶, indifferent to their ethnicity, in which he listed them alongside with the '4,300 horses'.

Subordinate Prefectures as Special Taxation Districts of the Empire

While the Tang court established new standard prefectures to assert direct rule over new lands and subjects, the cost of maintaining such full control was high. Indeed, following the conquest of Gaochang, there was debate over whether

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[215] See Nishimura Genyu 西村元佑, 'Higashi-Torukisutan ni okeru Tō no chokkatsu shihai to kindensei—Jōgan jūyon nen ku gatsu Anku shigen shujutsu to jōkan nenjū junbu Kōshō mikotonori no igi o chūshin toshite' 東トルキスタンにおける唐の直轄支配と均田制—貞觀一四年九月安苦知延手實と貞觀年中巡撫高昌詔の意義を中心として, in Tōdaishi kenkyūkai 唐代史研究会, ed., *Sui Tō teikoku to Higashi Ajia sekai* 隋唐帝國と東アジア世界 (Tōkyō: Kyūko shoin, 1979), pp. 189-214; Tang Changru, 'Tang Zhenguan shisi nian shoushi zhong de shoutian zhidu yu dingzhong wenti' 唐貞觀十四年手實中的受田制度與丁中問題, in Tang Zhangru, ed., *Dunhuang Tulufan wenshu chutan* 敦煌吐魯番文書初探 (Wuchang: Wuhan daxue chubanshe, 1983), pp. 100-125; Zhu Lei 朱雷, 'Tangdai juntian zhi shisi guocheng zhong shoutian yu sitian de guanxi ji qita' 唐代均田制實施過程中受田與私田的關系及其他, in Wuhan daxue Wei Jin Nanbeichao Sui Tang shi yanjiu shi 武漢大學魏晉南北朝隋唐史研究室, ed., *Wei Jin Nanbeichao Sui Tang shi ziliao* 魏晉南北朝隋唐史資料 (Wuchang: Wuhan daxue chubanshe, 1996), pp. 80-88.

[216] *Tongdian*, 7.148.
For Du's biographies, see *Jiu Tang shu*, 147.3878-3987; *Xin Tang shu*, 166.5085-5098.

[217] For Hou's biographies, see *Jiu Tang shu*, 69.2509-2514; *Xin Tang shu*, 150.3825-3828.

[218] Wang Su, 'Qushi wangguo moqi sanfu wujun er'shi'er xian kao' 麴氏王国末期三府五郡二十二县考, in *Xiyu yanjiu* 西域研究, 1999 no. 3, pp. 23-32.

or not to set up a standard prefecture to cover the kingdom. Wei Zheng, the trusted minister of Emperor Taizong, lodged a strong objection against doing so, given the demanding cost of maintaining regular governance and military control over such a distant outpost.[219] He argued that the central court would have to manage constant staff and troop deployment between there and the capital, Chang'an, which would consume significant resources. Wei therefore suggested keeping Gaochang as a Tang vassal kingdom, which would ease the state's burden. Taizong did not take his advice and insisted on maintaining direct rule over the land.[220] No records explain his reasons, but the abovementioned strategic value of Gaochang was probably the major factor.[221]

In fact, the Tang court did not always assert direct rule over all the lands and subjects in the vast territory that it claimed to possess. It also governed certain regions and people in an indirect rule system of subordinate prefectures, which allowed the regions or tribes to install their own leaders and enjoy a high degree of autonomy as explained below. So, what role did these special prefectures play in the Tang's territorial administration? While they enjoyed such administrative autonomy, did their people also provide any regular resources to the court as ordinary subjects? How should we understand the institutional status of their people in terms of subjecthood?

For these questions, the following section examines two case studies. The first case is that of the Türks, whose nomadic lifestyle posed a great practical challenge to the court in ruling them. The second is the Lao 獠/僚 people spanning from present-day Guangdong to southern Sichuan and northern Vietnam, who also enjoyed a certain degree of autonomy. While they did not rely on nomadic herding for their livelihoods like the Türks did, they were a distant power in the far south that the central court in Chang'an could not fully control. In both cases, despite the on-going use of traditional Hua-Yi rhetoric in court debates over how to govern these communities, the underlying reason for establishing autonomous prefectures was not to govern non-Han peoples in an undifferentiated way, as such rhetoric might suggest. Instead, autonomous prefectures were intended specifically to accommodate those tribes over which the Tang court could not establish direct control by means of its standard structures of governance. Primarily, in the practice of state administration, the Tang court saw these prefectures as special taxation districts.

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[219] For Wei's biographies, see *Jiu Tang shu*, 71.2545-2563; *Xin Tang shu*, 97.3867-3885.
[220] *Jiu Tang shu*, 198.5296; *Xin Tang shu*, 221a.6222-6223.
[221] For further discussion of the establishment of Xizhou prefecture, see Wang Yongxing, 'Tang mie Gaochang ji zhi Xizhou, Tingzhou kaolun', pp. 106-119; Li Fang, 'Tang mie Gaochang de yiyi', pp. 17-23.

The Case of the Türks

The Establishment of the Subordinate Prefectures

In 630, following the conquest of the Eastern Türks, over a hundred thousand vanquished Türks were left along the north-western borders of the Tang empire, subject to Tang rule.[222] The administration of these people became a pressing, contentious issue. As indicated, the Tang was a farming empire that relied on taxation of agricultural produce and required the people to make their living by using the farmland granted under the equal field system. Many non-Han peoples, such as those from Goguryeo and Gaochang as well as the Sogdians, were thus readily accommodated in the established socio-economic systems of the Tang because farming was their major economic activity as well.[223] Recent archaeological research has found that rice and other grains were widely cultivated on the Korean peninsula during the time and became the major food for its inhabitants.[224] Goguryeo also produced refined agricultural tools for export to neighbouring Northeast Asian tribes such the Khitan 契丹.[225] Similarly, the state's income from Gaochang also largely came from agricultural produce.[226] Contracts on farming tenancy within the kingdom have also been discovered in Turfan.[227] Although the Sogdians are well-known as merchants, they also practiced agriculture. Their homeland, Sogdiana, contained prosperous oasis cities and rich agricultural land with advanced waterworks like canals to support living and farming.[228] Compared with these peoples, the Türks relied on a different mode of production as a nomadic tribe. While they also conducted farming with Han people abducted from the Central Plains during wartime, the

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[222] *Zizhi tongjian*, 193.6075.

[223] *Sui shu*, 81.1814-1815; 83.1846-1847; *Jiu Tang shu*, 198.5293-5294; 199a.5320.

[224] Park Tae Shik 박태식, 'Hanbando-ui Samgug Baegje, Sinla, Goguryeo yujeogjie-seo chulto-doen tanhwami bigyo' 한반도(韓半島)의 삼국(三國)(백제(百濟), 신라(新羅), 고구려(高句麗) 유적지(遺蹟址)에서 출토(出土)된 탄화미(炭化米)의 비교(比較), in *Nongeopsa yeongu* 농업사연구, vol. 7 no. 2 (2008), pp. 153-161.

[225] Cong Peiyuan 丛佩远, *Zhongguo dongbei shi* 中国东北史 (Jilin: Jilin wenshi chubanshe, 2006), vol. 1, pp. 628-631.

[226] See Lu Kaiwan 盧開萬, 'Shilun Qushi Gaochang shiqi de fuyi zhidu' 試論麴氏高昌時期的賦役制度, in Tang Zhangru, ed., *Dunhuang Tulufan wenshu chutan*, pp. 66-99 ; Yang Jiping 杨际平, 'Qushi Gaochang fuyi zhidu guanjian' 麴氏高昌赋役制度管见, *Zhongguo shehui jingji shi yanjiu* 中国社会经济史研究, no.2 (1989), pp. 79-87, 94.

[227] Xu Xiuling 徐秀玲, 'Qushi Gaochang shiqi de nongye guyong qiyue' 麴氏高昌国时期的农业雇佣契约 in *Sui Tang Wudai Songchu guyong qiyue yanjiu : yi Dunhuang Tulufan wenshu wei zhongxin* 隋唐五代宋初雇佣契约研究：以敦煌吐鲁番出土文书为中心 (Beijing：Zhongguo shehui kexue chubanshe, 2017), pp. 21-40.

[228] Etienne de la Vaissière, *Sogdian Traders: A History*, trans. James Ward (Leiden; Boston: Brill, 2005), pp. 105-106.

mainstay of their economy was still animal husbandry.[229] Most necessities of daily life, including clothing, food, and housing, were provided by livestock, mainly sheep and horses. The number of livestock they owned was a standard measure of their power and prosperity.[230] They therefore had difficulty fitting into the socio-economic structure of the Tang.

Members of the Tang court realised this difficulty and expressed concern about such differences in a court debate of 630 over how to rule the vanquished Türks. At the beginning of the debate, the majority of court officials suggested that Emperor Taizong incorporate them into the empire as ordinary subjects. They proposed relocating them to the empty lands of Yanzhou 兗州 (present-day southeast Shandong Province) and Yuzhou 豫州 (present-day southern Henan Province) and teaching them farming, to 'convert [these] barbarian captives into peasants' 化胡虜為農民.[231] Rather than the common terms of 'Hua' or 'Han', 'peasants' 農民 became the counter-concept of '*Hu* captives' 胡虜 in the court debate. It was clear that the court saw the Türks not as ordinary non-Han people but as a specific group of foreigners who engaged in a mode of economic production other than farming. Tang court officials also realised that to absorb them as ordinary subjects, it would be necessary to transform their lifestyle and mode of production.

The obvious difficulties with such a proposed transformation invited a series of objections, which, in turn, resulted in a new system of governance being developed. On the one hand, conservatives at court doubted the possibility of converting the Türks and employed traditional Hua-Yi rhetoric to oppose attempts to incorporate them into the empire's heartland. A prominent example of this approach was Wei Zheng, who dehumanised the Türks as having 'human faces with the hearts of beasts' 人面獸心, a phrase originally describing the Xiongnu people by Ban Gu 班固 (32-92), the renounced court historian of the Eastern Han. With this phrase, Wei urged Taizong to keep the Türks away from the Central Plains as they could never be civilised. On the other hand, Wen Yanbo 溫彥博 (574-637) took a moderate position by presenting an alternative proposal to absorb the Türks. Unlike Wei Zheng, he believed that the Türks could be civilised through the ethical education of Confucian rites. But their nomadic lifestyle still concerned him: he argued that forcing them to adopt farming in Yanzhou and Yuzhou would 'violate their nature' 乖違物性. Wen set this reference

[229] Hayashi Toshio 林俊雄, 'Ryakudatsu・nōkō・kōeki kara mita yūboku kokka no hatten—Tokketsu no baai' 掠奪・農耕・交易から観た遊牧国家の発展—突厥の場合, *Tōyō-shi kenkyū*, vol. 44, no. 1 (1985), pp. 110-136.
[230] Xue Zongzheng, *Tujue shi*, pp. 124-129.
[231] *Zizhi tongjian*, 193.6075.

to the Türks' 'nature' 物性 in direct contrast to farming activities, suggesting that he did not intend the term to denote an ethnic quality in general but more specifically the Türks' nomadic livelihood. What caused him to hesitate in governing the Türks in standard prefectures was their different mode of economy. Wen therefore proposed dividing the Türks into smaller tribes to weaken their power, on the one hand, and displacing them to strategic places along the north-western border to turn them into vassal polities as a buffer zone between the Tang and other powers, on the other.[232]

Emperor Taizong eventually adopted Wen's proposal and developed a new system of governance as a result. The Tang court relocated the Türk tribes in the jurisdictions of standard prefectures along the border, from Youzhou 幽州 (present-day Beijing) to Lingzhou 靈州 (present-day Yinchuan, Ningxia Province), and reorganised them into ten autonomous regions.[233] Some Türk leaders were sent to Chang'an with about ten thousand of their family members and dependents, to serve as political hostages.[234] The court also appointed a Türk governor for each of the autonomous regions, allowing the Türks to be governed by their own chieftains rather than by direct rule from Tang imperial officials, as was the case with the Sogdians.[235]

These autonomous regions were later known as 'subordinate prefectures' (*jimizhou*). The system was a flexible mechanism of governance that allowed the court to assert authority over the regions while avoiding the cost of commitment to direct governance that had earlier prompted Wei Zheng's concern after the conquest of Gaochang. They also ensured that the Türks lived out of the Central Plain heartland, easing the concerns of conservative ministers like Wei. They further allowed the Türks to remain in steppes, where they might retain their original livelihood.[236]

In 639, however, the system was adjusted after the disclosure of a Türk plot to assassinate Taizong. In that year, the younger brother of the former

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[232] For Yan and Li's biographies, see *Jiu Tang shu*, 72.2571-2578, 73.2594-2596; *Xin Tang shu*, 102.3973-3975, 198.5641-5643.

[233] *Zizhi tongjian*, 193.6078.

[234] *Ibid*.

[235] These new Türk leaders of the autonomous regions were mostly personal acquittances of Emperor Taizong made when the monarch was still a prince. This shows the personal aspect of the Tang control of the s in the early times. See Saito Shigeo 齊藤茂雄, 'Tokketsu yūryoku-sha to Ri Seimin—Tō Taisō-ki no Tokketsu Kibi shihai ni tsuite—' 突厥有力者と李世民—唐太宗期の突厥羈縻支配について, in *Kansai daigaku tōzai gakujutsu kenkyūjo kiyō* 関西大学東西学術研究所紀要, vol. 48 (2015), pp. 77-99.

[236] Pan Yihong has observed that by governing the Türk in this way, Emperor Taizong did not aim to assimilate them into Han society but to preserve their tribal organisation and their nomadic military power in order to strengthen his own empire. See her 'Integration of the Northern Ethnic Frontiers in Tang China', in *The Chinese Historical Review*, vol.19 (2012), pp. 3-26.

Eastern Türk khaghan, who had joined the imperial guards after the fall of the khaghanate, sought revenge. His assassination plot failed but this still alerted Taizong to the potential danger of placing the Türks in the heartland of the empire. He thus relocated all Türk settlements to north of the Yellow River.[237] Yet this amounted only to a re-distribution of the locations of the subordinate prefectures; the system of indirect rule over nomads remained effective as a standard policy for other nomadic peoples who later submitted to the Tang.[238] These included the Khitan and the Xi 奚, who submitted in 648. The court divided these peoples into nine and five subordinate prefectures, respectively, and installed their chieftains for self-governance.[239]

In sum, the establishment of a system of special subordinate prefectures aimed at accommodating nomadic tribes specifically. Although the Hua-Yi rhetoric emerged in the court debate, the system was primarily the court's attempt to incorporate peoples with a different means of livelihood into the empire. Furthermore, the court's concurrent absorption of Sogdians into its standard prefectures suggests that ethnic considerations were not the main influence on this system. Instead, the court's primary aim in placing the Türks under the subordinate system was to incorporate peoples with a different means of livelihood into the empire. The subordinate prefectures could therefore be seen as special taxation units under the empire's administration and, as we will see below, the court also developed a specific taxation system to collect revenues from these nomadic subjects.

Subordinate Prefectures and Taxation

There is a heated scholarly debate over whether or not inhabitants of subordinate prefectures should pay taxes and, as a corollary, whether or not they were Tang subjects. First, one of the fundamental accounts of the prefectures, *New Tang History*, seems to suggest that they did not pay taxes. It records that 'in

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[237] *Ibid*., pp. 16-17.

[238] Even after the plot had been foiled, Taizong continued to employ Türk tribal leaders in the military, including in the imperial guards. The impact of the assassination plot should therefore not be exaggerated. See Zhu Zhenhong, 'Lun Zhenguan shisan nian (639) Jiuchenggong shijian jiqi yingxiang' 論貞觀十三年（639）「九成宮事件」及其影響, in *Taiwan Shida lishi xuebao* 臺灣師大歷史學報, vol.43 (2010), pp. 79-88.

[239] These peoples mainly adopted nomadic lifestyles: *Jiu Tang shu*, 195.5194, 199b.5349-5350, 5354.
For the conscription of Khitan armies on the Tang border, see Moribe Yutaka, 'Tō zenhanki ni okeru kibishū・hanhei・gunsei ni kansuru oboegaki — Eishū o jirei toshite' 唐前半期における羈縻州・蕃兵・軍制に関する覚書—営州を事例として, in Miyake Kiyoshi 宮宅潔, ed., *Taminzoku shakai no gunji tōchi—shutsudo shiryō ga kataru Chūgoku kodai* 多民族社会の軍事統治—出土史料が語る中国古代 (Kyōto: Kyōto daigaku shuppankai, 2018), pp. 311-326.

general, the contribution of taxes [of the prefectures] and their household registers were not submitted to the Ministry of Household Revenue' 貢賦版籍多不上戶部.[240] This meant that the taxes collected from the prefectural subjects and their household data were usually kept in the subordinate government and not sent to the Tang court, implying that the people of the prefectures were not paying taxes. However, a Tang regulation hints that at least some of the autonomous prefectures were required to offer a certain amount in taxes. According to *The Compendium of Administrative Law of the Six Divisions of the Tang Bureaucracy*:

> Those *Hu* people from alien polities who have committed to inward submission are also divided into nine classes. Those above the fourth level are the "upper households", those above the seventh level are the "middle households", and those below the eighth level are the "lower households". The able-bodied men of the upper households should remit a tax of ten silver coins, while those of the middle households remit five *wen* and the lower households are exempted from the tax. For those who have been attached to the register for over two years, the able-bodied men of the upper households should offer two sheep, while those of the middle households should offer one and three households of the lower households [altogether] should offer one.
> 諸國蕃胡內附者，亦定為九等，四等已上為上戶，七等已上為次戶，八等已下為下戶；上戶丁稅銀錢十文，次戶五文，下戶免之。附貫經二年已上者，上戶丁輸羊二口，次戶一口，下戶三戶共一口。[241]

In Tang texts, 'inward submission' 內附 often signifies the immigration of foreign tribes or polities into Tang territory in search of Tang protection. For example, the abovementioned displacement of the Türks in Tang border standard prefectures was recorded in this way.[242] Therefore, this regulation appears to stipulate the taxation method on these tribal immigrants. Yet which groups of immigrants should be subject to the method is a debatable issue. As mentioned, since the word 'Hu' usually referred to Sogdian people during Tang times, Iwami Kiyohiro 石見清裕 and Hori Toshikazu 堀敏一 have proposed that the regulation should apply to Sogdians in particular.[243] However, Li Jinxiu 李錦繡 and Saitō Masaru 齊

[240] *Xin Tang shu*, 43b.1119.

[241] *Tang liudian*, 3.77. The regulation was also recorded in *Cefu yuangui* 冊府元龜, by Wang Qinruo 王欽若 (962-1025), et al., ed. Zhou Xunchu 周勛初 (Nanjing: Fenghuang chubanshe, 2006), vol.6, 487.5529.

[242] *Tanghuiyao jiaozheng*, vol. 2, 73.1126.
For the use of the terms for the immigration of other foreign tribes, see *Tanghuiyao jiaozheng*, vol. 2, 73.1126, 1135; 94, 1444; *Tongdian*, 155.3984; 178.4712.

[243] Iwami Kiyohiro, 'Tō no naifu i-minzoku taishō kitei' 唐の内附異民族対象規定, in *Tō no hoppō mondai to kokusai chitsujo* 唐の北方問題と国際秩序 (Tōkyō: Kyūko shoin, 1998), pp. 164-173; Hori Toshikazu, 'Chūka sekai—Gishin'nanbokuchō Zui Tō jidai ni okeru' 中華世界—魏晋南北

藤勝 have argued that the requirement to offer sheep is more suitable for nomadic people.[244] In fact, the abridged record of this regulation in the *Comprehensive Manual of Institutions* replaced the term *fanhu* 蕃胡, '*Hu* people from alien polities' by *fanren* 蕃人, 'alien people', which did not appear to understand the regulation as a specific rule for Sogdians as well.[245] Saitō Masaru has also indicated that the tax payment of silver coins in the first two years should be just the provisional measures for the newly immigrated nomads before they could resume animal husbandry in the Tang territory. This is because the Statute of Stable and Animal Husbandry 廐牧令 concurrently stated that the annual allowances for the death of imported livestock in official pasture are greater in the first two years.[246] In the view of the Tang court, two years was probably a reasonable period of time for the recovery of nomadic production after disruptions caused by migration or importation.[247] All these signs suggest that this regulation was designed to govern the nomadic tribes within Tang territory like those of the Türks.[248] In other words, people of subordinate prefectures needed to pay taxes as well, but just by sheep and not by grains and textiles like the ordinary subjects. In a more recent article, Iwami has also changed his view and agreed that this regulation should be applicable to the people of nomadic tribes.[249]

If this is the case, then how should we understand the discrepancy between the record in the *New Tang History* and the regulation? For this, we need to notice the two different types of subordinate prefectures. Throughout the entire Tang period, the Tang court established over a thousand subordinate

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朝・隋唐時代における, in *Higashiajia no naka no kodai Nihon* 東アジアのなかの古代日本 (Tōkyō: Kenbun shuppan, 1998), pp. 79-82.

[244] Li Jinxiu, *Tangdai caizheng shigao*, vol.1, pp. 620-625; Saitō Masaru 齊藤勝, 'Tōdai naifu minzoku eno fueki kitei to henkyō shakai' 唐代内附民族への賦役規程と辺境社会, in *Shigaku zasshi* 史學雜誌, vol. 117, no. 3 (2008), pp. 311-346.

[245] *Tongdian*, 6.106.

[246] *Tōrei shūi*, 25.631.

[247] Saitō Masaru, 'Tō-dai naifu minzoku eno fueki kitei to henkyō shakai', p. 324.

[248] Another point of concern is that the regulation is recorded effective since 625, five years before the official establishment of subordinate prefectures. However, as early as 618, a branch of the Mogher people had immigrated to the Tang. The court accommodated them in what is now Beijing and established a new prefecture, Yanzhou 燕州. The court also appointed their chieftains to be the prefect, which suggests that a similar form of subordinate prefectures had appeared before the conquest of the Türks. Liu Tong also sees the establishment of Yanzhou as the beginning of the Tang system of subordinate prefectures. Therefore, the above regulation should be seen as first designed for these tribal immigrants and then for the subordinate prefectures after Taizong times as well. See *Jiu Tang shu*, 48.2088-2089; *Cefu yuangui*, vol.6, 487.5529; Liu Tong, *Tangdai jimi fuzhou yanjiu*, pp. 8-9.

[249] Iwami Kiyohiro, 'Tō-dai naifu minzoku taisyo kitei no saikentō: Tenseirei・Kaigen nijūgo nen rei yori' 唐代内附民族對象規定の再檢討：天聖令・開元二十五年令より, in *Tōyō-shi kenkyū*, vol. 68, no. 1 (2009), pp. 1-33.

prefectures.[250] While it relocated some tribes, like the Türks, into Tang territory, many of the peoples who had submitted remained in their homelands beyond Tang standard jurisdictions. The court did not assert tight control over these prefectures and aimed to maintain friendly relations with the tribes. While these tribes paid tribute to the Tang from time to time, they usually offered no regular taxes except those they voluntarily paid to show their loyalty to the Tang in exchange for Tang's support or protection against other powers. Tan Qixiang 谭其骧 has described this kind of dependent polities as 'external subordinate prefectures' 外地羁縻州 in contrast to those established upon the people relocated in Tang administrative heartlands that he has described as the 'internal subordinate prefectures' 内地羁縻州.[251] Based on this categorisation of subordinate prefectures, Wang Yikang 王义康 has pointed out that the discussed taxation regulation should apply only to the internal prefectures of which the Tang court acquired their household information to divide the households into different classes as shown for taxation purposes.[252] According to the *New Tang History*, these prefectures were the minority. Most of the submitted tribes or polities remained in their homeland and were not displaced to Tang territory.[253] Therefore, the *New Tang History* considers that most subordinate prefectures did not pay taxes.

In this light, should then the people of subordinate prefectures be regarded as Tang subjects? Those living in the internal subordinate regions should be seen as such since they inhabited Tang territory and became taxpayers. While no household registers of these tribal peoples have survived, to facilitate taxation, the court probably listed them in state records as well. As for those living in the external prefectures, Wang Yikang has proposed that they should also be considered as Tang subjects.[254] This is because the Tang court referred to such people as 'ordinary subjects', *baixing*. For example, in the early eighth century, the court referred to the people of the Tang external prefecture of Bolōr Minor 小勃律 (present-day northern Pakistan) as 'ordinary subjects of the [Tang] state' 國家百姓 in an edict to Tibet that warned against Tibet's ambition to invade the region.[255] This record seems to show that the Tang court recognised the

[250] See the counting by Liu Tong, *Tangdai jimizhoufu yanjiu*, pp. 23-30.
[251] Tan Qixiang 谭其骧, 'Tangdai jimizhou shulun' 唐代羁縻州述论, in *Changshui cuibian* 长水粹编 (Shijiazhuang: Hebei jiaoyu chubanshe, 2000), pp. 148-150.
[252] Wang Yikang also believe that people of the subordinate prefectures needed to pay taxes , 'Tangdai zhoubian neifu zhuzu fuyi wenti tantao' 唐代周边内附诸族赋役问题探讨, in *Zhongguo jingjishi yanjiu* 中国经济史研究, 2016 no. 2, p. 57.
[253] See the records of subordinate prefectures in *Xin Tang shu*, 43b.1119-1155.
[254] Wang Yikang, 'Tangdai de huàwai yu huànei', p. 56.
[255] 'Ci Tufan Zanpu shu' 敕吐蕃贊普書, in *Zhang Jiuling ji jiaozhu* 張九齡集校注, by Zhang Jiuling 張九齡 (678-740), ed. Xiong Fei 熊飛 (Beijing: Zhonghua shuju, 2008), vol. 2, p. 655.

prefecture as its protectorate or at least that the court claimed it as a protectorate by dint of its submissive relationship with the Tang in order to check the expansion of an enemy regime. However, while they were referred to '*baixing*', too, the status of their people must have been somewhat different from that of ordinary subjects in the standard prefectures or even those in the internal subordinate prefectures. Residing outside the Tang administrative heartland, the court had no direct control of the people. No records show that they paid taxes to the Tang court. Article 174 of the Tang Code stipulating that tax remittance was the basic obligation of '*baixing*' would seem to have been irrelevant to them. Their allegiance to the Tang was at best a nominal one.

The Case of the Lao People

Like the nomadic tribes of the north, the Lao people also enjoyed a certain degree of administrative autonomy in the south. They were governed in the form of standard prefectures, but their chieftains dominated the positions of prefects as a hereditary role, which made the Lao regions autonomous *de facto* subordinate prefectures. Yet, unlike the Türks, the Laos did not achieve their autonomy by virtue of economic differences but rather due to their strong local power that enabled them to convince the central court to recognise their special status. Their example illustrates that economic difference was not the only reason for the court to assert indirect rule over lands and people. Only by considering their experiences can we have a well-rounded understanding of the relationship between the state and its people under the Tang.

The Lao people inhabited the Tang southern circuits of Lingnan 嶺南 (present-day Guangdong and Guangxi Provinces), as well as Jiangnan 江南 (present-day Zhejiang, Hunan, and Hubei Provinces) and Jiannan 劍南 (present-day Sichuan and Yunnan Provinces).[256] They commonly conducted slash-and-burn farming, rice planting, or fishing.[257] In terms of their mode of economic

[256] *Jiu Tang shu*, 40.1627-1630; 41.1675-1693; 1723-1759; Edward H. Schafer, *The Vermilion Bird: Tang Images of the South* (Berkeley: University of California Press, 1967); Iwami Kiyohiro, 'Tō-dai naifu minzoku taisyo kitei no saikentō: Tenseirei・Kaigen nijūgo nen rei yori', pp. 13-15; Liao Youhua 廖幼華, *Lishi dilixue de yingyong: Lingnan diqu zaoqi fazhan de tantao* 歷史地理學的應用: 嶺南地區早期發展的探討 (Taipei: Wenjin chubanshe, 2004), pp. 173-179; Guo Shengbo 郭声波, 'Jiang Man Lao hunza: Tangdai Li shu jimizhou de buzu fenbu' 羌蛮獠混杂: 唐代黎属羁縻州的部族分布, in *Anhui shixue* 安徽史学, 2017 no. 6, pp. 56-61, 152.

[257] See Edward H. Schafer, *The Vermilion Bird: Tang Images of the South*, pp. 54-55; Liao Youhua, *Lishi dilixue de yingyong: Lingnan diqu zhaoqi fazhan de tantao*, pp. 171-179; Wu Jianxin 吴建新, 'Han Liuchao Sui Tang shiqi Lingnan nongye wenhua de teshe–jianshu Xian Feng jiazu yu Lingnan nongye wenhua de guanxi' 汉六朝隋唐时期岭南农业文化的特色——兼述冼冯家族的兴起与岭南农业文化的关系 in *Nongye kaogu* 农业考古, 2006 no. 4, pp. 83-89.

production, it was not as difficult as it was with the Türks to incorporate them into the standard administration. Besides, many were closely related to Han people. For example, all three leading families regarded as 'Lao' in Lingnan had Han ethnic backgrounds. The Feng 馮 clan of Gaoliang 高涼 (present-day eastern Guangdong) was a branch of the royal family of Northern Yan 北燕 (407-436), a regional regime during the period of Sixteen Kingdoms 十六國 (304-439) in what is now Hebei and Liaoning Provinces. After the fall of the regime, a part of the royal family migrated to the south and established their power with the support of the local indigenous people in Lingnan. Because of their close relationships with the locals, the leaders of the Feng clan were known in Tang times as 'the chieftains of the Southern Barbarians' 蠻酋.[258] Similarly, the Ning 甯 clan of Qinzhou 欽州 (present-day Qinzhou, Guangxi Province) and the Chen 陳 clan of Longzhou 瀧州 (present-day western Guangdong Province) were both originally descended from clans of Han ethnicity in the north. They also moved to the south in early medieval times and developed their power over local non-Han people.[259] Liao Youhua 廖幼華 has therefore regarded them as 'southern-barbarianised Han' 蠻化漢人.[260]

These clans represented strong local forces that the central government could not eliminate because it relied on them to claim control of the region. All three clans had been prefects 刺史 or governors-general 都督 of their regions for generations since the Southern Dynasties. Following the fall of the Sui dynasty, these clans also took advantage of the temporary lack of central control to

[258] Indeed, the Feng Clan had had intermarriage with non-Han people during Northern Yan times. For example, the founding emperor of the Yan house, Feng Ba 馮跋 (d. 430), took a Rouran concubine and married his daughter to a Rouran chief. But this early background was not mentioned in any Tang records about the clan. Later, in Song times, the *New Tang History* does not note such a background but records that a clan member married a southern barbarian lady during the Southern Liang. Besides, also judging the fact that leaders of the Feng house were called *manyou* 蠻酋 rather than *diyou* 狄酋, Feng's connections with southern indigenous people should be the factor that made the family known as barbarians in Tang times. See *Xin Tang shu*, 110.4112; Liao Youhua, *Lishi dilixue de yingyong: Lingnan diqu zhaoqi fazhan de tantao*, pp. 253-254; Liu Zuoquan 刘佐泉, 'Gaoliang Fengshi zushu bianxi' 高凉冯氏族属辨析 in *Zhanjiang shifan xueyuan xuebao* 湛江师范学院学报, vol.26, no.2 (2005), pp. 71-76; Yang Fan 杨凡, *Cong Fengshi jiazu de xingshuai kan Lingnan Hanzu shehui de shanbian* 从冯氏家族的兴衰看岭南汉族社会的嬗变, M.A. diss. (Yunnan daxue, 2010), pp. 2-40.

[259] See Wang Chengwen 王承文, 'Cong beike ziliao lun Tangdai Yuexi Weishi jiazu yuanyuan' 從碑刻資料論唐代粵西韋氏家族淵源, in *Huaxue* 華學, 1995 vol.1, pp. 222-232; 'Zhonggu Lingnan yanhai Ningshi jiazu yuanyuan ji qi Yi-Xia shenfen rentong: yi Sui Tang Qinzhou Ningshi beike wei zhongxin' 中古嶺南沿海甯氏家族淵源及其夷夏身份認同: 以隋唐欽州甯氏碑刻為中心的考察, in *Wei Jin Nanbeichao Sui Tang shi ziliao*, 2015 vol. 31, pp. 196-228; Yang Hao 杨豪, 'Lingnan Ningshi zuren kaolüe' 岭南宁氏族人考略, in *Guangxi minzu xueyun xuebao* 广西民族学院学报, vol. 20, no. 2 (1998), pp. 60-64.

[260] Liao Youhua, *Lishi dilixue de yingyong: Lingnan diqu zhaoqi fazhan de tantao*, pp. 247-277.

consolidate and expand their powers.[261] The court also had to recognise their might. Although the Tang court defeated the southern warlord Xiao Xian 蕭銑 (583-621), a descendent of the Southern Liang 南梁 (502-557) house, in 621, it did not succeed in extending its rule to the south.[262] As a northern regime that had based its capital in Chang'an, the Tang court still struggled to establish its southern rule in the face of strong local powers. Meanwhile, the Lao people had become the strongest power in the south. The Feng Clan once considered claiming sovereignty over Lingnan in resistance to the Tang. However, its head at the time, Feng Yang 馮盎 (d. 646), finally decided to submit to the Tang in exchange for the preservation of the clan's autonomy under the new dynasty.[263] As a result, the Tang court reorganised the Fengs' land into eight standard prefectures, but allowed Feng Yang, his sons, and his subordinates to retain control over these areas as prefects. The Tang court also allowed them to pass their positions down to their descendants.[264] Like the Fengs, the Nings and the Chens also held their power in this way under the Tang.[265]

While the Laos eventually submitted to the Tang court, they still enjoyed special benefits in taxation. According to the *Compendium of Administrative Law of the Six Divisions of the Tang Bureaucracy*:

> Among those Lingnan prefectures that pay taxes in rice, the upper households [are to remit] one *shi* and two *dou*, the middle households [are to remit] eight *dou*, and the bottom households [are to remit] six *dou*. All barbarian Lao households should pay half of this amount.
>
> 嶺南諸州稅米者，上戶一石二斗，次戶八斗，下戶六斗；若夷獠之戶，皆從半輸。[266]

This policy had been recorded as having been carried out since 625.[267] This benefit of reduced taxation was important to gain the support of the southerners and maintain peace in the region. During the reign of Empress Wu, the governor of Jiaozhi 交趾, Liu Yanyou 劉延祐 (d. 687), abolished such benefits and requested the Lao people under his jurisdiction to pay the full amount of their taxes. This

[261] See Luo Kai 罗凯, 'Suimo Tangchu Lingnan zhengzhi shili tanxi' 隋末唐初岭南政治势力探析, in *Zhongguo lishi dili luncong* 中国历史地理论丛, 2013 no.2, pp. 19-27, 35.
[262] For Xiao's biographies, see *Jiu Tang shu*, 56.2263-2266; *Xin Tang shu*, 87.3721-3724.
[263] For Feng's biographies, see *Jiu Tang shu*, 109.3287-3288; *Xin Tang shu*, 110.4110-4114.
[264] Yang Fan, *Cong Fengshi jiazu de xingshuai kan Lingnan Hanzu shehui de shanbian*, pp. 45-60.
[265] Liao Youhua, *Lishi dilixue de yingyong: Lingnan diqu zhaoqi fazhan de tantao*, pp. 259-276.
[266] *Tang liudian*, 3.77.
[267] *Jiu Tang shu*, 48.2088-2089; *Cefu yuangui*, 487.5529.

triggered a rebellion and Liu was killed by the rebels.[268] The court could only pacify the upheaval by reverting to the former taxation policy.

All in all, the Lao people achieved an exceptional status under the Tang with their strong local powers. Whether or not they were truly non-Han was not the issue. So long as the state needed to treat them differently to gain their support, it granted them autonomy and tax benefits. Yet, through this indirect rule, they were still included in the state system to provide manpower and tax revenue for the empire.

Concluding Remarks

Based on the previous discussion of the Tang's legal conception of subjecthood in the thesis, this chapter explores how such a conception was put into practice. It demonstrates that, in state administration, the relationship between the state and subjects was above all an economic one established through taxation, local corvée, and land shares. Subjects appear to have been regarded as human resources for the state and as taxation units on the state records, as shown by the household registers. To grow its human resources, the Tang court absorbed many non-Han people into the empire in both the systems of standard and subordinate prefectures. From the indigenous Sogdian communities and the newly conquered subjects of the Gaochang kingdom to the vanquished Türk tribes and submitted Lao people, different non-Han peoples were thus brought into the imperial tax net. By contrast, ethnicity and the notion of a Hua-Yi distinction played little practical role in administrating the empire, whatever function they might have served rhetorically.

Above all, we may conclude that there were three different types of subjecthood under the Tang in terms of the degree of state control over its people. The first type was the one of the ordinary subjects in standard prefectures. Regardless of their ethnic background, they were subject to the state's direct rule and needed to offer regular taxes and labourers. The second type was that of the subjects in internal subordinate prefectures. Under the indirect rule of the court, they preserved their original mode of economic production and a certain degree of administrative autonomy, while they still needed to offer regular taxes to the state and serve Tang forces upon recruitment. The Laos in the south should belong to this class as well with their duty of regular tax remittance. The third

[268] *Cefu yuangui*, vol.8, 692.7983; *Zizhi tongjian*, 204.6455; Hino Kaisaburō 日野開三郎, 'Tō no buyakuryō no Reinan zeicomei', 唐の賦役令の嶺南税戸米, in *Hino Kaisaburō tōyōshigaku ronshū* 日野開三郎東洋史學論集 (Tōkyō: San'ichi shobō, 1989), vol.12, pp. 39-62; Wang Yikang, 'Tangdai zhoubian neifu zhuzu fuyi wenti tantao', p. 59.

type was that of the people in the external subordinate prefectures. Living outside the Tang administrative heartland, they only had a nominal submission relationship with the Tang court. While they did not even pay taxes to the Tang, the court was still able to claim ruling authority over them and thereby check the expansion of enemy regimes towards these Tang neighbouring polities, like in the case of Bolōr minor. These different types of subjecthood rendered the Tang court a pragmatic and flexible mechanism to govern peoples of different backgrounds in different situations, which supported the functioning of the vast, cosmopolitan empire.

In practice of these different types of subjecthood, we can also see a neglected aspect of the Tang, in which the court sometimes tended to be more controlling than open. It was in order to consolidate the state's control of the local territory that the Tang abolished the long-standing autonomy of the Sogdians and imposed direct rule over them. More of this controlling aspect of the Tang is to be illuminated in the following chapters.

Chapter 3

Territory and State Control of Subjects

In 645, Xuanzang 玄奘 (602-664) returned to Chang'an after his seventeen-year Buddhist pilgrimage to the Indian subcontinent.[269] He had become a prominent monk and enjoyed great acclaim across Asia. Central Asian and Indian rulers regarded him as a master of the religion; they invited him to their courts for Buddhist lectures and escorted him on his journey.[270] Emperor Taizong was thus glad to hear of Xuanzang's return to Chang'an and sent his chief minister to receive him in the capital.[271] But Xuanzang responded to the warm reception from the court with a request for a pardon of a crime he had committed: seventeen years earlier, he had left the Tang empire without official approval and, in so doing, had offended Tang law.[272] Under the Code as discussed below, common subjects were forbidden to leave the empire, or they would face a punishment of two years of penal servitude.[273] Fortunately, upon his return to the Tang, Xuanzang's outstanding achievements caused the emperor to pardon him and spare him from punishment.[274] Despite the common impression of the Tang

[269] Xuanzang's journey is well-recorded in his biography *Da Tang Daci'ensi sanzang fashi zhuan* 大唐大慈恩寺三藏法師傳 (Beijing: Zhonghua shuju, 1983) by his disciple Huili 慧立 (b. 615). For his return to Chang'an, see 6.125-126; also Zeng Liaoruo 曾了若, *Tang Xuanzang fashi nianpu* 唐玄奘法師年譜 (Taipei: Taiwan shangwu yinshuguan, 1986), p. 44. For further discussion of the life of Xuanzang, see the related section below.

[270] For example, the Gaochang king Qu Wentai 麴文泰 (d. 640) greatly appreciated Xuanzang and requested that he stay in the kingdom. When Xuanzang insisted on continuing his journey, Qu prepared 24 diplomatic letters and asked Central Asian courts along the Silk Road to take care of Xuanzang. In the subcontinent, Emperor Harsha (590-647; r. 606-647) of the Vardhana Dynasty (sixth century-647), a strong empire in present-day northern India, had also established diplomatic relations with the Tang in appreciation of Xuanzang's talents and scholarship. See *Da Tang Daci'ensi sanzang fashi zhuan*, 5.102-106; *Xin Tang shu*, 221a.6237-6238.

[271] The Chief Minister was Fang Xuanling, see *Da Tang Daci'ensi sanzang fashi zhuan*, 6.125-126; *Tang Xuanzang fashi nianpu*, p. 44.

[272] See his memorial to Emperor Taizong, 'Huan zhi Yutian guo jin biao' 還至于闐國進表, in *Xuanzang ji biannian jiaozhu* 玄奘集編年校注, by Xuanzang, ed. Yan Xiaofen 閏小芬, Zou Tongqing 鄒同慶 and Fan Zhenguo 范振國 (Kaifeng: Henan daxue chubanshe, 2012), pp. 58-63; For the details of his illegal departure, see the related section of this thesis below.

[273] *Tang lü shuyi*, 8.177-178, Article 88.

[274] *Da Tang Daci'ensi sanzang fashi zhuan*, 6.126.

as an open, cosmopolitan empire, the court was cautious about foreign contacts and imposed strict bans on cross-border movements. In fact, the amnesty granted to Xuanzang did not cause the empire to reconsider the ban on cross-border travel. So, the ban remained in place, while there were signs that the ban began to be renegotiated in some cases such as religiously motivated travel.[275]

In addition to the previous discussion of the formulation of Tang subjecthood in both theory and practice, this chapter further explores how such a subjecthood was maintained. It argues that the ban on cross-border movements was a fundamental measure. The chapter first sets out the political, social, and economic contexts of the travel restrictions, in order to discuss how such a travel ban became the measure to maintain subjecthood. Then it discusses the court's control of both domestic and foreign travels to explore how the court regulated the movements of its subjects. It also examines the role of subordinate prefectures in such a system of border and emigration control. Thirdly, to illustrate the consequences for people breaking the travel ban, this chapter analyses the outbound travel experiences of Buddhist monks. As discussed below, they were the group of ordinary subjects who had a strong intention to travel abroad and therefore were in acute conflict with the state regulations. Their experience shows how the ban on cross-border movements was put into practice and how people negotiated the ban.

Finally, this chapter analyses the issue of expatriates. While Tang law banned its subjects from travelling abroad, state commissions such as diplomatic missions and military campaigns to foreign polities still drove certain Tang people beyond its borders. In some cases, they were unable to return to the Tang and were compelled to remain expatriates in foreign polities after their missions or campaigns had ended. This section explores the court's attitude towards such people within the law and how they could escape from the Tang state's control by being outside the imperial territory, and then further discusses the importance of travel restrictions from another perspective.

Political, Social, and Economic Contexts of the Travel Ban

The restrictions on cross-border movements first emerged from concerns of state security. As noted in the Introduction, the Tang empire faced constant challenges from foreign powers despite its military strength. Therefore, the Tang court was constantly alert to potential foreign threats and cautious about its

[275] We will see evidence of the ongoing force of the ban in the eighth century in the case of the monk Jianzhen 鑒真 (688-763), below.

subjects being in contact with enemy powers. As discussed below, the major regulation of the outbound travel restrictions is prescribed in Article 88 of the Code. This article is listed in the section on palace and border defences, revealing that the underlying concern behind the travel restrictions was about state security.[276] Indeed, a part of Article 88 also stipulates the punishments for smuggling weapons: Those who crossed the borders and traded weapons to foreign people were executed by strangulation.[277] Also, Article 89 indicates that officials of border authorities who failed to notice Tang transgressors, such as spies leaving the Tang's territory for foreign polities, were also punished by one and a half year of penal servitude.[278] This is another example showing the relations between the travel restrictions and state security.

Secondly, it was also crucial for the court to retain its subjects in the empire's territory to secure the state's income and labourer supply. Population loss to foreign polities directly threatened the state's revenue and labour resources, which, in the worst instance, would threaten the very existence of the empire. This potential crisis arose when the *zu-yong-diao* system faced severe operational problems in the late seventh century. Originally, the Tang taxation mechanism appeared to be effective with the support of the equal field system. The court granted every household land-fields to grow what they needed both to live and to pay taxes. In theory, this ensured that they could afford the tax and guaranteed a stable revenue for the state. With the state's allocation of land-fields, the court could also put a check on land amalgamation and economic inequality. However, in practice, since the court also allowed poor households to sell the allotted lands for necessary expenditures such as funerals, many people gradually lost their lands to wealthy families.[279] Besides, either because of the oversized population or a lack of arable land, the Tang court was not always able to allot the full amount of land to which each subject was entitled.[280]

By the late seventh century, these problems had accumulated into pressing issues for the court such as taxes, which had become unaffordable for many subjects, who then fled to evade them. For example, in 694, Li Qiao 李嶠 (645-714), the deputy head of the Central Secretariat at the time, indicated in his memorial that many people had now hidden in mountainous no-man's lands or had attempted to leave the Tang territory to evade taxes. This not only posed

[276] The section spans from chapter seven to eight in the Code, see *Tang lü shuyi*, 7.149-8.181.
[277] *Ibid*., 8.177-178, Article 88.
[278] *Ibid*., 8.178-179, Article 89.
[279] For the regulations for the sale of allotted land, see *Ibid*., 12.242. The loss of lands of the poor households to wealthy families can be seen in Tang Changru, 'Juntian zhidu de chansheng ji qi pohuai' 均田制度的产生及其破坏, in *Lishi yanjiu*, 1956 no. 2, pp. 16, 23.
[280] Ikeda On, *Chūgoku kodai sekichō kenkyū*, pp. 70-75.

serious challenges to state finances and border controls, but also some people had started to survive by robbery and so threatened social order and security.[281] In 698, Chen Zi'ang 陳子昂 (661-702), the leading Tang literatus and court remonstrator, also observed that forty to fifty percent of the population had fled from their homeland, so that the court could no longer locate them for taxation and labour recruitment.[282]

Travel Restrictions under the Tang

In response to these concerns and situations, the Tang court strictly regulated the movements of its subjects. Overall, it discouraged any kind of unnecessary private travel at both domestic and inter-polity levels, aiming to retain the people in their place of residency and thus under the state's effective control and away from any contact with foreign powers. From these regulations, we can see how travel restrictions became a measure to retain subjects' allegiance and loyalty.

Domestic Travel

First, the Code stipulates that commoners should remain in their residential district in principle. Migration to another county was allowed but only when arable farmlands in the original district of residence were insufficient for allocation under the equal field system. Residents of the metropolitan area and frontier prefectures were forbidden to move, thus ensuring the supply of manpower to these strategic regions.[283] Also, people could not travel even within the empire unless there were legitimate reasons such as trading, job searching or studying, including teacher-seeking. Otherwise, they would be punished by ten strokes of light flogging for each day of their illegitimate travel. This rule did not

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[281] *Tang huiyao jiaozheng*, vol. 2, 85.1335-1336.
For Li Qiao's biographies, see *Jiu Tang shu*, 94.2992-2995; *Xin Tang shu*, 123.4367-4371.

[282] See his memorial 'Shang jun guo lihai shi' 上軍國利害事, in *Chen Zi'ang ji* 陳子昂集, by Chen Zi'ang, ed. Xu Peng 徐鵬 (Beijing: Zhonghua shuju, 1960), p. 188.
For further discussion of the flight of the population at the time, see Tang Changru, 'Guanyu Wuzetian tongzhi monian de futaohu' 关于武则天统治末年的浮逃户, in *Lishi yanjiu*, 1961 no. 2, pp. 90-95; Nakagawa Manabu 中川學, 'Tō-dai no tō-ko, fu-kyaku, kyaku-co ni kansuru oboegaki' 唐代の逃戶, 浮客, 客戶に關する覺書, in *Hitotsubashi ronsō* 一橋論叢, vol. 50 no. 3 (1963), pp. 69-75; Zhu Lei, 'Dunhuang liangzhong xieben 'Yanzi fu' zhong suojian Tangdai futaohu chuzhi de bianhua ji qita' 敦煌兩種寫本《燕子賦》中所見唐代浮逃戶處置的變化及其他, in Tang Changru, ed., *Dunhuang Tulufan wenshu chutan er bian* 敦煌吐魯番文書初探二編 (Wuhan: Wuhan daxue chubanshe, 1990), pp. 503-532.
For Chen's biographies, see *Jiu Tang shu*, 190b.5018-5025; *Xin Tang shu*, 107.4067-4079.

[283] *Tōrei shūi*, 9.237-238 (Huling, Article 18).

apply to those who travelled under the court's commission, such as labourers recruited for construction work outside their place of residency. But anyone who stayed behind in the workplace after they finished the designated mission would be punished.[284] If their trip resulted in absence from state corvée, the offenders would receive thirty strokes of light flogging for each day of their absence.[285]

In addition, to urge the local organisations to assist in monitoring illegal movements, the village 村 and town authorities were required to report illicit travels to their local government. The Code also punished the people in charge of these bodies, the heads of village 村正 and the heads of town, who allowed people travelling without legitimate reasons to stay in their jurisdiction. For each illegal traveller, the heads would receive forty strokes of light flogging.[286] Officials responsible for state corvée who did not notice the absence of the labourers also received twenty strokes of light flogging for each of the absent workers.[287] With the flourishing works of Tang travel literature preserved today, we may be surprised to see that such travel restrictions existed.[288] But we should note that literati were allowed to travel for study, as mentioned, and that they also had official trips during their service as officials or banishment in demotion. It was these experiences from which they produced their literary works. They were an exceptional group entitled to move around within the empire, but this did not represent the experience of the general population.

Even those who were allowed to travel were regulated by the court through the route checkpoints set up at passes and ports, and by the issue of a passport, *guosuo* 過所. These measures were to ensure that only eligible persons could travel. The passes and ports were built at strategic locations of military defences across the empire.[289] For example, four passes were installed, one on each of the four routes to Chang'an, to safeguard the capital.[290] To cross these stations to their travel destination for private purposes, people had to apply for a

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[284] *Tang lü shuyi*, 28.536, Article 462.
[285] *Ibid*, 534-535, Article 461.
[286] *Ibid*, 540, Article 467.
For further discussion of the role of the head of village, see Zhang Guogang, 'Tangdai xiangcun zuzhi ji qi yanbian', pp. 191-201; Liu Zaicong 刘再聪, 'Tangchao "cunzheng" kao' 唐朝"村正"考, in *Zhongguo nongshi* 中国农史, vol.4 (2007), pp. 75-86; Ishino Tomohiro, 'Tō-dai no ri-sei, bō-sei, son-sei no nin'yō kitei to sono naijitsu: "Tsū-den" kyōtō jō sho in Tō koryō itsubun o tegakari toshite' 唐代の里正・坊正・村正の任用規定とその内実:『通典』郷党条所引唐戸令逸文を手がかりとして, in *Meidai Ajia-shi ronshū* 明大アジア史論集, vol. 23 (2019), pp. 129-147.
[287] *Tang lü shuyi*, 28.534-535, Article 461.
[288] For the popularity of travel writing under the Tang, see Yuan Xingpei 袁行霈, ed., *Zhongguo wenxue shi* 中国文学史 (Beijing: Gaodeng jiaoyu chubanshe, 1999), vol. 2, p. 204.
[289] *Tang liu dian*, 6.195-196.
[290] *Ibid.,* 6.195. For further discussion of the role of the four capital passes in Tang defence system, see Cai Kunlun 蔡坤倫, *Tangdai guanfang: yi Guanzhong simianguan wei zhongxin* 唐代關防: 以關中四面關為中心 (Taipei: Xiuwei zixun, 2020).

passport from the authority of their residency, like the government of the county or military prefecture, to prove that they had the recognised reasons to travel under the Code.[291] The regulations on the use of the passport were also strict. The passport was not transferable to any other person, including family members, or the person whose passport it was would be punished by one year of penal servitude. The person who pretended to be the passport holder in order to travel also received the same punishment. Those who were in service of state corvée were not eligible to obtain a passport. Any officials who issued one to those people were punished by the same penalty as well.[292]

Cross-Border Travel

On top of the measures for domestic travel, the Tang court also extended strict rules on travelling to regulate cross-border movements. As discussed in Chapter 1, Article 88 of the Code explains the travel ban as follows:

> Those who cross the frontier passes and fortresses are liable to two years of penal servitude. With those who conduct trade with *huàwai* people illicitly, if they take or give goods worth more than one *chi* of silk, they are liable to two and a half years of penal servitude. One degree of penalty is added for every additional value [of the traded goods] of three *pi* of silk. For goods worth more than fifteen *pi*, [the penalty is] banishment for life with added labour. Those who privately offer restricted weapons are to be strangled to death. Those who marry [*huàwai* people] are to be banished [at a distance] of two thousand *li*.
>
> Sub-Commentary: Frontier passes and fortresses are to separate the Hua from the Yi people. Any who crosses these frontier passes and fortresses should be liable to two and a half years of penal servitude…With the exception of envoys, people are not permitted to enter or leave the territory of [our] polity. The term used here is therefore simply 'to cross' rather than 'to cross illicitly'.
>
> 諸越度緣邊關塞者，徒二年；共化外人私相交易，若取與者，一尺徒二年半，三疋加一等，十五疋加役流；私與禁兵器者絞，共為婚姻者流二千里。
>
> 疏議曰：緣邊關塞，以隔華、夷。其有越度此關塞者，得徒二年..... 出入國境，非公使者不合，故但云「越度」，不言「私度」。[293]

[291] *Tang lü shuyi*, 8.172-173, Article 82.
[292] *Ibid*., 8.174-175, Article 83.
For further discussion of the use of the passport under the Tang, see Cheng Xilin, *Tangdai guosuo yanjiu* 唐代过所研究 (Beijing: Zhonghua shuju, 2000), pp. 55-133; Arakawa Masaharu, *Yūrashia no kōtsū, kōeki to Tō teikoku*, pp. 399-443.
[293] *Tang lü shuyi*, 8.177-178.

The 'frontier passes and fortresses' refer to the border fortifications under the command of the frontier prefectures as discussed in the Introduction. These defence facilities demarcated the Tang frontier against foreign powers. Crossing such barriers to foreign polities for private purposes was a crime. When the court allowed private domestic travel for certain accepted reasons, it prohibited all kinds of cross-border movement without official commissions. The terms picked up by the sub-commentary to explain the ban were 'to cross' 越度 and 'to cross illicitly' 私度, both technical terms under the Code. The former means any kind of crossing beyond a travel barrier. The latter particularly denotes the crossing without a valid permit, such as a passport.[294] Since Tang commoners were not allowed to leave Tang territory for private travel under any circumstances, therefore, they should not have been able to obtain any valid permit to do so and as a result there should not have been any cases of an 'illicit crossing'. The term used in the Code was therefore simply 'to cross' but not 'to cross illicitly', as discussed in the sub-commentary.

Under this ban, trades with foreigners should only be conducted with the supervision of the state's authority; Tang subjects who engaged in unsanctioned foreign trades would be punished accordingly as indicated in the article. Indeed, according to the Statutes, trades with foreigners were supposed to be conducted in designated fenced-in border marketplaces supervised by market officials. In order to encourage people to report illicit trades between Tang and foreign subjects, the Statutes also stipulate that those who did so could claim half of the traded goods.[295] While the court permitted foreign trades, it still attempted to limit the scale and the contacts between local people and subjects of foreign polity.

By contrast with the total ban on private cross-border travel, Article 88 does make allowance for envoys to travel abroad on official business. Given its overarching concern with state security, how did the Tang court ensure the envoys' loyalty and allegiance to the Tang during their missions abroad? First, there was a careful process for the selection of personnel in order to recruit reliable staff. Under the Tang, there were no regular positions for envoys. While there was a Chamber for Foreign Affairs and State Funerals 鴻臚寺 at the central court, that bureau was mainly responsible for the reception of foreign diplomats.[296] For Tang missions dispatched to foreign regimes, members were selected on *ad hoc* basis from serving officials, who only joined specific missions.

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[294] *Ibid.,* pp. 172-173, Article 82.

[295] *Tianyige cang Mingchao Tianshengling jiaozheng*, vol. 2, p. 540.

[296] *Tang liu dian*, 18.504-508; *Jiu Tang shu*, 44.1884-1885; *Xin Tang shu*, 48.1257-1258. Iwami Kiyohiro, 'Tō no kōroji to kōro-kyakan' 唐の鴻臚寺と鴻臚客館, in *Kodai bunka* 古代文化, vol. 42, no. 8 (1990), pp. 48-56; Li Hu 黎虎, *Han Tang waijiao zhidu shi* 汉唐外交制度史 (Lanzhou: Lanzhou dexue chubanshe, 1998), pp. 313-341.

Although the staff of the Chamber for Foreign Affairs might also participate in missions, officials of other departments, ranging from the Ministry of War 兵部 to local governments, could also be seconded.[297] This arrangement had two advantages. First, only the most trusted officials would be chosen. Second, no one was able to dominate the service and became career diplomates to develop their own foreign connections and power that might threaten the court. Besides, from the reign of Emperor Gaozong, censors 御史 were often selected to join the mission to put a check on the misconduct and power of the envoys.[298]

Second, severe punishments for defection created a strong deterrent for envoys. Defecting to a foreign regime was regarded as treason under the Code. Not only would the criminal be strangulated, but his family was also liable for a heavy collective penalty, with the wives and sons banished to two thousand *li* away.[299] In other words, the family members of envoys became *de facto* hostages held by the court during missions, which put pressure on the envoys to remain loyal to the Tang court. In reality, the punishment for defection could be even more terrifying than the prescriptions of the Code suggested.

The experience of Yan Zhiwei 閻知微 (d. 698) illustrates this well.[300] Yan was an envoy sent on missions to the Türks during the reign of Empress Wu.[301] Facing with the threat of the resurgent Eastern Türks, in 697, the Empress accepted a request to appease the Türks by marrying a Türk princess into her royal family. Since Empress Wu had usurped the throne and replaced the Tang by her dynasty, the Zhou 周 (690-705), she sent a Zhou prince of the Wu house to marry the Türk princess and Yan served as the envoy to conduct the marriage. However, the Türk khaghan objected to his daughter being put in an arranged marriage not to a member of the Li family, the Tang royal house, but to a member of the Wu household. In 697, the khaghan rejected the marriage and then invaded

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[297] In 642, the Vice Minister of War, Cui Dunli 崔敦禮 (596-656), served as the chief envoy in establishing a marriage alliance with the Xueyantuo. Between 664 and 665, the prefect of jizhou 吉州 (present-day Ji'an area, Jiangxi), Chen Xingyan 陳行焉 (fl. 664-665) served in the mission to Tibet. See *Tang huiyao*, 96.1477; *Cefu yuangui*, 138.1675a.

Shi Xiaojun 石曉軍 has a thorough study of the appointments of Tang envoys and their career background upon their mission. See his *Zui Tō gaimu kanryo no kenkyu: Kōroji kanryo, kengai shisetsu o chushin ni* 隋唐外務官僚の研究: 鴻臚寺官僚·遣外使節を中心に (Tōkyō: Tōhō shoten, 2019), pp. 437-450; 537-587.

[298] *Ibid*., pp. 545-556.

[299] *Tang lü shuyi*, 1.8; 17.325-326, Article 251.

[300] For Yan's biography, see *Jiu Tang shu*, 77.2679-2680.

[301] How he was selected for the mission was not mentioned on historical records. Yet, his family had served the Tang court since the founding of the dynasty. His grandfather, Yan Lide 閻立德 (596-656), was a reputable Minister of Works 工部尚書. Zhiwei himself was the Right General of Leopard Warcraft 右豹韜衛大將軍, a commander of palace security guard. This background appeared to suggest that he was trusted by the court, which may explain his appointment as envoy. See *ibid*.; *Tang liu dian*, 24.621; *Jiu Tang shu*, 44.1900.

the Zhou. He forced Yan and other envoys of the mission to serve him, and Yan agreed under duress. Three months later, after the khaghan abandoned his invasion under strong resistance from the Zhou court, he released Yan and the Zhou court captured him. Although Yan was forced to submit to the khaghan, the empress still punished him by having him cut into quarters and then sliced into pieces, followed by commanding the court officials to shoot his dead body. His family to three degrees of relatedness were also exterminated.[302] While Empress Wu's reactions do not reflect the standard punishment for defection as stipulated by the Code, Yan's experience shows that how a ruler might respond to treason. Such uncertainty would create a stronger deterrent effect on diplomats.

To avoid Tang subjects pretending to be envoys and leaving the empire illicitly, dispatched officials also had to obtain proof of their identity before leaving the Tang on their missions. After officials were selected to be envoys, the Chancellery 門下省 issued a copper fish-shaped token 銅魚符 to them for proof of identity.[303] To prevent any misuse of the token, envoys were required to hand it back to the Chancellery upon the completion of their mission. If they failed to do so, they were punished by one year of penal servitude. Those who lost the token received two more years of servitude.[304] Anyone who stole the token was punished in the same way.[305] People who made a fake token were banished for two thousand *li* away.[306]

Through this set of regulations on both domestic and cross-border travels, the Tang court developed a rigorous system to restrict subjects' movements. From the local authorities, such as the heads of village, to border officials, like the persons in charge of the frontier passes, a wide range of the governmental bodies of the Tang court bore the responsibility for regulating subjects' travels. For envoys dispatched on official missions to foreign polities, they faced a series of corresponding measures to ensure their loyalty to the court and return to the empire. While the monarch might punish disloyal officials other than the ways prescribed in the law, as seen from the experience of Yan Zhiwei, one should not expect that the result would be more lenient. With this system, the Tang court

[302] *Zizhi tongjian*, 206.6530-6537.
According to the contemporary scholar-official, Zhang Zhuo, the Yan family were exterminated to nine degrees instead of three. But Sima Guang checked the court records of the Tang and indicated that it should be three, not nine. Here follows Sima. See *Chaoye qianzai* 朝野僉載, by Zhang Zhuo (Beijing: Zhonghua shuju, 1979), 1.11; *Zizhi tongjian*, 206.6537.
[303] It was a two-piece copper token, with the right half of it given to the envoys and the other half sent to the frontier passes or fortresses that the envoys would pass through to verify their identity and let them cross the borderland for departure and return. See *Tang liu dian*, 8.243-244.
[304] *Tang lü shuyi*, 16.301-302, Article 226.
[305] *Ibid.*, 19.351-352, Article 274.
[306] *Ibid*., 25.453-454, Article 364.

expected its subjects to stay within the imperial territory and far away from foreign powers, allowing the court to retain the subjects' affiliation and to keep them under its control.

Subordinate Prefectures and Emigration Control

Given the system of emigration control described above, what then was the role of subordinate prefectures within this system? As indicated in the last chapter, there were two types of subordinate prefectures, the internal and external. When Article 88 states that commoners were forbidden to cross the 'frontier passes and fortresses' without approval, this meant that they were also not allowed to travel to the external subordinate prefectures that existed beyond Tang territory.

The case of Yaozhou 姚州 illustrates this well. Situated in the south of Lu River 瀘水 (present-day Jinsha River), Yaozhou was on the Tang-Tibetan border in what is now Central Yunnan and served as an administrative entity over various of indigenous tribes. In 664, the Tang court established a standard prefecture over the region, but it struggled to assert stable control in the face of continuing indigenous upheavals.[307] In 697, since many local staff had already been killed in rebellions, Zhang Jianzhi 張柬之 (625-706), the prefect of Shuzhou 蜀州 (present-day central Sichuan Province), proposed abolishing the standard prefecture of Yaozhou, including its military stations, and turning it into an external subordinate prefecture.[308] With this proposal, he aimed to:

> …make [the region] subordinate to the Xi[zhou] government (present-day southwest Sichuan) and let it attend an audience at court every year, treating it in the same way as an alien polity. The military towns to the south of the Lu River should also be abolished and a pass should be established to the north. Ordinary subjects are not permitted to travel to and from [the region] unless commissioned to enter the foreign land.
>
> 使隸嶲府，歲時朝覲，同之蕃國。瀘南諸鎮亦皆廢，於瀘北置關。百姓自非奉使入蕃，不許交通來往。[309]

[307] The establishment of the standard prefecture of Yaozhou is discussed below.

[308] For the rebellions in Yaozhou, see *Jiu Tang shu*, 4.85, 5.96, 7.144; *Xin Tang shu*, 3.70, 4.109, 5.122. The Zhang's memorial also discusses this. See the footnote below. Also, Fang Guoyu 方國瑜, *Zhongguo xi'nan lishi dili kaoshi* 中國西南歷史地理考釋 (Beijing: Zhonghua shuju, 1987), pp. 303-320; Li Xingfu 李兴福, 'Lun Tang qianqi Yaozhou dudufu de xingfei' 论唐前期姚州都督府的兴废, in *Sixiang zhanxian* 思想战线, vol. 35 (2009), pp. 63-66.

[309] His memorial is recorded in his biography, see *Jiu Tang shu*, 91.2939-2941; *Xin Tang shu*, 120.4321-4323.

Although the central court did not accept this proposal, Zhang's suggestion revealed the status of the external prefectures on the borderland, which was comparable to that of a foreign polity. Being outside the proposed Lu River frontier pass, the former Yaozhou region would have only had a loose subordinate relationship with the Tang court under the Xizhou government in the form of tribute visits. As a result, Tang subjects would not have been allowed to travel there for personal issues in line with the regulation of Article 88. Indeed, on present evidence, it is difficult to determine whether such travel restriction also applied to the external prefectures on other frontiers. Still, given that the restriction echoes the Code, it could well have been a general practice imposed on all the borderlands.

Zhang's proposal raises the question of what was the difference between an external subordinate prefecture and a tribute polity in Tang's systems of border control and foreign relations? Tan Qixiang believes that they were just the same because, as shown in the last chapter, the court conferred honourable titles of general or governor to both the leaders of external prefectures and tribute polities in order to establish a subordinate relation over them. Both the external prefectures and the tribute polities also paid tribute to the Tang court from time to time and no records suggest that the former visited the court more frequently than the latter or that they had to pay the tribute more often. Some subordinate prefectures never paid the tribute to the Tang at all. Tan further noted another common point that both external subordinate prefectures and tribute polities did respond to the court's call for support of military campaigns.[310]

Yet, Tan did not explain why the Tang court still regarded some polities as external prefectures and some as tribute polities. No surviving official statement discusses this. While further study to compare the status of the two types of polities is needed, we may infer their differences from the viewpoint of a local government. *New Tang History* has indicated that the subordinate prefectures were 'all supervised by the governors or protectorates of the frontier prefectures' 皆邊州都督都護所領, and this was 'as stipulated in the Statutes and Ordinances' 著于令式.[311] These Statutes and Ordinances are not extant, and so we are unable to examine the administrative regulations to see the status of the prefectures in imperial governance. But such an indication still suggests that the subordinate polities fell legally under the supervision of frontier prefectures, at least nominally.

[310] Tan Qixiang, 'Tangdai jimizhou shulun', pp. 136-143.
[311] *Xin Tang shu*, 43b.1119.

In practice, to have a stronger control over the borders, local officials often proposed turning subordinate regions into standard prefectures to assert direct rule and consolidate border control. This was why in 644, to defend the border against Tibet, the Archivist of Wuling County 武陵縣 (present-day Changde, Hunan Province), Shi Ziren 石子仁 (fl. 644) had proposed turning Yaozhou into a standard prefecture. The central court agreed, and the region fell under the direct rule of the court in the same year. In 677, local tribes rebelled against the Tang with the support of Tibet, and the court lost the territory. In 689, the indigenous people turned back to support the Tang. The prefect of Kunzhou 昆州 (the area around present-day Kunming, Yunnan Province), Cuan Qianfu 爨乾福 (fl. 689) thus proposed to restore the region as a standard prefecture, and the Tang court exercised direct rule over Yaozhou again, though with mixed results as Zhang Jianzhi's above-quoted memorial suggests.[312]

Such a transformation between subordinate and standard prefectures was commonplace across Tang borderlands; many transformations were conducted at the suggestion of local officials.[313] Certainly, the conversion could only be achieved when the Tang court was capable of controlling the area, such as when in 689 it received support from the local people of Yaozhou. In other words, while their relations with the Tang court seem entirely similar to those of tribute polities overall, these external subordinate regions might have been seen as areas that fell under the sphere of influence of the frontier governments as potentially expandable territory.[314] But as long as they remained out of the Tang court's direct control and beyond the 'frontier passes and fortresses', they were not open for common subjects to visit for private purposes.

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[312] Such process of transformation is also recorded in Zhang Zhijian's memorial, see *Jiu Tang shu*, 91.2939-2941; *Xin Tang shu*, 120.4321-4323. For further discussion, see Fang Guoyu, *Zhongguo xi'nan lishi dili kaoshi*, pp. 303-320; Li Xingfu, 'lun Tang qianqi Yaozhou dudufu de xingfei', pp. 63-66.

[313] For examples, see Liu Tong, *Tangdai jimizhoufu yanjiu*, pp. 63-69; Zuo Zhitao 左之涛, 'Cong Weizhou de yuange kan Tangdai jimizhou yu zhengzhou de zhuanhuan' 从维州的沿革看唐代羁縻州与正州的转换, in *Yantai shifan xueyuan xuebao* 烟台师范学院学报, vol. 23, no. 1 (2006), pp. 40-43.

[314] From the point of view of the subordinate polities, subordination to the Tang meant being under the protection of the empire against other powers, at least nominally. Also, in the face of invasion by other powers, these external subordinate tribes sometimes applied to move inside of the Empire and became internal prefectures for further protection. The court might accept this request when it wanted to absorb the military power of the prefecture to reinforce border defence as well. In a sense, subordinate prefectures were probationary members of the empire. See the case studies of Khitan and Xi on the northeast frontiers of the Tang by Yang Xiaoyan 杨晓燕, 'Tangdai Pinglujun yu Huan-Bohai diyu' 唐代平卢军与环渤海地域, in Wang Xiaofu, ed., *Shengtang shidai yu dongbeiya zhengju*, pp. 169-198.

The Experiences of Buddhist Monks

The regulations and institutions that the state developed to safeguard its own interests and security could be in direct conflict with the interests of private individuals. This conflict was felt acutely in the case of members of the Buddhist clergy. Buddhism had flourished in the Central Plains for four centuries and became a major religion when the Tang dynasty was established.[315] Since Buddhism had originated in the Indian subcontinent, pilgrimages became a vital activity among members of the Tang Buddhist community. Whether their aim was to visit the birth and death places of the Buddha or 'to seek out religious instruction' 求法, Buddhist followers were eager to travel for religious purposes.[316] As a result, there was a constant tension between the state and religious authorities. Although various Buddhist lineages already had their own precepts and monastic regulations, *Vinaya*, the state still asserted its own power to regulate the religion. Over time, the court's control of Buddhism tightened. Formerly, the Northern Wei court had only applied secular law to clerical crimes more severe than murder; it had left all other misconduct to the Buddhist Church.[317] The Tang Code, by contrast, punished monks and nuns for more minor offences such as robbery, adultery, and illicit ordination.[318]

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[315] See Stanley Weinstein, *Buddhism under the T'ang* (Cambridge; New York: Cambridge University Press, 1987), pp. 1-5; Tansen Sen, *Buddhism, Diplomacy and Trade: The Realignment of Sino-Indian Relations, 600-1400* (Honolulu: University of Hawai'i Press, 2003), pp. 55-101; Tang Yongtong 湯用彤, *Sui Tang fojiao shigao* 隋唐佛教史稿, in *Tang Yongtong quanji* 湯用彤全集 (Shijiazhuang: Hebei renmin chubanshe, 2000), vol. 2, pp. 4-20.

[316] These are the most common reasons for religious travel, which were shared by Buddhist followers of other regions. On Goguryeo and Tibetan pilgrimages see: Toni Huber, *The Holy Land Reborn: Pilgrimage and the Tibetan Reinvention of Buddhist India* (Chicago: University of Chicago Press, 2008), pp. 58-59; Henrik H. Sørensen, 'Buddhist Pilgrimage and Spiritual Identity: Korean Sŏn Monks Journeying to Tang China in Search of the Dharma', in Ann Heirman, Carmen Meinert, and Christoph Anderl, ed., *Buddhist Encounters and Identities Across East Asia* (Leiden; Boston: Brill, 2018), pp. 283-301.

[317] *Wei shu*, 114.3034.

[318] The Tang court also developed specific rules, the 'Decree on Daoists and Buddhists' 道僧格, to regulate serious clerical crimes such as murder, treason and rebellion. It is not extant, but there have been various attempts to restore the regulations from surviving records. See *Tang lü shuyi*, 4.96-97, Article 4; 12.235, Article 154; 17.323-324, Article 249. See also Futaba Kenko 二葉憲香, 'Sōniryō no senkō-hō toshite no Dōsōkaku' 僧尼令の先行法としての道僧格, in *Ryūkoku shi dan* 竜谷史壇, vol. 43 (1958), pp. 65-81; Moroto Tatsuo 諸戸立雄, 'Dōsōkaku ni kansuru ni san no mondai—seitei nendai to senkō no `kyōdan seiki ni tsuite' 道僧格に関する二三の問題—制定年代と先行の「教団制規」について, in *Akidai shigaku* 秋大史学, vol. 33 (1987), pp. 1-24; 'Dōsōkaku no kenkyū' 道僧格の研究, in *Chūgoku Bukkyō seidoshi no kenkyū* 中国仏教制度史の研究 (Tōkyō: Hirakawa shuppansha, 1990), pp. 7-63; Stanley Weinstein, *Buddhism under the T'ang*, pp. 18-22; Zheng Xianwen 郑显文, 'Tangdai Daosengge yanjiu' 唐代《道僧格》研究, in *Lishi yanjiu*, 2004 no. 4, pp. 38-54; Chen Dengwu 陳登武, 'Cong neilü dao wangfa: Tangdai sengren de falü guifan' 從內律到王法: 唐代僧人的法律規範, in *Zhengda faxue pinglun* 政大法學評論, vol. 111 (2009), pp. 1-79. Zhao Jing, 'Tangdai "Daosengge zaitan"–jianlun

The Tang legal stipulations on cross-border movements applied to Buddhist clergy as well. In theory, monks were banned by law from leaving Tang's borders on private business. Yet, at the same time, Buddhist monks appeared to gradually achieve a certain leeway under the travel restrictions to undertake their journeys. In the early years of the dynasty, Xuanzang had to evade the ban on cross-border travels as we have seen. But the monks after him seemed to be allowed to travel abroad, albeit with special approval.

For a sense of how the court applied travel restrictions to religious travel and how it negotiated the tensions between secular and religious obligations, we now need to examine the travels of three Tang monks: Xuanzang, Yijing 義淨 (635-713), and Jianzhen 鑒真 (688-763). These cases show the ways in which members of the Buddhist clergy attempted to gain permission from the court for their pilgrimages. They further demonstrate how monks managed to leave the Empire on their religious missions if denied formal permission for foreign travel, as the Code prescribed that they should be. More broadly, this section studies how non-official members of the empire responded to state regulations and how the imperial system adapted to accommodate the competing demands of state and religious obligations, while preserving its territorial and administrative integrity.

The Travels of the Three Monks

This section first briefly introduces the pilgrimages of these monks before analysing their travels. Among the three, Xuanzang was the first to travel. In 626, finding considerable contradictions and discrepancies in the versions of the Buddhist sutras available to him, he decided to visit the Indian subcontinent in search of the original sutras for further research.[319] In the same year, he left the Tang empire and started his journey. Travelling in Central Asia and the subcontinent for seventeen years, he accomplished the great achievements as mentioned.[320]

"Tianshengling–yuguanling" 'sengdao kefa' tiao' 唐代《道僧格》再探—兼论《天圣令·狱官令》"僧道科法"条, in *Huadong zhengfa daxue xuebao* 华东政法大学学报, vol. 91, no. 6 (2013), pp. 128-149.

[319] *Da Tang Daci'ensi sanzang fashi zhuan*, pp. 4-10; *Xu Gaoseng zhuan* 續高僧傳 by Daoxuan 道宣 (596-667) (Beijing: Zhonghua shuju, 2014), vol. 1, 4.97.

[320] Besides the achievements mentioned earlier, Xuanzang also greatly impressed the Buddhist monks in the Indian Subcontinent. Adherents of both the Great and Little Vehicle (Mahāyāna and Hīnayāna) there had praised him as a monk of eminence. They bestowed on him the grand titles of 'Celestial Being of the Great Vehicle', *Mahāyānadeva* 大乘天 (also 摩訶耶那提婆), and 'Celestial Being of Liberation', *Mokṣadeva* 解脫天 (also 木叉提婆)'. Meaning literally the deity of the respective schools, these titles were only given to highly distinctive monks who had a thorough understanding of the schools. See *Da Tang Daci'ensi sanzang fashi zhuan*, 5.109; *Xu Gaoseng zhuan*, 4.115.

The next was Yijing.[321] Impressed by Xuanzang and another pilgrimage monk, Faxian 法顯 (337-442), Yijing also wished to visit the Indian subcontinent. In 670, he headed out of the empire via Guangzhou and only returned to the Tang fifteen years later.[322]

The last was Jianzhen, a prominent monk and a representative figure of the Tang Vinaya School.[323] In 742, with the assent of the Nihon court, two Nihon novices who were studying in the school invited Jianzhen to Nihon to promote the Vinaya teaching and to further regulate their Buddhist church. He accepted this invitation and started to organize his voyage in the same year. Still, it took until 753 for him to actually arrive in Nihon, and he spent the rest of his life there.[324]

Breaking the Travel Ban

Then how could these monks travel abroad under the previously described restrictions on cross-border movement? For most of the seventh and early eighth centuries, the court appears to have been forceful in its demands that such travel restrictions be observed. It only seems to have relaxed its demands during the reign of Empress Wu. During the time when the ban was strictly in effect, a legitimate way to travel was to gain an exceptional approval from the court. In 626, Xuanzang therefore went to the palace and submitted a memorial for such an approval.[325] However, the court did not accept his submission and his request did not reach the emperor.[326] Xuanzang's biography explains that the court's rejection of his request was because the newly established dynasty was especially cautious about border security.[327] This was a time when the Tang court had just unified the Central Plains and faced severe threats from the Türks. Because of this failure, Xuanzang could only leave the empire without official approval, as mentioned at the beginning of this chapter. Similarly, Jianzhen was

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[321] Similar to Xuanzang, Yijing's journey is well-recorded in his biographies which could be in *Kaiyuan shijiao lu* 開元釋教錄, by Zhisheng 智昇 (Beijing: Zhonghua shuju, 2018), 9.557-558; *Xu Gujin yijing tuji* 續古今譯經圖紀 in *Taishō shinshū Daizōkyō*, vol. 55, no. 2152, p. 370a13; *Song Gaoseng zhuan* 宋高僧傳 (Beijing: Zhongua shuju, 1997), vol. 1, 1.1-4.

[322] *Kaiyuan shijiao lu*, 9.557-558; *Song Gaoseng zhuan*, 1.1; *Da Tang xiyu qiufa gaoseng zhuan*, 2.151.

[323] Jianzhen's journey is well recorded in his biography, too: *Tō daiwajō tōsei den* 唐大和上東征傳 校注, by Ōmi no Mifune 淡海三船 (722-785), ed. Liang Mingyuan 梁明院 (Yangzhou: Guangling shushe, 2010).

[324] *Tō daiwajō tōsei den jiaozhu*, pp. 15-17; 113-114; *Song Gaoseng zhuan*, 14.349.
The difficulties he faced in his travel will be discussed below.

[325] *Kaiyuan shijiao lu*, vol.2, 8.500; *Xu Gaoseng zhuan*, 4.97; Zeng Liaoruo, *Tang Xuanzang fashi nianpu*, p. 14.

[326] *Ibid*.

[327] *Da Tang Daci'ensi sanzang fashi zhuan*, p. 10.

not granted an official approval and therefore had to travel to Nihon by illicit means, as described below. Their experiences suggest that such a special approval was likely the only hope for the monks to travel abroad in a legitimate way and that it was difficult to obtain that approval. Without it, they had no option but to break the law.

But how did they manage to leave the empire without the state's authorisation? According to his biography, Xuanzang took advantage of his reputation to convince the border officials and pass the emigration check. Xuanzang was a talented monk who had received wide acclaim for his study and teaching of Buddhism from an early age. By his early twenties, he was already a monk renowned across the empire for lecturing on Buddhist sutras in Chengdu and Chang'an.[328] His admirers were also found in the border forces and helped him to cross the border. To make his border crossing, Xuanzang first went to Liangzhou (present-day Wuwei, Gansu Province), a frontier prefecture of the time, to seek an opportunity.[329] Li Daliang, the governor-general of Liangzhou at the time, had learned of Xuanzang's plan from local reports and urged the border forces to be on the alert for his attempt to cross the border illegally. Yet a Liangzhou functionary who was an admirer of Xuanzang came to his aid. He instructed Xuanzang how to cross the Tang border.[330] As instructed, Xuanzang headed for the Yu'men Pass 玉門關, which marked the frontier with the kingdom of Yiwu 伊吾國 (around present-day Hami, Xinjiang region), a vassal polity of the Western Türks.[331] The commander in charge of a beacon tower at the pass was a Buddhist and appreciated Xuanzang's commitment to the pilgrimage. So, he freed Xuanzang and escorted him to the Tang frontier. Only after this saga was Xuanzang able to start his journey to the west.[332]

Apart from individual efforts to leave the empire like Xuanzang, Jianzhen illustrated how collusion with a foreign power was also a potential option. The Nihon court once formally proposed to the Tang court to take Jianzhen to Nihon. In 753, when the eleventh Nihon mission came to the Tang, the chef envoy,

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[328] *Ibid.*, pp. 4-10; *Xu Gaoseng zhuan*, 4.95-97.

[329] *Da Tang Daci'ensi sanzang fashi zhuan*, p. 11.

[330] Li's reaction echoed the prescriptions of the Code, that border officials who failed to prevent commoners leaving Tang territory were liable to one year of penal servitude. See *Tang lü shuyi*, 8.178-179, Article 89. For Li's biographies, see *Jiu Tang shu*, 62.2386-2392; *Xin Tang shu*, 99.3910-3914.

[331] *Jiu Tang shu*, 40.1643-1644,198.5294; *Xin Tang shu*, 40.1046.

The location of Yu'men Pass in Tang times is not clear. While it is believed to be in Guazhou country, Gansu, some suggest that it was in the northeast while some propose in the northwest. See Li Bingcheng 李并成, 'Xin Yu'menguan weizhi zaikao' 新玉门关位置再考, in *Dunhuang yanjiu* 敦煌研究, vol. 110, no. 4 (2008), pp. 104-116; Li Zhengyu 李正宇, 'Xin Yu'menguan kao' 新玉门关考, in *Sichou zhi lu* 絲綢之路, vol. 211, no. 18 (2011), pp. 106-114.

[332] *Da Tang Daci'ensi sanzang fashi zhuan*, pp. 12-17.

Fujiwara no Kiyokawa 藤原清河 (d. 778), suggested this to Emperor Xuanzong. However, the emperor denied this proposal as he wanted to promote Daoism rather Buddhism in Nihon. He therefore suggested sending Daoist priests to Nihon instead. Since the Nihon court was not interested in Daoism and was eager to have Jianzhen to reform its Buddhist Church, it insisted on bringing Jianzhen to Nihon. In the same year, Fujiwara therefore concealed Jianzhen in one of the ships of his mission and took Jianzhen to Nihon on his return trip.[333]

Although both Xuanzang and Jianzhen successfully carried out their religious missions abroad, they were rare exceptions. As shown in his biography, Xuanzang's passage was difficult, suggesting that the Tang ban on cross-border movement was largely effective in the early seventh century. While the Liangzhou functionary aided Xuanzang's departure, this was still so risky that Xuanzang's two disciples who had been accompanying him both left him before he crossed the Tang border. As he made his way through the Yu'men Pass, Xuanzang purportedly came under fire from archers, whose arrows whistled past his knees. He was arrested by the guards of a beacon tower at the pass and was able to leave only with the aid of the Buddhist commander in charge of the beacon tower.[334] If Xuanzang had not been such a famous monk with admirers among the frontier forces, it seems unlikely that he would have been able to leave the Tang empire in this way.[335] And Xuanzang's own retrospective admission that he had departed Tang territory illegally offers further support for the idea that the travel restrictions stipulated by the Code were in effect at the time of his pilgrimage.

Jianzhen still had to contend with the ban in the eighth century and his journey was similarly full of challenges. Although the Nihon mission was able to help him, the next Nihon mission only came to the Tang in 753, eleven years after

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[333] *Tō daiwajō tōsei den jiaozhu*, pp. 96-114.

[334] *Da Tang Daci'ensi sanzang fashi zhuan*, pp. 12-17.
Besides Jianzhen, in 736, Daoxuán 道璿 (706-760), another monk of Tang Vinaya School also departed the empire for Nihon with the invitation of Nihon monks and the assistance of the Nihon court. But his journey was smoother than Jianzhen's. He was able to leave the Tang with the tenth Nihon mission shortly after he was invited by Nihon monks during the mission's visit to the empire. Similar to Jianzhen, no record suggests that Daoxuán left the Tang with court's permission. His departure was likely illegal as well. For his life and journey, see his biographies in the remaining of *Enryaku sōroku* 延暦僧錄 and *Naishou Buppō sōshou kechimyaku fu* 内証仏法相承血脈譜, a Nihon lineage chart of Tiantai School 天台宗 from the nineth century. See *Enryaku sōroku chūshaku* 『延暦僧録』注釈, by Situo 思託 (fl. 763), ed. Kuranaka Shinobu 藏中しのぶ (Tōkyō: Daitō bunka daigaku Tōyō kenkyūjo, 2008), pp. 47-76; *Naishou Buppō sōshou kechimyaku fu* 内証仏法相承血脈譜, by Saichō 最澄 (767-822), in *Den-gyō daishi zenshū* 伝教大師全集, ed. Hi-ei-zan senjuin fuzoku Ei-zan gakuin 比叡山専修院附属叡山学院 (Sakamoto: Hieizan tosho kankō-sho, 1988), vol. 1, pp. 211-212.

[335] The extant account of Xuanzang's journey appears in his biography, compiled by one of his disciples. We must therefore allow for the fact that the author of Xuanzong's biography suppressed any other illegal methods that Xuanzong might have used to evade the travel ban, such as the payment of bribes to the border guards.

he had received the invitation to go to Nihon. During the intervening time, Jianzhen made five attempts to leave the empire, trying to reach Nihon sooner and carry out his mission. Without the assistance of envoys, however, all five attempts were in vain. The second venture, in 743, was wrecked by a typhoon. The fifth, in 748, failed because of Jianzhen's poor health.[336] The others went awry because his plans were leaked to local authorities, and he had to abandon the ventures. In 747, for instance, a disciple of Jianzhen reported his attempt to leave to the Yangzhou government. The disciple wanted to prevent Jianzhen from travelling out of concern about the potential dangers of a sea voyage. The Yangzhou authorities did not punish Jianzhen as, according to his biographies, they respected Jianzhen's eminence as a monk. But they still suspended his travel plans and urged the local monks not to let him go abroad.[337] Although his reputation freed him from punishment, Jianzhen was forbidden to travel abroad and was, in the end, only able to leave the Tang with the support of Nihon envoys. Without his extraordinary connection with Nihon, it is improbable that Jianzhen would have been able to reach Nihon.

The fact that both Jianzhen and Xuanzang did ultimately leave the Tang naturally raises questions over whether the travel restrictions were largely prescriptive or had real efficacy. There were no doubt weaknesses in the practical implementation of the restrictions. If the border officials who inspected Fujiwara no Kiyokawa's envoy to prevent any smuggling of goods had rigorously performed their duty, for example, they might have been able to stop Jianzhen from leaving the Tang. Yet the extent of the difficulties that each monk faced, and the fact that they stand out as exceptional cases in the extant sources, lends weight to the idea the travel ban was effectively enforced during the seventh and eighth centuries.

Empress Wu and the Relaxation of the Travel Restrictions

Compared to other eras during the seventh and eight centuries, restrictions on cross-border movements seemed to be relax during the Empress Wu's reign. Unlike Emperor Xuanzong, who, as mentioned, was not a supporter of Buddhism, the empress was eager to use Buddhism to consolidate her power. As a woman who usurped the throne, she had difficulty gaining support from Confucian scholars. To establish her own authority against the claims of the Tang house, she

[336] *Tō daiwajō tōsei den jiaozhu*, pp. 38-40; 50-83; Only Ōmi's biography records Jianzhen's illegal egress. Neither *Song Gaoseng zhuan* nor the surviving remnants of *Enryaku sōroku* have any mention of his experiences.

[337] *Tō daiwajō tōsei den jiaozhu*, pp. 48-50.

therefore took measures to elevate the status of Buddhism over that of Daoism, which had been the official religion of the Tang ruling house.[338] She claimed to be an incarnation of Maitreya Buddha and the Wheel-Turning King and replaced the official position of Daoism by Buddhism.[339] During that time, Yijing was able to take advantage of this situation and made his pilgrimage. His experience is therefore different from Xuanzang's and Jianzhen's experiences and serves as a useful case study of this shift.

The first point of difference with Xuanzang is that Yijing appears to have had the court's approval for his travel. Neither the autobiographies of Yijing nor other records of his life mention that any state authority discouraged his trip, as Li Daliang had done with Xuanzang. Quite the opposite, his journey was funded by a Buddhist local official, Feng Xiaoquan 馮孝詮 (fl. 671), the prefect of Gongzhou 龔州 (present-day Pingnan, Guangxi Province).[340] Feng also accompanied him to Guangzhou, where he boarded a Persian ship bound for the Indian subcontinent.[341] While Feng's subsidy did not signify the central court's approval, it at least suggests that it was not inappropriate for a local official to support Buddhist pilgrimages abroad, and that such support would not incur punishment. Most importantly, in 695, upon Yijing's return and arrival at Luoyang, Empress Wu received him in person.[342] There is no record on any confession of an offence during Yijing's reception, in contrast to the case of Xuanzang.

As for the second point, before his return, Yijing submitted to the court some of the Buddhist sutras he had collected as well as the biographies on pilgrimage monks he had composed under the collected title *The Great Tang Biographies of Eminent Monks who Sought the Dharma in the Western Regions* 大唐西域求法高僧傳. This work recounts Buddhist monks who travelled to the Indian subcontinent between 641 and 691, some of whom Yijing met on his trip.

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[338] Since 637, the Tang court had commanded that Daoist representatives should stake precedence over representatives of the Buddhist clergy in all court ceremonies. In 691, Empress Wu reversed this order to assert the precedence of Buddhism over Daoism. But the empress still appealed to the authority of various Daoist female deities in consolidating her rule. See *Tang huiyao jiaozheng*, 49.731; R. W. L. Guisso, *Wu Tse-T'ien and the Politics of Legitimation in T'ang China* (Bellingham, Washington: Western Washington, 1978), p. 39; Norman H. Rothschild, *Emperor Wu Zhao and Her Pantheon of Devis, Divinities, and Dynastic Mothers* (New York: Columbia University Press, 2015), pp. 145-190.

[339] See also Norman H. Rothschild, *Emperor Wu Zhao and Her Pantheon*, pp. 191-226; April D. Hughes, *Worldly Saviors and Imperial Authority in Medieval Chinese Buddhism* (Honolulu: University of Hawaii Press 2021), pp. 80-95.

[340] Only Yijing's account and biographies mention Feng. No other source records his information. Yu Xianhao 郁賢浩 has attempted to restore a full list of Tang prefects, but he also missed Feng. See Yu Xianhao, *Tang cishi kao quanbian* 唐刺史考全編 (Hefei: Anhui daxue chubanshe, 1999), p. 3270, the section on Gongzhou.

[341] *Kaiyuan shijiao lu*, vol. 2, 9.557; *Da Tang xiyu qiufa gaoseng zhuan*, 2.152.

[342] *Kaiyuan shijiao lu*, vol. 2, 9.557; *Song Gaoseng zhuan*, 1.1.

While he records foreign monks, such as those from Goguryeo, Silla, and Gaochang, most of the biographies are about Tang monks. If the journeys of these monks had been criminal, it seems unlikely that Yijing would have submitted his work to the empress. Yijing and these monks probably gained the court's special approval to travel. Unlike in early years, the court might have become more lenient in allowing pilgrimages.

On the whole, we can see that the restrictions on cross-border travel seem to have remained effective for the early half of the Tang period with a certain extent of flexibility. While Yijing travelling during the Zhou appeared to be free from the restrictions, both Xuanzang and Jianzhen still had to negotiate these restrictions in the early seventh and eighth centuries. Although Jianzhen was not punished for his crime of illegal egress, he was still not allowed to leave the Tang. Certainly, Buddhist monks as a whole constituted a unique group in society under the discussed emigration control. As the representatives of the popular religion, they would have followers across the Empire, including border officials who assisted their illegal departure like Xuanzang; special approval to travel like Yijing and his contemporary fellows; or foreign connections to overcome emigration checking like Jianzhen. Although these monks were successful eventually, their experiences were exceptional. While no record of commoners' cases has been found thus far to illustrate the experience of secular travel, the general population would have lacked privileges and capabilities that the monks enjoyed and would have found it difficult to travel across the border. Overall, being a Tang subject under the Code meant that they should stay within the borders of the empire and under the court's control for life. Tang subjecthood was predicated on a state of confinement.

Expatriates: Their Affiliation with the Tang Court and their Lives in Foreign Polities

When most of Tang people were confined in the empire, those who managed to cross the border and reach foreign lands would be free from the state's control by the Tang. In fact, against the court's expectations of control over its people's movements, uncontrollable circumstances such as wartime still brought many Tang subjects to foreign polities. For instance, as discussed in the previous chapter, enemy powers often abducted one another's commoners in warfare to increase their human resources. Tang people were often captured by foreign regimes as well. Tang diplomats, generals, and soldiers dispatched to foreign lands for missions sometimes might also be stranded abroad in the course

of their duties. These expatriates often became subjects of foreign polities and some of them embarked upon new careers as officials in foreign courts as discussed below. From another perspective, this section further explains the significance of travel ban to the court's control of subjects. It indicates that, while territorial borders demarcated the limits of the spatial mobility of common subjects, these borders also marked the boundary of the state's power over the people.

This section also explores how the Tang court saw expatriates and established corresponding rules and institutions to deal with the issues they created. On the whole, the Tang court appreciated the potential benefits that expatriates might have brought to the empire and so it had a favourable policy to welcome them back if they were able to return. In line with what was discussed in the last chapter, this indicates the inclusiveness of Tang subjecthood. The Tang court did not only absorb non-Han people into the empire, but it was also willing to accept the return of its own subjects.

Tang Subjects Outside the Imperial Territory

Since the establishment of the Tang empire, expatriates had become a conspicuous issue. In the civil wars during the Sui-Tang transition, many people of the Central Plains had fled to neighbouring polities in search of peace. The Eastern Türk khaghanate became a popular destination for its relatively peaceful environment compared to the chaotic Central Plains. In 629, during the Tang's campaign over the khaghanate, the Tang court claimed back 1.2 million Central Plain people from the Türks, showing the large number of people who had fled to foreign lands during wartime.[343] Besides, some generals and Tang soldiers vanquished in warfare might have been abducted in foreign polities. For example, in 678, the chief commander of the Right Guard 右衛大將軍, Liu Shenli 劉審禮 (d. 681), joined the military campaigns against Tibet, but he lost a battle and was captured by enemy forces. He was not able to return to the Tang and finally died in Tibet.[344] 180,000 troops were also left in Tibet, as was Liu.[345] No record

[343] *Zizhi tongjian*, 193.6062.

[344] *Zizhi tongjian*, 202.6385-6386.
There is no biography for Liu in either the *Old* or the *New Tang Histories*. His life and experience on the battlefield are re-counted in the records of other generals involved in the campaign, such as Li Jingxuan 李敬玄 (d. 682), Wang Xiaojie 王孝傑 (d. 697), and Heici Changzhi 黑齒常之 (630-689). See *Jiu Tang shu*, 81.2754-2756, 93.2977-2978, 109.3294-3295; *Xin Tang shu*, 106.4053, 110.4121, 111.4148.

[345] *Tongdian*, 189.5129.

mentions how these Tang soldiers were treated in Tibet and whether they managed to return to the Tang. They were probably retained in Tibet like Liu.

While modern governments claim to offer protection to their overseas citizens through consuls and embassies, a comparable idea of consulate protection did not seem to exist in Tang times. No surviving Tang regulations suggest any obligations of the state to govern its expatriate subjects or to offer them support when they were outside Tang borders.

To re-assert its control over such people, the court could only make requests to foreign courts to return them to the Tang. For instance, in 626, Emperor Taizong requested that the Eastern Türks hand over to the Tang people originally from Central Plains who were now under their rule, but the Türks refused. Not yet powerful enough to defeat the Türks and claim back his subjects, Emperor Taizong could only pay to repatriate them. Through this arrangement, he returned eighty thousand people to their families in exchange for a certain amount of gold.[346] This action could be seen as an attempt by Taizong to assert his moral authority in saving people from suffering on the steppe and bringing them back to their homeland to be reunited with their families. But the fact that the return of the people was conducted by monetary transaction also suggests that the relocation of these people brought economic benefits to the court. The sources do not mention how much gold Taizong paid, so we do not know how these expatriates were valued. This transaction was made between the Tang and Türk states and does not seem to consider the wishes of the individuals involved. This further indicates that, in the view of the Tang court, its people could be simply a material resource rather than having individual value as discussed in the last chapter. Here, the people of Central Plains were also treated as property that could be traded for gold. Central Plain expatriates thereby appeared to be seen as property of a foreign court, which might explain why the Tang court did not claim any protection or control over them like modern states do now to their citizens.

Some Tang people seized the opportunity to escape from the Tang court's control when they were abroad, got naturalised into another polity, and developed new careers. A prime example is Shen Weiyue 沈惟岳 (fl. 762), a Tang diplomat who escorted a Nihon mission to return to Nihon in 762. Shen failed to return due to interruptions of transport between Tang and Nihon caused by the An Lushan rebellion. Yet, besides the travel difficulty, there may have been another reason why he stayed behind. During his trip to Nihon, Shen's subordinates accused him of embezzling gifts given by the Nihon court for the escort of Nihon's envoys, and they requested that the court appoint another

[346] *Zizhi tongjian*, 193.6087.

person to lead the Tang mission. According to the investigation carried out by Nihon authority, this accusation was solid, but the Nihon court denied their request and took no action in response to Shen's crime.[347] The reason is not clear from the sources. Ge Jiyong 葛继勇 has proposed that Nihon simply did not want to affect its relationship with the Tang.[348] Mori Kimiyuki 森公章 believes that this was to avoid diplomatic disputes with the Tang court, particularly over the issue of Nihon's status to the Tang.

As will be explained in the next chapter, while the Tang court regarded Nihon as its tribute kingdom, Nihon was not willing to be subordinate to the Tang. Punishing Shen would have meant Nihon was asserting superiority over the Tang, which might have irritated the Tang court and invited its intervention. Therefore, the best strategy for Nihon was to be silent over the Shen incident to keep the Tang court away.[349] In any case, Shen was not punished for his crime in Nihon. However, under the Code, wrongdoing in foreign polities was to be punished when the offender returned to Tang.[350] As such, Shen was liable to be penalised for corruption on his return. The interruption of transportation kept him in Nihon and helped him to avoid his penalty due under Tang law. In 780, after years spent striving to make a new career in Nihon, he was naturalised in Nihon. He was enrolled on a Nihon household register and received a Nihon name, Kiyomi no Sukune 清海宿禰. He also served as a local official in Mimasaka Province 美作国 (present-day Okayama, Japan).[351] Defection was regarded as treason under the Code as noted. Yet, no records show whether Shen's family faced any punishment like Yan Zhiwei's. Under the chaotic time during and after the rebellion, the Tang court might not have been capable of responding to his crime.[352] Nevertheless, in a *de facto* sense, Shen Weiyue was no longer a Tang subject.

The State Institutions for Returned Expatriates

Although expatriates were like subjects of a foreign polity in reality, the Tang court still appreciated the benefits that they might bring to the empire and welcomed their return. Expatriates could benefit the Tang court after their return in two ways. First, like other subjects, they generated tax revenue and provided

[347] *Shoku Nihongi*, 24.401.
[348] Ge Jiyong, *Qi zhi ba shiji fu Ri Tangren yanjiu* 七至八世纪赴日唐人研究 (Beijing: Shangwu yinshuguan, 2015), p. 474.
[349] Mori Kimiyuki, *Kodai Nihon no taigai ninshiki to tsūkō* 古代日本の対外認識と通交 (Tōkyō: Yoshikawa Kōbunkan, 1998), pp. 35-36.
[350] *Tang lü shuyi*, 4.92, Article 34.
[351] *Shoku Nihongi*, 649.
[352] For further discussion of Shen's life in Nihon, see Ge Jiyong. *Qi zhi ba shiji fu Ri Tangren yanjiu*, pp. 465-490.

labour for the state. Second, and more significantly, they provided knowledge about enemy regimes. For example, during the war against the Later Türks, many Tang subjects were abducted by the Türks but escaped and returned to Tang. In 715, Wang Jun 王晙 (662-732), aide of Bingzhou 并州長史, was able to collect reliable intelligence from those who had returned and he discovered that the Later Türks were organising invasions in collusion with Türk peoples residing in the Tang. Based on this piece of information, Wang suppressed the Türk rebels in Tang territory and crushed the Later Türks' conspiracy.[353] Similarly, in 739, a chief minister Zhang Jiuling 張九齡 (678-740) received notice of the Türks' military movements from returned Tang subjects and urged the governor of Pinglu 平盧節度使, Wu Zhiyi 烏知義 (fl. 739), to be on the alert for potential Türk attacks.[354]

Given the concern of state security discussed earlier, did the court suspect these returnees were foreign spies? Neither Wang nor Zhang mentioned such suspicions. Surviving records do not reflect such a concern, and no Tang regulations directly prescribed checking the identity or background of returning expatriates. The related rules on returned subjects that focus on how to re-record them in the household registration system still suggests that there was a certain kind of identity check for them. The 'Statutes of Households' 戶令 stipulated that:

> When those who have fallen to an alien polity are able to return [...] the local standard prefectures or garrisons where they are should supply them with clothing and food; and report their situation in detail to the central government offices [...] These people who disappeared in alien polities should be [settled] according to their previous registration. If they have no previous registration, they are allowed to attach to the registration of their close relatives.
>
> 諸沒落外蕃得還 [...] 所在州鎮給衣食，具狀送省奏聞 [...] 落蕃人依舊貫；無舊貫，任於近親附貫。[355]

In the law, expatriates were denoted as 'people who have fallen to an alien polity' 落蕃人 or as 沒蕃人 in other Tang sources. Both derived from the phrase quoted, '沒落外蕃', showing that the court regarded them as persons lost or 'submerged'

[353] *Jiu Tang shu*, 93.2987. For Wang's biographies, see *Jiu Tang shu*, 93.2985-2990; *Xin Tang shu*, 111.4153-4157.

[354] 'Ci Pinglu shi Wu Zhiyi shu' 敕平盧使烏知義書, in *Zhang Jiuling ji jiaozhu*, vol.2, pp. 586-587. For Zhang's biographies, see *Jiu Tang shu*, 99.3097-3101; *Xin Tang shu*, 126.4424-4432.

[355] *Tōrei shūi*, p. 238. This article was restored by modern scholars based on Bai Ju-yi's 白居易 (772-846) records in reference to the Nihon statues. At the latest, it appeared in 737 when the Tang court compiled its last edition of statutes. But similar to the Tang codes on border control, corresponding regulations should have been enforced regarding the constant values of the subjects. See *Baishi liu tie shilei* 白氏六帖事類, by Bai Juyi (Beijing: Wenwu chuban, 1987), vol. 3, 10.37b.

in alien polities who could not return to the Tang. The term '*moluo*' 沒落 is usually used in Tang texts to refer to such a situation. For instance, in *Sui shu*, the Tang official history on the Sui dynasty, the term is employed to indicate the Han soldiers left behind on the Korean peninsula after the Sui campaigns against Goguryeo.

As stated in the article above, returned subjects would be re-settled according to their previous household registration or they could be re-attached to their relatives' registration. This hints that Tang authorities would check the returnees' identity during their re-registration, which could well be a measure for the authorities to ensure a person was truly a Tang subject.

In any case, the reattachment to the expatriate's previous household registration appears to have no preconditions or time limit, which implies that a person's affiliation with the Tang state was valid for life. The legal status of a subject could be restored, regardless of how long they had spent outside of Tang administration. In practice, from 624 on, the Tang household records were renewed every three years, with old records preserved for only nine years in the Ministry of Household Revenue and for fifteen years with the local government.[356] This was probably the reason why the statute made provisions for the circumstance of having 'no previous registration' 無舊貫.

In addition, the court offered a certain degree of protection for the assets of expatriates who were in foreign polities, as well as taxation benefits on their return. According to the 'Statutes on Agricultural Land' 田令, expatriates' households were allowed to retain land allotments under the equal field system for six years. The allotments would be confiscated after that, but the same amount as the previously allotted land-fields could be reclaimed when they came back, and there was no time limit for them to do so.[357] Again, the court did not exclude these people because they had left the Tang, even if for a long time. As with Taizong's request that the Türks repatriate people from the Central Plains, the Tang court could have undertaken these measures out of a sense of moral responsibility to take care of expatriates. But the measures were also likely to attract these expatriates back under Tang rule and its system of taxation and corvée labour. Since these returners Tang subjects being governed by Tang law, the law on espionage also applied to them. As discussed in Chapter 1, Article 232 of the Code prescribed that those subjects who served as spies of foreign regimes were strangulated. The court might have relied on this law to regulate returning subjects for the purposes of state security.

[356] *Tōrei shūi*, p. 244.
[357] *Ibid*., p. 563.

In sum, the experiences of expatriates further explain the importance of the ban on cross-border travel. As we have seen, once the people left the Tang territory, the Tang court could no longer asserted any effective rule or protection over these people. Expatriates therefore were controlled by foreign regimes and the Tang court had to attempt to restore its rule over the people by bringing them back to the empire through monetary transactions as shown. In these circumstances, Tang criminals like Shen Weiyue could escape from a penalty by staying in Nihon. But the subject status of the Tang people was valid for life and the court provided a series of supports to encourage their return. In line with what has been discussed in the last chapter, the Tang court was eager to grow its population and thereby Tang subjecthood was inclusive, not only to absorb non-Han people but also to accommodate returning subjects.

Concluding Remarks

While there was a certain flexibility in enforcing the ban on cross-border travel, the policy of the Tang court was consistent to retain its subjects within the imperial territory. From monks to envoys, no one could leave the empire without the state's approval. Even domestic travel was full of restrictions. Those who had no acceptable reason to travel were supposed to remain in their place of residency. Freedom of travel was thus non-existent. Territory therefore not only demarcated the boundary of political space, it also determined the limit of people's spatial mobility under the Tang's imperial rule. As mentioned, being a subject meant to stay within the empire for life. Tang subjecthood was a kind of confinement.

Probably because such a freedom is a very basic right of modern citizens, we have seldom questioned its existence in history and have paid little attention to the issue. Also, surviving records often do not explain such restrictions, as they were probably common knowledge to the people under that legal and institutional order. As a result, even accounts of Buddhist monks, who were well-known for their pilgrimage and religious travels, seldom mention the travel ban. We are still not sure how Yijing and his fellows managed to cross the border under the law. The biographies of Xuanzang and Jianzhen are the rare accounts that illustrate Tang people's experiences with emigration restrictions. These restrictions may, however, explain a phenomenon in the 'Silk Road' of the time. Valerie Hansen has indicated that the major community across the trade route was Sogdian, and Tang merchants, in contrast, were rarely seen in records.[358] A major reason behind this phenomenon may well be this travel ban. As mentioned,

[358] Valerie Hansen, *The Silk Road: A New History*, pp. 236-238.

Tang merchants were only permitted to trade with foreigners in closely supervised border marketplaces. Even if they somehow managed to break the travel ban and trade abroad, they had to be careful about their travels to avoid being recorded.

From the viewpoint of the state, such a travel prohibition was necessary in response to concerns about state security and human resources. The travel ban not only manifested the court's control over its subjects but also revealed the limitations of the state's sovereignty: the Tang court was not able to rule the subjects beyond the imperial borders. As for the subordinate prefectures outside Tang frontiers, the Tang court had no territorial claim over them. We can therefore see the Tang empire as a territorial sovereignty, a regime where the limits of its power were defined by its territorial boundaries. Tang subjecthood could only be enforced effectively within the territory.

Chapter 4

Foreign Travellers and Naturalisation

In 634, a group of Buddhist monks from the Korean peninsula came to a Tang coastal prefecture and requested entry to the empire to study Buddhism.[359] The local government reported their request to the central court for approval, but Emperor Taizong was inclined to deny it. He suspected that the monks might have been sent to spy on his empire. Indeed, Goguryeo on the peninsula was particularly ambitious about territorial expansion at the time. It launched frequent invasions against neighbouring polities such as Silla and Baekje and attacked their envoys often, attempting to sever their connections with the Tang.[360] The Tang-Goguryeo relationship was tense. Furthermore, Taizong was not a great supporter of Buddhism. Yet, owing to Wei Zheng's remonstration, Emperor Taizong changed his mind. Wei argued that Taizong should not overreact to these foreign monks, since what really made the fall of a dynasty was never foreigners but the malfunction of state governance by the dynasty itself. This convinced the emperor to endorse the monks' entry.[361]

As a development of the previous discussion of outbound travel, this chapter further illustrates the Tang court's control of its people by analysing the experiences of inbound foreign travellers. While we have seen in Chapter 2 that the Tang court absorbed many of the non-Han people it conquered during territorial expansion as Tang subjects, the episode above shows that the court was suspicious about foreign travellers—sojourners in the empire who were still subjects of foreign polities. Similar to the outbound travellers in the previous chapter, these foreigners could not freely cross Tang borders. They first had to

[359] The coastal prefecture was Laizhou 萊州 (present-day Laizhou, Shandong), an important port for transport between the Central Plains and the peninsula. See *Fozu tongji* 佛祖統紀, by Zhipan 志磐 (fl. 1269), in *Taishō shinshū Daizōkyō*, vol.49, no.2035, j.39, p. 364b21; Dui Gaoli deng san fan seng qiuxue' 對高麗等三蕃僧求學, in *Wei Zhenggong jian lu* 魏鄭公諫錄 by Wang Fangqing 王方慶 (d. 702), in *Congshu jicheng chubian* 叢書集成初編 (Beijing: Zhonghua shuju, 1985), vol. 899, p. 135; Aoyama Sada'o 青山定雄, *Tō Sō jidai no kōtsū to chishi chizu no kenkyū*, pp. 257-272; Yan Gengwang, *Tangdai jiaotong tukao*, vol. 6, pp. 2007-2010; Wang Mianhou 王绵厚 and Pu Wenying 朴文英, *Zhongguo dongbei yu dongbei ya gudai jiaotong shi* 中国东北与东北亚古代交通史 (Shenyang: Liaoning renmin chubanshe, 2016), pp. 132-133.

[360] *Jiu Tang shu*, 199a.5534-5336.

[361] *Fozu tongji* p. 364b21; 'Dui Gaoli deng san fan seng qiuxue', p. 135.

apply to a Tang frontier port and could only enter the empire only after applying for the approval of the central authority and could have been rejected. Concerns about state security would still drive the court to close its empire to certain foreigners. Then how can we understand the large number of foreign travellers to the Tang empire that are known to us from historical records? Under what circumstances were they allowed to enter the Tang and what regulations governed them while they were there? How do these regulations on travellers reflect the nature of Tang subjecthood?

To answer these questions, this chapter studies the experiences of foreign travellers under the Tang and focuses on the four major groups, namely, foreign envoys, princes, Buddhist monks, and merchants. For each group, the following sections explain why the Tang court allowed them to enter the empire and then analyses how the court governed them within Tang territory. Under the Tang, there was a system of naturalisation which allowed those travellers who were willing to permanently relocate to apply to become Tang subjects and stay in the empire. The section on merchants will discuss this systemin detail as merchants were the major group of travellers who seem to have used these procedures to immigrate to the empire.

Overall, this chapter indicates that the Tang court was constantly suspicious about inbound travellers due to their foreign political affiliations. The court only allowed those who were clearly beneficial to the state to enter the empire, and it imposed rigorous regulations on the surveillance of these travellers. This mistrust of foreigners is particularly manifested in the Tang system of naturalisation and is in line with the ban on cross-border travel discussed in Chapter 3. While foreign travellers were allowed to naturalise into the empire, they could no longer leave the Tang and return to their home polity anymore once they had migrated to the Tang. From these strict regulations governing travellers and naturalised subjects, we can see that the Tang court was actually exercising considerable control over the people under its rule, and that the Tang empire was not as open as is usually imagined.

Foreign Envoys

Tang Diplomacy and Foreign Emissaries' Activities

Foreign envoys were the most conspicuous inbound travellers at the time, and the Tang court received them for different diplomatic needs as shown below. At the same time, it was also alert to the envoys' direct affiliations with foreign

regimes and had a series of strict regulations for their visits. The experiences of envoys are a prime example for showing how the Tang court simultaneously received and policed foreign sojourners.

As indicated in the Introduction, the Tang empire was built and developed among foreign powers. In its early days, the Tang court already needed to receive foreign envoys and develop diplomatic relations. In 619, the second year of the dynasty, when the Central Plains were still embroiled in the chaos of the Sui's fall, the court received emissaries of the Western Türks and their ally, the Gaochang kingdom.[362] Following the Tang court's success in unifying the Central Plains and its rise to become a major power in East Asia, neighbouring polities were keen to establish diplomatic relations with the Tang and dispatch their envoys to the empire. In 621, for instance, when the Tang court occupied present-day Liaodong to border along the Korean peninsula, missions from Goguryeo and Silla started to pay regular official visits to the Tang.[363] By 628, the Tang had unified all the former Sui lands, and it had received envoys from and established diplomatic relations with most of its neighbours. As a result, the Tang court was able to launch an extensive diplomatic network, reaching the Western Türk khaghanate in the west, Lâm Ấp 林邑 (present-day central Vietnam) in the south, the khaghanate of the Xueyantuo in the north, and Silla in the east.[364]

The Tang conquest of the Eastern Türks in 630 encouraged more Central Asian representatives to come. In that same year, a large group of Central Asian kings, rulers, and envoys gathered at Chang'an to celebrate the Tang's victory. It was on this occasion that this group bestowed on Taizong the title of the 'Heavenly Khaghan'.[365] In the next year, the first Nihon mission arrived in at the Tang court.[366]

These diplomatic relations were essential for the Tang court to remain connected with other powers and the outside world. In particular, foreign missions were a basic source of information about foreign affairs, and this

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[362] These envoys visited the Tang again in the following year, showing their close connection with the empire. See *Jiu Tang shu*, 1.8, 10.

[363] *Jiu Tang shu*, 199a.5534; *Zizhi tongjian*, 189.5923.

[364] *Zizhi tongjian*, 190.5965, 193.6065; *Xin Tang shu,* 220.6208.

[365] *Zizhi tongjian*, 193.6073; Pan Yihong, *Son of Heaven and Heavenly Qaghan*, pp. 179-182; Wang Zhenping, *Tang China in Multi-polar Asia*, pp. 36-37.

[366] Tanaka Takeo 田中健夫 and Ishii Masatoshi 石井正敏, "Kodai Nit-Chū kankei hen'nen shiryō kō, 600-739" 古代日中関係編年史料稿, in Mozai Torao 茂在寅男 et al., ed., *Kentōshi kenkyū to shiryō* 遣唐使研究と史料 (Tōkyō: Tōkai daigaku shuppankai, 1987), pp. 133-136.

For further discussion of the establishment of Tang diplomatic relations with surrounding polities, see Kaneko Shūichi 金子修一, 'Kokusai kankei no tagen-sei to tayō-sei—Zui-Tō teikoku kara mita kokusai shakai' 国際関係の多元性と多様性—隋・唐帝国からみた国際社会, in Tanaka Fumio 田中史生, ed., *Kodai Nihon to kōbō no Higashiajia* 古代日本と興亡の東アジア (Tōkyō: Chikurinsha, 2018), pp. 15-28.

prepared the Tang court to respond challenges posed from neighbouring polities. For instance, for those envoys of the regimes that paid visits to the Tang for the first time, the Chamber for Foreign Affairs would record the credentials of these polities, including general information about their homelands and their distance from the Tang for the reference of the court in policy making.[367] The Tang court also received updates on foreign affairs from these envoys. As an example, during the early seventh century, under the Goguryeo's strong threat, Silla often made use of its envoys' visits to complain about Goguryeo's invasion and request the Tang's intervention.[368] In this way, the Tang court learned about the northeast Asian conflicts. It also subsequently pressured the Goguryeo court to suspend its territorial expansion.[369] This was not only to respond to Silla's requests but also to consolidate the Tang's north-eastern border, since Goguryeo's ambitions might challenge the Tang's border control. The Silla's efforts at leverage eventually led to the Tang's invasion of Goguryeo and its ally Baekje in 668 and 660, respectively, which eliminated a major threat to the Tang in the northeast.[370]

Tang Administration of Foreign Diplomatic Activities

Given the importance of foreign envoys in diplomacy and foreign affairs, the Tang court received a considerable number of them. Despite the lack of precise records, one revealing example hints at the size of the envoy population under the Tang. Near the end of Xuanzong's reign when the An Lushan Rebellion broke out, thousands of foreign emissaries were said to have been stuck in Chang'an because of the interruption of transport between the Tang and other polities during the war.[371]

With this many envoys visiting, the court had a sophisticated system to regulate their activities. The Tang's management of envoys was generous, on the one hand, but harsh on the other. As they were the official representatives of other regimes, the Tang court provided generous support for them during their visits, but it also imposed a series of strict regulations upon them to monitor their activities. For the generous measures, the Bureau of Reception 主客部 and the

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[367] The information collected was also sent to court historians as future historical records. See *Tang huiyao jiaozheng*, vol. 2, 100.1539; Pan Yihong, *Son of Heaven and Heavenly Qaghan*, pp. 87-88; Wang Zhenping, *Tang China in Multi-polar Asia*, pp. 194-198; Li Hu, *Han Tang waijiao zhidu shi*, pp. 373-374.

[368] *Jiu Tang shu*, 199a.5534-5336.

[369] *Ibid*., 199a.5329-5330.

[370] For the efforts of Silla envoys in leading Tang towards the war, see Bian Linxi 卞麟錫, *Cong suwei zhidu kan Tangdai Zhongguo yu Xinluo de guanxi* 從宿衛制度看唐代中國與新羅的關係 (Taipei: Tianyi chubanshe, 1977), pp. 1-37.

[371] *Xin Tang shu*, 95.5169; *Zizhi tongjian*, 232.7493.

Ministry of Rites were responsible for receiving guests from foreign polities and greeted them with a welcome banquet on their arrival at the capital and saw them off with a farewell banquet prior to their departure for home. According to the ordinance, the Bureau also provided supplies for their journey back, such as foods, tents, and horse reins and saddles.[372] The Chamber for Foreign Affairs would also determine the value of the tribute that envoys brought to the Tang court and offer corresponding gifts in return.[373]

Complementing these generous measures were the rigid regulations that governed envoys upon their arrival at the Tang's territory. Like Tang subjects, foreign emissaries were required to obtain the *guosuo* passport for the entry to the empire from the border prefecture through which they arrived. The passport recorded the envoys' credentials such as names, ages and origins, and allowed them to cross the passes on their way to the capital Chang'an.[374] Besides the passport, those who came from Central Asian polities also had to carry a 'copper-fish token' as proof of their identity as Tang envoys as discussed in the previous chapter.[375]

In addition to the requirements for identity verification, there were regulations forbidding envoys to have any contact or communication with local officials and commoners on their way to the capital.[376] After the envoys reached

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[372] *Tang shi jiyi*, p. 401; *Xiu Tang shu*, 46.1196; Li Hu, *Han Tang waijiao zhidu shi*, pp. 315-316, 327-328, 349-350. By at least 694, the Tang court had also developed a rubric for the appropriate allotments of victuals based on the distance from the Tang empire. For the most distant such as South and North Tianzhu 南北天竺, Persia 波斯, and the Arabian Empire 大食, the envoys received an amount for six months; for the closest like Lâm Ấp, they received three months. These necessities were produced by the Chamber for Foreign Affairs in co-ordination with two other offices, the Chamber for State Banquets 光祿寺 and Palace Revenues 少府. See *Tang huiyao jiaozheng*, vol. 2, 100.1539; *Tang shi jiyi*, p. 403; Li Hu, *Han Tang waijiao zhidu shi*, pp. 351-352.

[373] *Tang shi jiyi*, p. 404.

[374] The related regulations are found in the Statutes on Passes and Markets 關市令. Meng Yanhong 孟彥弘 has restored most of the Statutes on the basis of the Tiansheng statutes 天聖令 of the Song dynasty, see his 'Tang guanshiling fuyuan yanjiu' 唐關市令復原研究, in, *Tianyige cang Ming chaoben Tianseng ling jiaozheng*, p. 538; Li Hu, *Han Tang waijiao zhidu shi*, pp. 414-415, 461-462. Also see *Tang liu dian*, 6.195; *Jiu Tang shu*, 43.1839; *Tanglü shuyi*, 7.150, 8.172-173, 175; Meng Yanhong, Tang guanshiling fuyuan yanjiu', p. 538; Cheng, *Tangdai guosuo yanjiu*, pp. 59-133; Li Hu, *Han Tang waijiao zhidu shi*, pp. 316-317.

[375] *Tang huiyao jiaozheng*, vol. 2, 100.1537-1538; Li Hu, *Han Tang waijiao zhidu shi*, pp. 316-317. No existing records suggest the application of this device to eastern kingdoms such as Nihon or Silla. This verification measure probably did not extend to them, showing the court's concerns about the west still on top of the other side of its border. See Enomoto Junichi 榎本淳一, '"Shōyūki" ni mieru `tokai-sei' ni tsuite ritsurei-kokka no taigai hōshin to sono henshitsu'『小右記』に見える「渡海制」について律令国家の対外方針とその変質, in Yamanaka Yutaka 山中裕, ed., *Sekkanjidai to ko kiroku* 摂関時代と古記録 (Tōkyō: Yoshikawa kōbunkan, 1991), p. 173; '"Seireishū" ni mieru `takefu・dō-kei' to `bunsho' ni tsuite'『性霊集』に見える「竹符・銅契」と「文書」について, in *Nihon kodai no denshō to Higashiajia* 日本古代の伝承と東アジア (Tōkyō: Yoshikawa kōbunkan, 1995), pp. 465-468.

[376] *Tang lü shuyi*, 8.178, Article 88.

the central court, they needed approval to trade in the empire. According to an early Tang administrative and judicial casebook, *Decisions of Dragon-Sinews and Phoenix-Marrow* by Zhang Zhuo, a popular court official and writer of the time, envoys had to apply to the Bureau of Reception for any purchases made during their stay in the Tang.[377] Although the casebook is a collection of fictitious cases written as a reference for a civil examination, it still reflects how the Tang system should perform in practice.

In sum, these regulations aimed to eliminate the chance for envoys to collect intelligence from local people, in line with the Article 109 of the code:

> Those who leak the 'great affairs' [of our empire] that should be kept secret are liable to be strangled…. In cases that are not about the 'great affairs' [offenders] are liable for penal servitude of one and a half years. Those who leak to envoys of foreign polities are liable to one additional level [of punishment].
>
> Sub-commentary: … State affairs are not supposed to be learned by foreign polities. Those who leak them to envoys of foreign polities are liable to one additional level [of punishment].
>
> 諸漏泄大事應密者，絞……非大事應密者，徒一年半；漏泄於蕃國使者，加一等。
>
> 疏議曰：……國家之事，不欲蕃國聞知，若漏泄於蕃國使者，加一等。[378]

The so called 'great affairs' as explained by the Code in another line of the commentary include the plans of the court to suppress rebellion or treason. In other words, the major concern of this article was over fomenting movements against the state. The leaking of secret information was thus a matter of state security, which made this crime an offence punishable by the death penalty.[379] This also indicates the Tang law's attitude towards these 'foreign guests'. They were considered potential spies.

On the envoys' return to their home polities, border prefectures checked their belongings to prevent them from smuggling prohibited goods out of the

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[377] 'Zhuke er tiao' 主客二條, *Longjin fengsui pan* by Zhang Zhuo, in *Lidai panli pandu* 歷代判例判牘, ed. Yang Yifan (Beijing: Zhongguo shehui kexue chubanshe, 2005), vol. 1, p. 193. Also see Yan Yan 阎焰, *Ribenguo chaochen Bei shudan Chu Siguang zhuanwen Honglusicheng Li Xun muzhi kao* 日本国朝臣备书丹褚思光撰文鸿胪寺丞李训墓志考 (Bejing: Wenwu chubanshe, 2019), p. 67.

[378] *Tanglü shuyi*, 9.195.

[379] The origin of this regulation could be traced to the Han Code, but punishment was not as serious as the Tang, showing the court's increasing concern about the issue over time. See Nunome Chōfū 布目潮渢, `Tō shikiseiritsu no `rōei daiji no jō' ni tsuite—kimitsu rōei-zai no keifu' 唐職制律の「漏泄大事の条」について－機密漏洩罪の系譜, in Takikawa Hakushi Beiju Kinenkai 瀧川博士米寿記念会, ed., *Ritsuryōsei no shomondai: Takikawa Masajirō Hakushi beiju kinen ronshū* 律令制の諸問題: 瀧川政次郎博士米寿記念論集 (Tōkyō: Kyūko shoin, 1984), pp. 691-719.

empire.[380] In accordance with the statutes, precious goods such as weapons, silks, embroideries, pearls, gold, silver, and iron were prohibited in any form of export. They were banned from trade. Envoys were not even allowed to carry them on their departure. [381] For gifts given by the emperor that would constitute prohibited goods, the envoys needed to report to the Chamber for Foreign Affairs to obtain permission from the Bureau of Reception to transport the goods back to their home polities. When they reached the frontier prefectures, they also had to present a copy of the imperial edicts concerning such gifts for an export check before receiving permission to leave the empire.[382] Those officials who allowed the export of prohibited goods without proof were liable for punishments up to banishment of 2,000 *li*. To further abate smuggling, the law also encouraged people to report the crimes. Informers were granted two-thirds of the prohibited goods, while the rest were confiscated for the court.[383]

In other words, according to the prescriptions of Tang law, almost all of the envoys' activities should be subject to the court's control. While out of diplomatic courtesy, the court treated them well and provided comprehensive care during their visits, it was also very aware of the potential threat the envoys posed to the state. Except for the additional identity proof requirements for those from Central Asian polities, the regulations above applied to all envoys, showing that the Tang court's caution over foreign envoys was not limited to particular polities.

Under the Bureau of Reception Ordinance that banned the contacts between envoys and local people, although envoys were able to enter the Tang, most parts of the empire were still not open to them. Indeed, considering the collusion between Jianzhen and Nihon emissaries discussed in the previous chapter, the court's concern over foreign envoys was well-founded. These regulations were needed from the state's point of view.

In practice, it is not clear whether the envoys who offended against these regulations were punished, as the Code did not stipulate such details. There is also no record of punishment being inflicted on them. They were probably not punished, because any penalty imposed on the envoys might aggravate relationship with the involved polity. Given that the punishments for local accomplices were clear, the court's strategy seemed to involve disciplining its own subjects to eliminate envoys' accomplices and suppress the occurrence of crimes.

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[380] Travellers' belongings including the horses or donkeys they had for transport were recorded on their passport. Specific details of the animals like the skin colours were also included. This was a part of the identity proof, which helped the verification of the passport holders by their belongings. See Meng Yanhong, 'Tang guanshiling fuyuan yanjiu', p. 538.

[381] *Ibid*.

[382] *Xin Tang shu*, 48.1257

[383] *Tanglü shuyi*, 8.177, Article 88.

Foreign Princes

Foreign Students as Hostages Held by the Tang Court

The scepticism towards the envoys' activities seems to contrast with the fact that the Tang court permitted many foreign students to study at the court. Usually, princes or members of noble families of foreign regimes, these students followed their envoys to enter the Tang and stayed behind to study at the court after the diplomatic mission of their polities was completed. With the largest number at about five thousand during Taizong's reign, these students are often quoted by modern studies as an example to illustrate the open image of the empire. But these accounts usually neglect the other side of the issue: many of these princes and noblemen were primarily sent to the Tang by their home courts as political hostages to consolidate the alliance or diplomatic relations with the empire. It was simply because, during their stay in the empire, the court allowed them to study at the State University, the top educational institute of the empire, which turned them into students in a sense.[384]

These foreign princes therefore intensively demonstrate how the Tang court used and controlled foreign visitors and worth our attention. In fact,

[384] Not only academic studies but also state narrative of the PRC uses the foreign students to illustrate the openness of the Tang empire. The reason behind such a bias is that the hostage status of these students is not obvious in Tang records. The students are usually mentioned in the sources on Tang education, which rarely indicate their hostage background. Therefore, even specific works on Tang foreign students overlook the hostage status of the foreign princes. Also, studies of Tang foreign students concentrate on the experiences of Nihon princes as more Nihon records survive. But the polity was a special case as shown below in that their noblemen were not sent to the Tang as hostages. The case of Nihon therefore further affects scholars' impression and their observations. At the same time, while scholars have been fairly aware the existence of political hostages in the Tang, because the sources on hostages seldom mention their education, they do not tend to link them to foreign students either. See *Tang huiyao jiaozheng*, vol. 1, 35.545; Xiang Da 向達, *Tangdai Chang'an yu Xiyu wenming* 唐代長安與西域文明 (Beijing: Sanlian shudian, 1957), pp. 1-33; Penelope A. Herbert, *Japanese Embassies and Students in T'ang China* (Perth: University of Western Australia, 1978); Xie Haiping, *Tangdai liu Hua waiguoren shenghuo kaoshu*, pp. 95-99; Zhang Qun, *Tangdai fanjiang yanjiu*, pp. 97-101; Fang Tie 方铁, 'Han Tang wangchao de nazhi zhidu' 汉唐王朝的纳质制度, in *Shixiang zhanxian*, 1992 no. 2, pp. 72-79; Kegasawa Yasunori 氣賀澤保規, *Kenrantaru sekai teikoku: Zui Tō jidai* 絢爛たる世界帝国: 隋唐時代 (Tōkyō: Kodansha, 2005), p. 224; Yuan Xingpei, 'The Historical Revelations from the Chinese Civilization', in *Procedia: Social and Behavioral Sciences*, vol. 2 (no. 5), 2006, p. 7009; Mark Lewis, *China's Cosmopolitan Empire*, pp. 91-92; Li Bincheng 李斌城, 'The Flourishing Period of the Tang Dynasty', in *Qiushi* 求是, vol. 4, no. 2 (2012) (English edition): http://english.qstheory.cn/culture/201207/t20120705_168342.htm, assessed Aug 5 2020; for Chinese edition, see 'Sheng Tang de shehui fengmao' 盛唐的社會風貌, in *Qiushi* 求是, vol. 3, Aug 2012, p. 53; Guo Li 郭丽, 'Tangdai liuxuesheng jioyu guanli zhidu shulun' 唐代留学生教育管理制度述论, in *Beijing sheui kexue* 北京社會科學, vol.10 (2016), pp. 65-72; Juan Yewei 隽娅玮, 'Tangdai liuxuesheng jiaoyu ji qi dangdai qishi' 唐代留学生教育及其当代启示, in *Mudanjiang jaoyu xueyuan xuebao* 牡丹江教育学院学报, 2021 no. 3, pp. 15-17, 37.

sending a prince to the ally regime as insurance for a diplomatic alliance had been a common practice in the Central Plains since the Spring-Autumn period. From Han times onwards, Central Plain dynasties also requested that vassal polities and non-Han tribes send princes or members of their royal houses to the central court as hostages to show their subordination.[385] By the 670s at latest, the Tang court had accepted hostages and might have also developed a common practice to provide education for these foreign princes as suggested by the following example:

> Zhong Cong was a minister of Tibet. In the third year of the Xianheng era (672), Tibet dispatched Zhong Cong to come to the court. Previously, when Zhong Cong was young, he had entered the court as a hostage (*zhi*). [He] studied in conformance with the precedent for State University students [and] was quite good at literary matters. Therefore, the emperor summoned [him] to the palace and bestowed [on him] a banquet.
>
> 仲琮為吐蕃大臣，咸亨三年吐蕃遣仲琮來朝。先是，仲琮年少時，嘗充質入朝，詣太學生例讀書，頗曉文字，至是帝召入賜宴。[386]

Zhong Cong's early experiences in the Tang clearly show the connection between the statuses of hostages and students. Moreover, his study at the court suggests that there would have been an institutional convention to provide education for the hostages at the time. The phrase quoted, 'in conformance with', *yi* 詣 (or more often written as *zhun* 準), was conventional in Tang legal and administrative discourse for drawing a reference from corresponding or related regulations or precedents to handle an issue. In the official commentary of the Tang Code, for instance, it was often used to explain the relation of an article of the Code with other regulations such as a statute or ordinance.[387] Here, in reference to the

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[385] See Tezuka Takayoshi 手塚隆義, 'Ryō-kan chishi kō' 兩漢質子考, in *Shi-en*, vol.15, no.4 (1944), pp. 10-27; Fang Tie, 'Han Tang wangchao de nazhi zhidu', pp. 72-79; Cheng Lin 成琳, 'Liang-Han shiqi minzu guanxi zhong de 'zhizi' xianxiang' 两汉时期民族关系中的"质子"现象, in *Xinjiang daxue xuebao* 新疆大学学报, 2007 no. 1, pp. 77-84; Chen Jinsheng 陈金生 and Fei Xiang 费翔, 'Shilun Tangdai zhizi zhidu de neirong' 试论唐代质子制度的内容, in *Sheke zongheng* 社科纵横, 2009 no. 4, pp. 147-149; Nakamura Momoko 中村桃子, 'Zenkan jidai no chishi (jishi) gaikou: Kan no Kyoudo Seiiki shokoku tono kankei o chuushin'ni' 前漢時代の「質子」(「侍子」) 外交: 漢の匈奴・西域諸国との関係を中心に, in *Ajia no rekishi to bunka* アジアの歴史と文化, vol. 19 (2015), pp. 149-165; Zheng Xin 张欣, 'Ruchao Beiwei de zhizi yanjiu' 入朝北魏的质子研究, in *Guizhou shifan xueyuan xuebao* 贵州师范学院学报, 2018 no. 11, pp. 57-62.

[386] *Cefu Yuangui,* vol.11, 962.11150-11151.

[387] For the use of precedents in Tang law, also see Qian Daqun 钱大群, 'Tang lü zai Tang Song de shiyong ji lüshu tizhi neiwai "fali" de yunzuo' 唐律在唐宋的使用及律疏体制内外"法例"的运作, in *Tang lü yu Tangdai fazhi kaobian* 唐律与唐代法制考辨 (Beijing: Shehui kexue wenxian chubanshe, 2013), pp. 388-390.

precedents for State University students, Zhong Cong enjoyed the same education at the court as the Tang students. Other hostages might have received such a privilege like Zhong Cong.

During their study period at the court, hostages apparently needed to serve in the palace guards. This is particularly conspicuous in the sources from the Korean peninsula. As a small kingdom bordered on Tang territory, Silla often sent their princes as hostages to Chang'an to maintain good relationship with the Tang and learned advanced knowledge from the empire. For example, in *The History of the Three Kingdoms* (Samguk sagi), the official history compiled by the Goryeo 高麗 dynasty (918-1392) in the twelfth century, it is stated that:

> In the autumn of the twenty-seventh year [of the King Seongdeok 聖德王 of Silla] (729), [the King] dispatched his younger brother Kim Sajong to enter Tang to offer local products, and also sent a memorial requesting permission for his princes to enter the State University. [The Tang court] issued an edict to endorse this request…and therefore kept [Sajong] as a palace guard.
> 二十七年，秋七月，遣王弟金嗣宗入唐獻方物，兼表請子弟入國學。詔許之…仍留宿衛。[388]

While allowing Kim Sajong to study at the State University, the Tang court kept him as a palace guard as well. Kim Sajong was not the only prince who served at the place force. In the Goryeo source, princes dispatched to the Tang were therefore called the 'palace-guard students' 宿衛學生.[389] Although the Goryeo record did not mention their hostage status, Zhang Qun 章群 has shown that 'entering the palace guards' 入宿衛 is a common phrase in historical sources denoting foreign regimes' dispatches of hostages to the Tang.[390] These foreign noblemen were also referred in Tang sources as 'palace guards who were hostages' 充質宿衛.[391] As to why the Goryeo record avoids indicating the hostage status of the princes, the phrase could well be diplomatic rhetoric used at the time to imply dispatches of hostages. No source explains why the hostages needed to serve in the palace force. Liu Houbin 刘后滨 has suggested that the guard duties

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[388] *Samguk sagi*, Silla, 8, the seventh lunar month of 728 (728 년 07 월(음)), http://db.history.go.kr/item/compareViewer.do?levelId=sg_008r_0040_1410 (13th March 2021).

[389] *Ibid*., Silla, 7, the ninth lunar month of 675 (675 년 09 월(음)), http://db.history.go.kr/item/compareViewer.do?levelId=sg_007r_0020_0460 (13th March 2021); Silla 10, the eighth lunar month of 800 (800 년 08 월(음)), http://db.history.go.kr/item/compareViewer.do?levelId=sg_010r_0040_0040 (13th March 2021).

[390] Zhang Qun, *Tangdai fanjiang yanjiu*, pp. 97-101.

[391] *Jiu Tang shu*, 8.183.

provided the opportunity to observe the court's rituals and operations so it was also a kind of education.[392]

Similarly, no surviving records indicate why the Tang court was willing to provide education for these hostages. Considering the educational role of Tang monarchs discussed in Chapter 1, this could be a way to civilise the 'barbarians' and achieve the ideal world order. From a pragmatic point of view, Fang Tie 方铁 has proposed that this was to impress the foreign princes and nurture future pro-Tang rulers in neighbouring polities. It is because these foreign princes usually returned home after certain years of services and education at the Tang court. They would inherit the thrones at their home courts and became kings or khaghans.[393]

Regardless of the Tang court's consideration, providing an education for these hostages could raise concerns about state security. In the early 690s, for instance, Xue Deng 薛登 (647-719), a court remonstrator at the time, argued that allowing foreign princes to serve and study at in the court might educate the 'barbarians' on high culture and give them the knowledge to rebel against the empire. He therefore suggested that the court suspend the requesting and accepting of hostages. Those who were already in the empire would not be allowed to return home so that they could not take any Tang knowledge back to their home polities.[394]

Despite state's security concerns, these hostages became useful bargaining chips for the Tang court to leverage its interests in foreign affairs. For example, in the late seventh century, after Silla defeated Goguryeo and Baekje with the Tang's military support, the kingdom became aggressive towards the Tang while it was generally friendly with the empire. Silla King Munmu 文武王 (r. 661-681) was attacked on Tang lands on the Korean peninsula that were obtained during the joint military campaign with Silla. In response to Silla's expansion, Tang Emperor Gaozong mobilized another campaign to the peninsula and planned to replace Munmu with the king's younger brother, Kim Inmun 金仁問 (629-694), a Silla hostage serving in the Tang court. Silla was defeated by Tang forces and the king had to surrender and pay tribute to Tang as an apology. With this result, Emperor Gaozong withdrew the plan to replace Munmu.[395] In addition, during this campaign against Silla, another Silla hostage, Kim Punghun 金風訓 (fl. 675) was also employed by the Tang forces as a guide to give them directions on

[392] Liu Houbin, 'Cong suwei xuesheng dao bingong jinshi: Ru Tang Xinluo liuxuesheng de xiye zhuangkuang' 从宿卫学生到宾贡进士: 入唐新罗留学生的习业状况, in *Shehui kexue zhanxian* 社会科学战线, 2013 vol.1, pp. 123-128.
[393] Fang Tie, 'Han Tang wangchao de nazhi zhidu', pp. 77-78.
[394] *Xin Tang shu*, 112.4170-4171.
[395] See *Tang huiyao jiaozheng*, 95.1463-1464; *Xin Tang shu*, 220.6204.

the peninsula.[396] These benefits could well be the reasons for the Tang's policy on hostages. Eventually, Xue Deng's suggestions regarding hostages were denied by the court.

Another possible reason for the policy was that these hostages were subject to Tang law. This meant that their behaviour was regulated by the legal system, which might reduce the security concerns. For instance, in 777, a hostage from the Bohai kingdom stole an imperial robe from the emperor. Under Tang Code, this was a crime punishable by banishment of two thousand and five hundred *li* and so he was arrested and tried.[397] The hostage defended himself by saying that he committed the crime simply because of his admiration for Tang clothing and culture and only then was his punishment pardoned by the emperor.[398]

As mentioned, hostages were only allowed to leave the Tang with the approval of the Tang court. While they could usually return home at the request of the princes or their home regimes, if replaced by another, some of them did stay in the Tang for their whole life.[399] Kim Inmun did not return to Silla after he was dispatched to the Tang. He died in Chang'an in 694 and his remains were sent back to Silla.[400]

Exception: Nihon Students in the Tang Court

Among the foreign polities which had their noblemen sent to the Tang, Nihon was a special case. Its noblemen did not need to serve in the palace guards or as hostages in order to study in the Tang. The reasons behind this are not clear, but Nihon's unique relationship with the Tang could explain it. Separated from the Asian mainland by the sea, Nihon did not share a land border with the Tang and had no direct conflicts with the empire, unlike regimes on the continent. Although the Tang conquest of Goguryeo and Baekje at one point caused Nihon leaders' concern about a possible Tang invasion of their kingdom, the fact that Silla rose

[396] *Samguk sagi*, Silla, 7, the ninth lunar month of 675 (675 년 09 월(음)), http://db.history.go.kr/item/compareViewer.do?levelId=sg_007r_0020_0460 (13th March 2021).
[397] *Tang lü shuyi*, 19.349, Article 271.
[398] Although this episode happened after the An Lushan rebellion (755-763), since it is not far from the pre-rebellion period, it could still serve as a reference to understand the early Tang systems. See *Cefu Yuangui,* vol.1, 41.444.
[399] Fang Tie, 'Han Tang wangchao de nazhi zhidu', p. 75.
[400] *Samguk sagi*, 44. Kim Inmun 김인문 金仁問 http://db.history.go.kr/item/oldBookViewer.do?levelId=sg_044_0060&page=1 (13th March 2021).

as the dominant power on the Korean peninsula soon afterwards distracted Nihon's attention from the Tang.

As mentioned, Silla became aggressive following the fall of Goguryeo and Baekje and encroached on the Tang territories on the Korean peninsula. Although the Tang court had checked King Munmu's ambition, it was still incapable of maintaining its dominant power on the peninsula in the face of strong local upheaval. Tang forces were soon forced to retreat from the peninsula and no longer posed a serious threat to Nihon. Also, since Silla was traditionally hostile to Nihon, it was a Silla invasion, instead a Tang one, that Nihon had to be concerned about.[401] As a result, with Silla in between, both the Tang and Nihon could avoid direct confrontation with one another by maintaining a peaceful relationship with, and a comfortable distance from, each other. Nihon did not need to submit to the Tang as Silla did and benefited from their connection with the Tang.

Certainly, Nihon still had to accept a nominal status as a Tang tribute polity to maintain its relations with the empire. This was a requirement for establishing diplomatic relations with the Tang. For instance, in 754, the Nihon envoy, Fujiwara no Kiyokawa also accepted the Tang title, 'Senior Official of Imperial Entertainments with Silver Seal and Blue Ribbon' 銀青光祿大夫 during his mission to Tang. Conferring of such official titles on foreign rulers or envoys was the Tang's way of establishing a nominal hierarchy over the foreign regimes and of marking them as 'external servants' 外臣 of the empire.[402] But on the other hand, the Tang did not ask for hostages from Nihon, nor did Nihon offer any, and Tang accepted Nihon's request to allow their noblemen to study at its court.[403] In neither Tang nor Nihon records are these noblemen ever referred to as *zhi* 質, in contrast with the abovementioned Zhong Cong. The men it sent to the Tang were also not princes but rather the sons of high-ranking officials, often descendants of Han ethnicity whose ancestors migrated to Nihon.[404]

These Nihon students were able to serve at the Tang court as civil officers. Yet, similar to the hostages, they needed the court's permission to return home. While some were able to leave the Tang after their studies, they were sometimes kept in the empire by force to serve the court.[405] An outstanding example was Abe

[401] Inoue Mitsusada and Delmer M. Brown, 'The century of reform', in *The Cambridge History of Japan* (Cambridge: Cambridge University Press, 1993; 2006), vol. 1, pp. 201-220.
[402] See Wang Zhenping, *Han Tang Zhong-Ri guanxi lun* 漢唐中日關係論 (Taipei: Wenjin chuban, 1997), pp. 100-123.
[403] *Ibid.*, p. 121.
[404] For the background of the Nihon students in the Tang, see Kimiya Yasuhiko 木宮泰彦, *Nik-Ka bunka kōryū shi* 日華文化交流史 (Tōkyō: Fuzambo, 1973), pp. 137-156.
[405] For those who were able to return Nihon, see *Ibid*.

no Nakamaro 阿倍仲麻呂 (698-770), whose Sinitic name was Chao Heng 晁衡 (or 朝衡).[406] Abe came from a middle-ranked official family, in which his father served the Nihon court at only rank 5a 正五位. In 717, he followed the nineth Nihon mission to Chang'an and studied at the Tang court.[407] In 731, he passed the State University examination and started to serve the Tang court as a remonstrator.[408] He had an enjoyable time in the empire and befriended the Tang's leading literati of the time such as Li Bai 李白 (701-762) and Wang Wei 王維 (699-759).[409] However, he was not allowed to return home when he wanted to. In 733, the next Nihon mission visited the Tang. In order to take care his aging parents, Abe requested to return to Nihon, following the mission on its way back but his request was denied. The reason is unknown due to the lack of related records. What is clear is that this denial frustrated Abe. Having missed this chance, he would have to wait for the next visit of the Nihon mission in order to return home, typically a decade later, although in this case it would be nearly two. Even then, he did not know if the court would approve his request when the time came. He therefore left a pathetic poem on this failure as follows:

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[406] While sketches of Abe's life are recorded in *Jiu Tang shu*, *Xin Tang shu* and *Tongdian*, the earliest Abe's biography is found in *Kokin Waka shū mokuroku* 古今和歌集目録, the list of authors who had their works collected in *Kokin Waka shū* 古今和歌集, the collection of ancient and medieval Nihon poems complied in the twelveth century presumably by Fujiwara no Nakazane 藤原仲実 (1064-1122), an eminent Nihon courtier and *waka* poet of the time. In the seventeenth century, Tokugawa Mitsukuni 徳川光圀 (1628-1700), the prominent Tokugawa feudal lord and scholar, collected both Tang and Nihon records on Abe and contributed the most detailed pre-modern biography. Modern scholar, Sugimoto Naojirō 杉本直治郎 also produced a rigorous modern biography of Abe, which is the standard reference for the study of Abe's life. See *Jiu Tang shu*, 199a.5341; *Xin Tang shu*, 220.6209; *Tongdian*, 185.4996; *Kokin Wakashū mokuroku* 古今和歌集目録, by Fujiwara no Nakazane, in *Gunsho Ruijū* 群書類従, ed. Hanawa Hokinoichi 塙保己一 (Tōkyō: Zoku Gunsho Ruijū Kanseikai, 1930), 285.96; *Dai Nihon shi* 大日本史 by Tokugawa Mitsukuni (edn. of 1900), 116.60-61; Sugimoto Naojirō, *Abe Nakamaro den kenkyū: Chō Kō den kō* 阿倍仲麻呂伝研究: 朝衡伝考 (Tōkyō: Iku-hō sha, 1940); *Abe Nakamaro den kenkyū: shutaku hoteibon* 阿倍仲麻呂傳研究: 手沢補訂本 (Tōkyō: Bensei shuppan, 2006).

[407] *Kokin Waka shū mokuroku*, 285.96; *Dai Nihon shi*, 116.60; Sugimoto Naojirō, *Abe Nakamaro den kenkyū: shutaku hoteibon*, pp. 65-66.

[408] *Jiu Tang shu*, 199a.5341; *Xin Tang shu*, 220.6209; *Dai Nihon shi*, 116.60-61; Sugimoto Naojirō, *Abe Nakamaro den kenkyū: shutaku hoteibon*, p. 245.

[409] Besides, Li Bai and Wang Wei, other literati, Chu Guangxi 儲光羲 (707-763), Zhao Ye 趙曄 (fl. 783) and Bao Ji 包佶 (d. 792) also had poems bestowed to Abe. See 'Ku Chao-qing Hang' 哭晁卿衡, by Li Bai, in *Li Bai quanji jiaozhu huishi jiping* 李白全集校注彙釋集評, ed. Zhan Ying 詹鍈 (Tianjin: Baihua wenyi chubanshe, 1996), vol. 7, pp. 3748-3752; 'Song Mishu Chao-jian huan Ribenguo' 送秘書晁監還日本國, by Wang Wei, in *Wang Wei ji jiaozhu* 王維集校注, ed. Chen Tiemin 陳鐵民 (Beijing: Zhonghua shuju, 2018), vol. 4, p. 317; 'Luozhong yi Chao-jiaoshu Heng' 洛中貽朝校書衡, by Chu Guangxi; 'Song Chao-buque gui Ribenguo' 送晁補闕歸日本國, by Zhao Ye; Bao Ji, 'Song Ribenguo chaoheshi Chao Juqing donggui' 送日本國聘賀使晁巨卿東歸, in *Quan Tang shi* 全唐詩, ed. Zhonghua shuju bianji bu 中華書局編輯部 (Beijing: Zhonghua shuju, 1999), vol. 2, 129.1320, 138.1405, vol. 3, 205.2144.

'I aspire to propriety' but they are only empty words
I satisfy loyalty but cannot fulfil filial piety
No day in sight for me to return my debt of gratitude
Nor an appointed year I can return to my home polity
慕義空名在，愉忠孝不全。
報恩無有日，歸國定何年。[410]

About twenty years later, in 752, the next Nihon mission came to the Tang. Abe had a smooth career in these two decades. He was now the Directorate of the Palace Library 秘書監, a position of rank 3b. Yet he still wanted to return home. He applied to the court again and this time his application was approved.[411] In 754, he followed the Nihon mission to leave the empire, however, they encountered a huge typhoon which brought him back to the Tang territory. He could only continue to stay in the Tang, and he would not see the next Nihon mission to take him home. Because of the outbreak of An Lushan rebellion and bad weather conditions, the next mission did not reach the Tang until 779. Abe had died in Chang'an nine years earlier.[412]

On the whole, even though Nihon was in a unique position and its noblemen in the Tang might not be seen as hostages, they were still subject to the court's control like their counterparts from other polities. In a worst-case scenario like Abe's, noblemen could be forced to serve at the court for life without a chance of returning home.[413] From such cases, one can conclude that the reception of foreign noblemen to study at the Tang court does not necessarily mean that the Tang empire was truly 'open'. For the hostages, they either bore political missions to come to the Tang and could be used as bargaining chips in foreign affairs like Silla's Prince Kim Inmun, or as informers in wartime like another Silla prince, Kim Punghun. Similar to its attitude towards envoys, the Tang court obviously used these foreign travellers for its own interests.

[410] *Kokin Wakashū Mukuroku*, p. 96.
[411] For Abe's career, see Sugimoto Naojirō, *Abe Nakamaro den kenkyū: shutaku hoteibon*, pp. 236-238.
[412] *Kokin Waka shū mokuroku*, 285.96; *Dai Nihon shi*, 116.61; Sugimoto Naojirō, *Abe Nakamaro den kenkyū: shutaku hoteibon*, p. 126.
[413] Through Abe's experiences, Charles Holcombe has not indicated the controlling side of the empire, but he has discussed how Abe illustrates the 'significant shift from the cosmopolitan openness of the early Tang dynasty towards a less tolerant late imperial Confucian universalism'. He has argued that Central Plain regimes were still open to foreigners after the An Lushan rebellion but only to those who complied with the Confucian norms as how Abe was still welcomed in mid-Tang 'chiefly for his supposed desire to become Chinese'. See 'Immigrants and Strangers: From Cosmopolitanism to Confucian Universalism in Tang China', pp. 71-78.

Buddhist Monks

Buddhism Under the Tang and the Visits of Foreign Monks

Apart from the official travellers discussed above, there were also private sojourners under the Tang. A conspicuous group of them were Buddhist monks. As mentioned in the previous chapter, monks had strong religious purposes for travelling across polities and regions. Moreover, Tang monks were not the only ones eager to travel. Tansen Sen has demonstrated that the Central Plains under the Tang became a leading centre of Buddhism in Asia and therefore attracted many Buddhist monks coming to the empire to study the religion. All these pilgrims contributed to establish extensive networks of material, intellectual, and cultural exchange across Asia.[414] The Goguryeo monks discussed at the beginning of the chapter are a prime example of these foreign pilgrims. The experiences of foreign monks could give us some sense of how the Tang court managed private visitors.

To carry out this enquiry, it is necessary to take a closer look at Buddhism under the Tang. As discussed in the previous chapter, after centuries of developments, Buddhism had become a major religion in the Central Plains when the Tang were established. Yet, unlike the enthusiastic rulers of previous dynasties, early Tang emperors were not ardent followers of the religion.[415] Also, as mentioned in Chapter 1, the Tang house proclaimed itself to be descendants of Laozi and made Daoism the state religion.

However, given the significance of Buddhism in the empire, the court still needed to show it some respect as a religion. Therefore, throughout the early Tang, the court often appeared to place Buddhism in high regard. For example, in 618, for the enthronement of Emperor Gaozu, the court invited a group of monks to hold a seven-day mass with Daoist priests to celebrate the founding of the Tang Dynasty.[416] Similarly, in 634, in the name of commemorating his mother, Empress Taimu 太穆皇后 (569-613), a devout Buddhist follower, Taizong built the grand Buddhist monastery Hongfu 弘福 in the capital.[417] It was in this context that the Tang court received repeated foreign monks' requests of entry and was willing to accept them. In 627, for instance, Gaozu granted approval to his son, Prince

[414] Tansen Sen, *Buddhism, Diplomacy and Trade*, pp. 55-101; also see his 'Introduction: Buddhism in Asian History', in Tansen Sen, ed., *Buddhism Across Asia: Networks of Material, Intellectual and Cultural Exchange* (Singapore: ISEAS Publishing; New Delhi: Manohar, 2014), pp. xi-xxx.

[415] Stanley Weinstein, *Buddhism under the T'ang*, pp. 1-9; Tang Yongtong, *Sui Tang fojiao shigao*, pp. 14-20.

[416] *Bianzheng lun* 辯正論 by Falin, in *Taishō shinshū Daizōkyō*, vol.52, no .2110, j04, p. 511b.

[417] *Fozu tongji*, p. 364b.

Gaoping 高平王 (fl. 627), to bring a renowned monk from the Indian subcontinent, Prabhākaramitra (Boluo Pojialuo Miduoluo 波羅頗迦羅蜜多羅 or Guangzhi 光智, 565-633), to the Tang on his return from a diplomatic mission to the Türk khaghanate. Probably because he was being brought to the Tang by the prince, the monk's entry did not raise any of the state's security concerns that his Goguryeo counterparts had faced. Taizong also supported his project of translating Buddhist sutras in Chang'an.[418]

Empress Wu also used Buddhism to consolidate her power as discussed in the previous chapter. Therefore, she enthusiastically welcomed foreign monks for translation projects of Buddhist sutras as well. She funded one such project by another monk from the Indian subcontinent, Dipoheluo 地婆訶羅 (or Rizhao 日照, 614-688); he was translating the *Lalitavistara* 方廣大莊嚴經 and the Empress herself wrote a preface for the translation.[419] Comparably, in 693, Dharmaruci (Putiliuzhi 菩提留志 or Faxi 法希, d.727), also a monk from the Indian region, was invited to Tang for another translation project.[420]

Besides the political needs, the Tang court appreciated the foreign knowledge and skills that foreign monks possessed. For instance, Emperor Taizong greatly admired the Indian medicines that Prabhākaramitra used to cure the disease of his crown prince.[421] While Emperor Xuanzong restored Daoism as the state religion of Tang, he also appreciated the talents of foreign monks.[422] Due to his personal interests in astrology and magical arts, Xuanzong particularly

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[418] *Xu gaoseng zhuan*, 3.66.

[419] *Song gaoseng zhuan*, 2.32-33.

[420] *Ibid*., 3.43-44; Shang Yongqi 尚永琪, *Huseng donglai: Han Tang shiqi de fojing fanyijia he chuanbo ren* 胡僧东来: 汉唐时期的佛经翻译家和传播人 (Lanzhou: Lanzhou daxue chubanshe, 2012), pp. 173-174.

[421] Taizong seemed to be more interested in the skills and knowledge of the monks more than Buddhism. Similarly, he was also greatly impressed by Xuanzang's foreign knowledge. He not only pardoned Xuanzang's illegal departure, as indicated in the last chapter, but he also requested Xuanzang to resume secular life as his minister owing to Xuanzang's insight into Central Asian affairs. Only in the final years of his life, when he felt death was approaching, did Taizong start to seek Buddhist teaching from Xuanzang. See *Xu gaoseng zhuan*, 3.67; *Da Tang Da ci'en shi Sanzang fashi zhuan*, p. 253; Stanley Weinstein, *Buddhism under the T'ang*, pp. 26-27; Max Deeg, 'The Political Position of Xuanzang: The Didactic Creation of an Indian Dynasty in the Xiyu ji', in Thomas Jülch, ed., *The Middle Kingdom and the Dharma Wheel*, pp. 94-139.

[422] At the same time, like previous Tang rulers, Xuanzong also utilized Buddhist power to consolidate his rule. In 738, he renamed all the Dayun temples by his reign title, 'Kaiyuan'. Instead of preaching the *Dayun* sutra, he ordered to install a statue of himself in every Kaiyuan temple, using the established Buddhist network to assert his rule. In terms of the control of Buddhism, he focused on restricting its economic power. With the donations and financial supports of wealthy and noble families, many of Buddhist monasteries had become mighty landowners in their respective localities. In 691, Xuanzong commanded the Agency of Buddhist Affairs to survey the land controlled by Buddhist monks and monasteries and confiscated all the properties exceeding the legal allotment under the equal field system, in which each monk should only have 30 *mou* of land. *Tang huiyao jiaozheng*, vol.1, 48. 725; 50.750; See *Song gaoseng zhuan*, 1.5-6; 17-22.

welcomed a number of Vajrayāna 密宗 monks from the Indian region. As an example, in 716, he received Śubhakarasiṃha (Xupo Qieluo Senghe 戍婆揭羅僧訶 or Shanwuwei 善無畏, 637-735) in Chang'an and also Vajrabodhi (Ba'riluo Puti 跋日羅菩提 or Jin Gangzhi 金剛智, 669-741) in 719. Besides the financial support given to their translation projects of Vajrayāna sutras, Xuanzong also employed their astrological arts. In times of drought, both Śubhakarasiṃha and Vajrabodhi were summoned to pray for rain, and they were said to have been averting disaster, which greatly impressed the throne. Vajrabodhi was also requested to apply his mythical methods to cure a daughter of Xuanzong's.[423] The court also provided some material support to the foreign monks. As suggested by a regulation in the eighth century during Xuanzong's time, every foreign monk should be entitled to an annual stipend from the court; the rate of the time was 25 *pi* of silk with seasonal clothes.[424]

The Tang Rules for Foreign Monks

In line with their attitudes towards foreign envoys and noblemen, while Tang rulers appreciated the value of Buddhism and foreign monks to the court, they also imposed a series of rules over monks' activities, again out of the concern for state security. Since the Tang house did not heartedly embrace Buddhism, the court's approach to the religion was therefore in favour of tighter control. The most outstanding example was the suppression of the long-standing autonomy that monks had enjoyed since the founding of the Buddhist church. Before the Tang period, the church was only loosely administrated by the state, in the sense that the central court would select a senior and reputable monk as the chief representative to lead the establishment.[425] However, from the Taizong reign onward, the Tang court appointed secular officials instead to be in charge of the church.[426] While the monks still enjoyed a tax allowance, in 729, the court

[423] *Song gaoseng zhuan*, 1.5-6, 17-22; Shang Yongqi, *Huseng donglai: Han Tang shiqi de fojing fanyijia he chuanbo ren*, pp. 151-164.

[424] *Tō daiwajō tōsei den jiaozhu*, 1.23.

[425] The title of the person was known as the Superintendent of Śramaṇa 沙門統 in Northern Wei or the Great Superintendent 大統 in Northern Qi. With support of secular staffs, he had his own office in the central government, the Agency of Buddhist Affairs 昭玄曹 (or 昭玄寺 in Northern Qi), to supervise the monks of the empire. See *Wei shu*, 114.3037-3038; *Sui shu*, 27.758; *Tang liudian*, 16.467; Tang Yongtong, *Han Wei Liangjin Nanbei chao fojiao shi* 漢魏兩晉南北朝佛教史, in *Tang Yongtong quanji*, vol. 1, pp. 390-394.

[426] Taizong also aimed to control the increasing number of monks. Since Northern Wei, ordination could only be held by official authority or it was a crime. During the Sui-Tang transition, a large number of people took advantage of the turmoil and ordained to be monks to escape tax. When Taizong came to the throne, he therefore made private ordination a crime liable to death penalty. The growth of monks was soon under control, and so Tang court relaxed the penalty later. But

introduced a monk registration system to acquire and update the monks' credentials across the empire on state records. This was to distinguish the real monks from fraudulent ones, thereby preventing people from easily claiming to be monks so as to enjoy the tax break. Similar to the household registration for commoners, local monasteries were required to register all the monks residing in their jurisdictions and to report the data collected to local county or prefectural governments. A copy was sent to the central government for reference.[427]

Under this system, foreign monks also became subject to direct Tang rule when they were in Tang territory. Comparable to the regulations on foreign envoys, the Tang court regulated foreign monks upon their arrival in Tang lands. As shown in the case of the Goguryeo monks, monks could only enter the Tang with the approval of the central government. Then, like the envoys, they had to obtain a *guosuo* passport, which had to be issued by the border prefecture when they first arrived.[428] After that, they had to reside in a designated monastery, following the precedent of Xuanzang. In 645, when Xuanzang returned to Chang'an from the Indian subcontinent, the Tang court assigned him to the Hongfu Monastery of Chang'an despite his request to serve in the Shaolin Monastery 少林寺 in Henan Prefecture. This was because Taizong wanted to keep him in the capital as his consultant on Central Asian affairs. After that, an assignment to a monastery-of-residence became a standard way to settle foreign monks.[429] For instance, in 653, when Atikūṭa (Adi Quduo 阿地瞿多 or Wujigao, 無極高 603-655), another monk from the Indian subcontinent, came to the Tang and was assigned to stay in the Ci'men Monastery 慈門寺 of Chang'an. He was followed by Nadī (Nati 那提 or Fusheng 福生, 624-716) in 656, who was sent to

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it was still an offence up to a punishment of one year of servitude in Tang Code. See *Tang lü shuyi*, 12.235, Article 154; Stanley Weinstein, *Buddhism under the T'ang*, pp. 9-10.

[427] *Fozu tongji*, 40.374a.

[428] In the ninth century, a Nihon monk Enchin 円珍 (814–891) came to the Tang on pilgrimage and also needed a passport to travel in the empire. The passport he held is preserved in Onjō-ji 園城寺, the Buddhist temple he served in Nihon, and is the only extant Tang *guosuo* in the world. See *Onjō-ji Bunsho* 園城寺文書, ed. Onjō-ji 園城寺 (Ōtsu: Kodansha, 1998), vol. 1, pp. 99-100.

[429] In 679, when Divākara arrived in Tang, the Tang court instructed the relevant authority to settle him in a large monastery 'in conformance with the precedent of Xuanzang' 仍準玄奘例, as recorded in *Song gaoseng zhuan*. As discussed, the phrase, 'in conformance with', was conventional in Tang legal and institutional discourse to draw references from corresponding or related regulations or precedents to handle an issue. Therefore, the mention of Xuanzang with the phrase here revealed that his case had already established a precedent which informed the arrangements for other monks subsequently going to or returning from foreign polities. Judging from Xuanzang's experience, the so called 'precedent of Xuanzang' meant the court would decide a suitable monastery for the monk and he had no choice. In the case of Divākara, he was thus settled in the Taiyuan Monastery 太原寺 in Chang'an. His biography did not mention whether he had a choice for this as well. See *Song gaoseng zhuan*, 2.32-33; *Da Ci'en ci Sanzang fashi zhuan*, 130.

the Ci'en Monastery 慈恩寺;[430] and by Dharmaruci in 683, assigned to the Changshou Monastery 長壽寺 of Luoyang.[431] The abovementioned foreign Vajrayāna monks in the Xuanzong's times, Śubhakarasiṃha and Vajrabodhi, were settled in the same way. The former was sent to the Xingfu Monastery 興福 of Chang'an and the latter to Ci'en as with Nadī.[432]

The designated monastery was responsible for monitoring the foreign monks' activities. When monks were involved in legal disputes, the monastery became a law enforcement agency to arrest and send these monks to corresponding authorities for subsequent legal actions. The false accusation case that arose during Jianzhen's first attempt to travel to Nihon is a prime example. Jianzhen planned to sail with the excuse of a visit to Mount Wutai 五台山 (in present-day Shanxi Province), but along the way, he headed to Nihon. When Jianzhen was about to change course, an apostle of his, Yeohae 如海 (fl. 742) from Goguryeo, was mad at Daohang 道航 (fl. 742), another of Jianzhen's followers who opposed Yeohae's participation in the mission to Nihon. Yeohae falsely accused Daohang of working in collusion with pirates under the assistance of the Nihon monks, meaning the Nihon novices who invited Jianzhen to Nihon. This shocked the county government and triggered a large campaign against foreign monks in the prefecture. The designated monastery of the Nihon monks arrested and forwarded them and other foreign monks to the local government for interrogation. During the investigation, the Yangzhou prefectural government also checked with their designated monasteries regarding whether the Nihon novices had committed any prior wrongdoings. The prefectural authority finally concluded that they were monks who were properly registered in the records and had behaved well, and that this was a case of false accusation.[433] But here we see the critical role of the designated monasteries in supervision of foreign monks when it came to legal affairs.

While there is no evidence showing that the court punished foreign envoys, it is clear that foreign monks were subject to Tang law. The Yangzhou authority punished Yeohae by sixty strokes of rod flogging for his false accusation. According to Tang code, those convicted of false accusation should be sentenced by the principle of 'reciprocal punishment' 反坐.[434] The person who launched the accusation received the punishment appropriate to the crime he had reported. Precisely which offence the penalty of Yeohae derived from is unclear because of

[430] *Song gaoseng zhuan*, 2.45.
[431] *Ibid*., 1.19.
[432] *Ibid*., 1.5
[433] *Tō daiwajō tōsei den jiaozhu*, 1.24.
[434] *Ibid*.

the lack of records. There were a number of possible crimes related to piracy that would be punished by sixty strokes of rod flogging.[435] Regardless, the punishment inflicted on Yeohae still reveals that the Tang code applied to foreign monks as well.

Apart from such control and law enforcement, foreign monks were not allowed to leave the Tang empire without the court's approval. In 732, for instance, since Emperor Xuanzong greatly appreciated Śubhakarasiṃha, even when the monk requested to return home for the final years of his life, the throne rejected his request and kept him in the capital. Śubhakarasiṃha died in Tang lands at age 99.[436] Similarly, Vajrabodhi's disciple, Amoghavajra (Amu Quba Zheluo 阿目佉跋折羅 or Bukong 不空, 705-774), was only able to leave Tang with Xuanzong's endorsement of his request.[437] Indeed, the Tang court tended to retain these foreign pilgrims under its rule. Silla and Nihon monks who had studied in the empire over nine years should be registered and regarded as local monks. There is no evidence to suggest that these monks could object to such measures, so we may assume that they had no choice but to accept the registration.[438]

The purpose behind this regulation and why the court singled out Silla and Nihon monks is not clear because no court debates or explanations are found regarding this subject. But foreign monks appeared to have no benefits under this regulation. As local monks, they would lose the annual stipends given to foreign monks. As Tang subjects now, they were not allowed to leave the Tang and return to their home polity under the ban on cross-border travels discussed in the previous chapter. Also, regardless of whether they were foreign monks or not, they were subject to Tang law. But these foreign monks, who possessed foreign knowledge and skills that the court highly appreciated, would then be kept in the empire.

Overall, the example of foreign monks illustrates that the Tang court was suspicious of private travellers. Although they had no direct political affiliation with foreign powers like the envoys and noblemen, the fact that they came from foreign territories having potential connections with foreign hostile powers still alerted the court. This was how Yeohae's accusation of collusion with foreign pirates against Daohang attracted the attention of the local authority to investigate Jianzhen and his disciples. The court's suspicion of foreign powers

[435] Such as stealing of ordinary goods valued over 1 *chi* and illicit trade of state property, see *Tang lü shuyi*, 19.358, Article 282; 20.368, Article 290.
[436] *Song gaoseng zhuan*, 1.22.
[437] *Ibid*., p. 10.
[438] *Tang huiyao jiaozheng*, vol. 1, 49.735.

extended below the state level down to the people. Although the Tang court opened its borders to receive the monks, it also supervised them closely through their designated monasteries and established legal systems. This might be the reason why regarding the Goguryeo monks' request for entry, Wei Zheng argued that Taizong should not overreact to those people and indicated that what really caused the fall of a dynasty was the malfunction of state rule rather than anything done by foreigners.[439]

Merchants

Entry Permission and Naturalisation

Besides Buddhist monks, merchants were another major group of private inbound travellers to the Tang empire. Obviously, the benefits that they could bring to the Tang court were commercial. While no exact figures showing the income that the Tang court earned from foreign merchants have been preserved, commercial taxes drawn from Central Asian traders constituted a major source of income of the local governments in western provinces as recorded in *New Tang History*.[440] The Tang court opened its empire to these travellers and received many of them.

Foreign merchants illustrate another institutional aspect in accommodating foreign travellers: voluntary naturalisation. When foreign monks were forced to be registered as local monks after a nine-year stay in the empire, this system of naturalisation provided an opportunity for other travellers who were willing to migrate to the Tang and to apply to become Tang subjects. Such a system is significant in explaining how inbound foreigners were accommodated under Tang subjecthood, and thus it deserves our attention. While they were not

[439] These restrictions on foreign monks' movements anticipate the experiences of Ennin 円仁 (Yuanren 圓仁, 794-864), a Nihon Buddhist monk who travelled to the Tang in the 840s. According to his journal, Ennin faced even greater restrictions in the empire. He needed extra approvals to travel across county boundaries in Tang territory and was banned from travelling with local companions. As a disciple of his from Nihon died during their trip, Ennin also reported to the court the kinds of inheritance that the discipline had left. At the time, it was stipulated that monks' inheritance would be claimed by the Tang state rather than by fellow members of the Buddhist church. Although this may suggest a general tightening in the control of foreign monks over time under the Tang, we should note that Ennin travelled mainly during the reign of Emperor Wuzong 武宗 (r. 840-846), who was well known for his hostility towards Buddhism. See Chen Dengwu, 'Cong neilü dao wangfa: Tangdai sengren de falü guifan', pp. 20-23; Edwin O. Reischauer, *Ennin's Travels in T'ang China* (New York: Ronald Press, 1955), pp. 217-271; Ono Katsutoshi 小野勝年, *Nittō guhō junrei gyōki no kenkyū* 入唐求法巡禮行記の研究 (Tokyo: Suzuki Gakujutsu Zaidan, 1964), vol.4, pp. 53-254.

[440] *Xin Tang shu*, 221b.6265. Li Jinxiu has also discussed the absence of the figure, see *Tangdai caizheng shi gao*, pp. 598-599.

the only people eligible, foreign merchants were the most conspicuous group of travellers who settled in the Tang through the system and so are the focus of our case study here.

Evidence of the Tang naturalisation system can be found by the late seventh century. In the early years of the dynasty, the Tang court only allowed foreign merchants to trade in border markets.[441] Starting from 685, it welcomed Central Asian merchants to trade in the empire, although this came with a very demanding requirement:

> If there are any *Hu* people of merchants from foreign polities who undertake to, and are entitled to trade in the inland, [they] are not allowed to enter foreign territory. In corollary, [we, the court], order those in authority over passes, fording places and garrisons of frontier prefectures to be further rigorous in the arrest [of offenders]. With those whose official registration falls under the prefectural jurisdictions of Xizhou, Tingzhou, or Yizhou, if they are proven to have official documents, they are permitted to travel to the east of their own official registrations.
>
> 諸蕃商胡若有馳逐任於內地興易，不得入蕃。仍令邊州關津鎮戍嚴加捉搦。其貫屬西、庭、伊州等州府者，驗有公文，聽於本貫已東來往。[442]

This was an edict issued in 685. The mentioned prefectures of Xizhou, Tingzhou, and Yizhou were in present-day Turfan, Dihua, and Hami of Xinjiang, respectively, and were Tang frontier prefectures on the western border adjacent to Central Asian polities. The term '*Hu* merchants' refers to those from this region.

In the early half of the dynasty, when maritime trade had not yet flourished as it did in the late Tang and Song periods, the major foreign trading at the time came from Central Asia through land routes.[443] So, these *Hu* merchants represented the main group of foreign traders. Regarding this policy, Arakawa Masaharu's research on the records of Turfan manuscripts has shown that foreign merchants could apply for a *guosuo* passport in frontier prefectures to enter the

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[441] *Zizhi tongjian*, 193.6083-6084.

[442] This edict was subsequently included as an article in the Household Ministry Decrees 戶部格 of the Kaiyuan period: see 'Kaiyuan hubu ge' 開元戶部格 (S1344), in Zhongguo shehui kexue yuan lishi yanjiushuo 中國社會學院歷史研究所, Zhongguo Dunhuang Tulufan xuehui Dunhuang guwenxian bianji weiyuanhui 中國敦煌吐魯番學會敦煌古文獻編輯委員會 and the British National Library, and the School of Oriental and African Studies of the London University, ed., *Ying cang Dunhuang wenxian* (*Han wen fojing yiwai bufen*) 英藏敦煌文獻 (漢文佛經以外部分) (Chengdu: Sichuan renmin chubanshe, 1990), vol. 2, p. 269. For transcription and annotation, see Liu Junwen, *Dunhuang Tulufan Tangdai fazhi wenshu kaoshi*, pp. 278-279. For textual criticism of these decrees, see *ibid*, pp. 281-285.

[443] Valerie Hansen, *The Silk Road: A New History*, pp. 235-240.

Tang for trading.[444] Yet, according to the edict, foreign merchants had probably been allowed to trade in the inland before 685. That is why some of them had been registered in the frontier prefectures when the edict was issued. So, the edict simply aimed to clarify the merchants' rights. This right of entry had certain conditions: Once the merchants entered the Tang, they were no longer allowed to leave the Tang and return their home polities.

Given this prohibition, what the court offered was, in fact, a commercial immigration scheme: Once the merchants entered the empire, they became a part of the empire and were required to stay under the Tang for life. By this scheme, the court retained these merchants and their capital in the empire to increase population and wealth, while also severing the merchants' connections with their polities of origin.

Did the merchants become Tang subjects directly after entry? They likely had an initial status that differed from the ordinary subjects, as revealed by a surviving fragment of a financial report written by the government of Jinman county 金滿縣, Tingzhou 庭州 Prefecture (present-day Jimsar County, Xinjiang region) in the early eighth century:

Figure 5 The notification of the Jinman County, Tingzhou in 728

開元十六年庭州金滿縣牒 [445]

The notification of the Jinman County to the Controller-general [of Tingzhou]

The tax revenue of the sixteenth year of Kaiyuan (728) for the budget of the seventeenth year of Kaiyuan (729) is:

Altogether, the ordinary subjects, travellers and merchants of Hu under the supervision of the county are 1760 people in total. The tax revenue in total is 259,650 *wen* [redacted] [redacted] Taxes from the ordinary subjects: 85,650 *wen*

[444] Arakawa Masaharu, 'Tō teikoku to Sogudo-jin no kōeki katsudō' 唐帝国とソグド人の交易活動, in *Tōyō-shi kenkyū*, vol. 56, no. 3 (1997), pp. 603-636; *Yūrashia no kōtsū, kōeki to Tō teikoku*, pp. 348-360.
Arakawa believes that these Hu merchants were allowed to enter the Tang because they were people of subordinate prefectures. It is because, in the surviving records, all *guosuo* passport applicants came from the subordinate regions. This seems to suggest that people of the subordinate prefectures enjoyed the privilege of travelling to the Tang. However, no evidence proves that non-subordinate foreigners could not apply for such entry. The order in 685 did not restrict this special entry to only subordinate people. We need more evidence to support Arakawa's hypothesis. See 'Tō teikoku to Sogudo-jin no kōeki katsudō', pp. 624-628; *Yūrashia no kōtsū, kōeki to Tō teikoku*, pp. 359-360.

[445] This document is now preserved in a private museum, Yūrinkan 有鄰館 in Kyōto, Japan and it has not been published yet. But the texts of the document have been recorded in Ikeda On, *Chūgoku kodai sekichō kenkyū*, p. 354.

金滿縣　　牒上孔目司

開十六稅錢、支開十七年用

合當縣管百姓・行客・興胡、惣壹阡柒伯陸拾人。見稅錢、惣計當

貳伯伍拾玖阡陸伯伍拾文 [redacted]

[redacted] 捌拾伍阡陸伯伍拾文、百姓稅

In this financial report, '*Hu* merchants', 興胡 (a synonym of '商胡'), are listed as a category of people distinct from ordinary subjects.[446] This categorisation suggests that the foreign merchants might be a separate class of people in state records.[447] Given that they could no longer leave the Tang now, they somewhat became permanent residents of the empire who needed to pay taxes. In the tax revenue of the Jinman county in 728, local subjects contributed only about one-third of the amount (85,650 out of 259, 650 *wen*). The rest of the income came from the *Hu* merchants and domestic travellers (*xing ke* 行客) from other parts of the empire who had travelled to the county.[448] While the specific amount of taxes from the *Hu* merchants is not shown on the surviving part of the text above, the figure still suggests that they might have contributed quite a lot.

The evidence is not adequate to determine whether the merchants needed to register to become ordinary subjects eventually or if they could remain permanent residents for life. What is certain is that the court had a set of measures to accommodate foreigners who were willing to be relocate permanently to the Tang. These measures started with the grant of standard privileges of living in the empire as Tang subjects. The related article of the Statutes of Households 戶令 stated that:

> With those *huàwai* people who turn their allegiance to [our] court the local standard or military prefectures where they are located should offer clothing and food and report their specific situations to the central ministries. Such *huàwai* people should be settled and attached to the official registration in spacious districts.

[446] For the meaning of the term, see Haneda Toru 羽田亨, 'Kyō-co meigi kō' 興胡名義考, in *Haneda Hakushi shigaku ronbunshū* 羽田博士史學論文集 (Kyōto: Dōhōsha shuppanbu, 1957), vol.1, pp. 606-609.

[447] Nakamura Hiroichi 中村裕一 also holds this view: see his 'Yūrinkan shozō no Tō-dai gunkō kōken ni tsui' 有鄰館所蔵の唐代軍功公験に就いて, reprinted in *Tōdai kanbunsho kenkyū* 唐代官文書研究 (Kyōto: Chūbun shuppansha, 1991), pp. 440-457.

[448] For the meaning of the 'travllers' 行客, see Jiang Boqin 姜伯勤, 'Dunhuang Xinjiang wenshu suoji de Tangdai "xingke"' 敦煌新疆文书所记的唐代「行客」, in Guojia wenwuju guwenxian yanjiushi 国家文物局古文献研究室, ed., *Chutu wenxian yanjiu xuji* 出土文献研究续集 (Beijing: Wenwu chubanshe, 1989), pp. 277-290.

化外人歸朝者，所在州鎮給衣食，具狀送省奏聞。化外人於寬鄉附貫安置。[449]

Similar to the absorption of vanquished Gaochang subjects in Chapter 2, this process of building an affiliation with the state also meant the allocation of farmland following the registration on household record (*fu guan* 附貫). This was the reason why the term '*kuan xiang* 寬鄉' ('spacious district') was mentioned. This term was used technically under the equal field system to refer to spacious areas in regular prefectures or counties that were able to offer sufficient arable farmlands for their residents, in contrast to a 'densely settled district' 狹鄉, which lacked such lands.[450] In other words, new subjects should have been entitled to a land allotment upon their naturalisation into the Tang; otherwise, there was no need to specifically settle them in a spacious district. Under this system, foreign merchants might have used this method to join the empire as ordinary subjects.

Naturalised Subjects in Legal Cases

For 'those who turned their allegiance to the court' 歸朝者—people whom we might consider as naturalised subjects—the state provided necessary support in legal disputes. A prime example was a case of a business dispute between a Sogdian person, Cao Lushan 曹祿山, and a Tang subject of Han ethnicity, Li Shaojin 李紹謹. Recorded in a draft report by the Gaochang county government for the Anxi Protectorate, the case is believed to have taken place sometime between 665 and 673.[451] 'Cao' was a common Sogdian surname, and 'Lushan' was the transcription of 'Roxsan', a Sogdian name meaning 'bright' or 'light'. [452] Cao and his family had both been naturalised in Tang and settled in the capital. They are recorded in the case report as 'Chang'an people' 長安人.

This case started when Cao Lushan reported to the Gaochang county government that his elder brother, Cao Yanyan 曹延炎, was missing. It was recorded that Yanyan had loaned 275 *pi* of silk to his business partner Li Shaojin

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[449] *Tōrei shūi*, 9.238 (Huling, Article 19). The term '*gui chao*' 歸朝 signifies the action of turning a person's allegiance or loyalty to the court. In Tang sources, it was neutral without ethnic implication, as it applied to Han people's submission to the Tang court as well. For instance, it is used to describe the surrender of the followers of the late Sui warlord Wang Shichong 王世充 (d. 621) to the Tang court in an edict issued by Emperor Gaozu; and it also was used in *Jiu Tang shu* to refer to the submission to the Tang of another warlord, Li Mi 李密 (582-619) . See *Jiu Tang shu*, 67.2484; *Tang da zhaoling ji*, p. 643.

[450] *Tōrei shūi*, 22.626 (Tianling 田令, Article 12).

[451] 'Tang Xizhou Gaochang xian shang Anxi duhufu die'gao wei lu shang xunwen Cao Lushan su Li Shaojin liang zao shi' 唐西州高昌縣上安西都護府牒稿為錄上訊問曹祿山訴李紹謹兩造事, in *Tulufan chutu wenshu*, vol. 3, pp. 242-245.

[452] Valerie Hansen, *The Silk Road: A New History*, pp. 102-103.

in Gongyue City 弓月城 (present-day Yi'ning, Xinjiang region), and that he was supposed to travel with Li to Kutsi for trade. Yet Lushan did not see his elder brother when Li came alone. He attempted to ask Li about his brother's whereabouts, but he was not able to communicate with Li in the Han language 漢語. For the same reason, Lushan was also unable to retrieve the loan given to Li by his brother. This case was therefore brought to the Gaochang government, where interpreters assisted Lushan during the trial.[453] To ensure the quality of the interpretation, the Code stipulated that if a mistake was made in interpreting the sentence resulting from the trial, then the interpreter would be liable for any difference in the punishment.[454]

Although the Gaochang government was not able to trace Yanyan, it helped Lushan retrieve the loan given to Li. A part of Li's testimony stated that a group of Türk bandits had attacked Yanyan and him on the road. During the attack, Yanyan might have died. As for the loan, since the contracts for the loan had disappeared with Yanyan, whether or not Li had actually accepted Yanyan's loan was also a point of dispute. However, Lushan's nephews, who had served as the notaries for the contracts, were present at the trial, and this persuaded the Gaochang authority to rule in favour of the Caos and order Li to repay the debt with interest. This case illuminates that how the Tang judiciary and legal means could help in handling disputes among different ethnic groups. It also indicates how the legal system operated without any ethnic prejudice.

While naturalised subjects could benefit from Tang legal services, the court might impose Confucian ethics on these people. Two other cases from the Duanhuang manuscripts dated to the Wenming 文明 period (Mar 648–Oct 648) explain this. Unlike Cao Lushan's case, these two cases are not authentic as they were found in mock judgments drafted as exercises for a civil examination.[455] As mentioned in the Introduction, although they do not directly reflect the real

[453] This is somewhat conjectural, since the presence of interpreters was not explicitly recorded. But while Lushan claimed that he was not able to communicate with Li in the Han language, his testimony was written in the language so there must have been an interpreter to assist at the trial.

[454] *Tang lü shuyi*, 25.475, Article 375.

[455] No author information appears among the judgements and so little about the background of this collection is known. The only lead is a manuscript of the *zaiji* 載記 section of *Jin Shu* that contains biographies of non-Han rulers after the fall of Western Jin. In general, history was not a popular subject of study in the Tang time because it was irrelevant to the public examination. If this manuscript was also written by the author of the collection of judgements, he was likely to have been an enthusiast man of letters with a general interest in culture, particularly ethnic relations between the Han and non-Han. See Shanghai guji chubanshe 上海古籍出版社 and Bibliothèque nationale de France, ed., *Faguo guojia tushuguan cang Dunhuang xiyu wenxian* 法國國家圖書館藏敦煌西域文獻 (Shanghai: Shanghai guji chubanshe, 2004), vol. 28, pp. 148-156.

practices of the legal system, they still reveal a contemporary understanding of how the law should be applied and are therefore worth our attention here.

The first case is a robbery between Dou Qi 豆其 and Gu Sui 谷遂. Dou was likely a naturalised subject because of the following reasons. Firstly, his surname was not common among Han but was common among the Xianbei people.[456] Secondly, in the judgement, there was no discussion about whether or not Dou or Gu was a Tang subject, which did not seem to matter in this case. If either one of them had been a subject of a foreign polity, then the Tang Code on *huàwai* people would have been mentioned and applied here. As we have seen in Chapter 1, the identity of the parties involved in a case affected which law should be applied: Cases involving *huàwai* people of the same polity would be adjudicated according to their own customs and institutions; cases where those involved were of different polities had to be handled by various sections of the Tang Code.[457] If it had been a case involving a *huàwai* person and a Tang subject, as mentioned above, then that would have triggered the sections of Tang Code dealing with the *huàwai* people. No such section seems to have been applied here, however. Thirdly, the judgement stated that Dou was a person who had 'the good fortune to have been steeped in the influence of Tang civilization' 幸霑唐化. This further suggests that Dou was a naturalised subject.[458]

In this case, Dou was travelling and happened to stop at a household. The head of the household, Gu, invited Dou to drink with him that night, but it was only a conspiracy to steal his property. The alcohol was mixed with drugs, which made Dou lose consciousness. Gu then stole Dou Qi's belongings but was caught and brought to a local authority for trial. Not surprisingly, Gu was punished for this theft. But interestingly, while the judged confirmed that Dou Qi bore no legal responsibility in the case, he criticised Dou's behaviour. He thought that as a person with such 'good fortune to have been steeped in the influence of Tang civilization', Dou should understand the proper manners of a civilised person and not casually stay in a stranger's place. As such, Dou was expected to behave like a Han person after he had become a Tang subject.

This expectation was shown more clearly in the case of Shi Potuo 史婆陁, a wealthy merchant with the honorary title of Commander of the Valiant Cavalry 驍騎尉. Like Dou, Shi was not a common surname for Han people, but it was common for Sogdians. Yet Shi Potuo had clearly been naturalised as 'a person of Chang'an County' 長安縣人 like Cao Lushan. It was reported that his mansion and clothing were comparable to those of a duke and prince in their extravagance, but

[456] Yao Weiyuan, *Beichao huxing kao*, pp. 250-251.
[457] *Tang lü shuyi*, 6.133, Article 48.
[458] *Faguo guojia tushuguan cang Dunhuang xiyu wenxian*, vol.28, pp. 148-152.

he did not share his wealth with his impoverished, younger brother, Jieli 頡利. His neighbour, Kang Mobi 康莫鼻, had once requested to borrow some clothes from him, but he had also been refused. Kang therefore accused Shi of living over the proper standards.[459] To ensure social order among the people of different classes, the Statutes of Construction 營繕令 and the Statutes of Apparel 衣服令 stipulated standards for the size, design, quality, and even colours of the housing and clothing of people from the emperor to the commoners.[460]

Under such regulations, Shi was sentenced to alter his mansion to comply with the law. His clothes, which had exceeded the legal standards, were confiscated. Furthermore, the judge ordered Shi to share some of his property with his impoverished brother because brothers should support each other under the 'standard relationships' 常倫 and the Confucian ideal of human relationships that concerns brotherhood in this case. Immigrants were expected to comply with Confucian moral standards.

Concluding Remarks

This chapter discusses the travel restrictions on cross-border movements from the perspective of foreign travellers. It shows that, while the court generally discouraged Tang subjects from travelling and even banned private outbound travels in principle, it still received certain foreign visitors—at least those who were beneficial to the state. The practical reasons behind this difference might be that, while outbound travels might lure Tang people out of the empire thus leading to the loss of population and manpower as indicated in the previous chapter, inbound travels caused no such problems. With the capacity to impose strict regulations on travellers within its territory, the court was more confident about accepting their entry. Recall Wei Zheng's argument for approving the visit of Goguryeo monks at the beginning of this chapter. As long as the court functions well, foreigners could never threaten the state.

These regulations over foreign travellers illustrate the controlling side of the Tang. Although the Tang empire is often regarded as open and cosmopolitan, the so-called 'openness' and 'cosmopolitanism' were, in fact, subject to significant limitations. Besides all the regulations to which they were subject, foreign travellers might also not even be allowed to return home after they entered the empire, just like the Nihon nobleman, Abe no Nakamaro, and the Buddhist monk

[459] *Ibid*., pp. 152-156.
[460] *Tōrei shūi*, 17 (Yifuling 衣服令), 31 (Yingshanling 營繕令).

from the Indian subcontinent, Śubhakarasiṃha. The merchants who came to trade in the Tang also had to stay in the empire for life.

We may describe this approach to foreign travellers as a 'cautiously absorptive' one. The court first applied rigorous procedures and checking for the entry of inbound travellers and imposed strict regulations on their activities within the Tang territory to ensure that they would not cause any harm to the states. Then the court would absorb those with talent or merits into the Tang empire through naturalisation. The system of naturalisation provided a special mechanism to accommodate immigrants in the empire and absorb their wealth and human resources. It was this approach that accommodated the large number of foreigners in the empire as is known in history.

All the movements of the people within the empire, from the Tang people to the foreigners, were subject to the control of the state. The court could always decide whether to allow a person to leave the Tang or not. The state reserved its flexibility to exercise power over its people's movements, which is a reflection of the supreme authority of the state had over them at the time.

Conclusion

The early Tang court used law to lay down practical regulations on how to rule and administer the empire. We should note that the court's actions did not always closely align with its legal regulations. For example, Emperor Taizong pardoned the Buddhist cleric Xuanzang for violating border restrictions in making his pilgrimage. Empress Wu inflicted penalties on the defecting diplomat Yan Zhiwei that were heavier than those stipulated in the Code. There was also significant variation in how local officials interpreted and applied the law: the regional government of Yangzhou did not punish the monk Jianzhen for his attempts to travel illegally to Nihon, despite the prescriptions of the central court.

To trace such divergences from the normative regulations of early Tang law is not to deny that it remained largely effective. So Taizong's pardon was granted only after Xuanzang had confessed to his illegal travel, expressing a sense of guilt that showed an awareness that his actions had been criminal. Yan Zhiwei's defection was in essence recognized as a serious crime under the prescriptions Tang law, despite Empress Wu's inflation of his punishment. And although Jianzhen escaped punishment, he was still forbidden from travelling to Nihon under the ban on cross-border movement. Similarly, legal regulations on household registration appear to have succeeded in registering many non-Han people on state records, resulting in their contributions of tax revenue and labourers to the court.

In its operation, early Tang law re-interpreted concepts and ideas that were well established in other areas of intellectual and social activity. In its legal and administrative institutions, the Tang court conceived of, and treated, its subjects differently from how it defined them in the normative claims of state ideology. The Tang court asserted the legitimacy of its rule over the Central Plains by upholding well-worn rhetorical distinctions between Hua and Yi people. It claimed to be a civilised regime, Hua, and regarded foreigners and foreign polities as its cultural inferiors, Yi. As a result, court ministers and judges sometimes claimed the authority of canonical moral standards in handling disputes between non-Han people. Yet Tang law and legal institutions generally operated outside the conventional Hua-Yi distinction in formulating the court's relationship with its subjects. Since the court's primary concern over foreigners was with their connections to foreign powers, Tang law on the whole defined subjects and non-

subjects not by their ethnic or cultural backgrounds, but by their political affiliation. Further motivated by economic interests, the Tang court absorbed many non-Han people into its systems of taxation and state labour, treating them as financial and labour resources. In sum, the practical concerns of imperial governance reduced the significance of the Hua-Yi distinction in the operation of the empire to a rhetorical level only.

This has two important implications for our understanding of early Tang. First, at the level of source criticism, it indicates the need to consider law as a discrete sphere of intellectual activity. Scholars have long been inclined to read legal texts and terms—terms such as *huàwai* and *huànei*—with extensive reference to canonical Confucian doctrines and discourse. Yet the fact that the early Tang court re-interpreted these concepts and ideas for its own practical needs in the operations of its legal and administrative institutions urges us to interpret the language of legal texts of this time with circumspection.

Second, at the level of historical analysis, it demands that we reconsider the significance of ethnicity in Tang imperial rule. On the whole, under its legal and administrative systems, the Tang empire could be regarded as a political community rather than cultural one. Members of that political community were expected to show allegiance to the Tang court regardless of their ethnic background. They were to demonstrate that allegiance in large part through economic contributions to the court. As a corollary, the Tang court simply saw individuals as resources for its use; their distinct cultural qualities were of little importance. To say this is not to argue that the court treated all its subjects identically and indiscriminately. Rather, it is to emphasise that the most meaningful differences for court were not cultural but economic: people were categorised according to units of taxation.

In this light, we must revisit the established account that subordinate prefectures, *jimizhou*, were special administrative units established to accommodate non-Han subjects. While people in the prefectures were mostly non-Han, many non-Han people who conducted farming were also absorbed in standard prefectures. Conversely, the system of subordinate prefectures that governed the Türks and other nomadic people took account of their nomadic mode of economic production more than it did their non-Han background. As a result, whereas subjects in standard prefectures under the *zu-yong-diao* system offered grains and textile for taxes, people of subordinate prefectures were allowed to contribute sheep. Similarly, the Lao people in the Lingnan region only needed to pay half the standard amount of taxes. They achieved this status not by

dint of their foreign ethnicity but because of the Tang court's relative inability to establish direct rule over them.

This model of a political community draws our attention to the controlling side of the empire. Conversely, it questions the degree to which the early Tang empire was truly 'open'. The Tang is generally regarded as a cosmopolitan empire that actively engaged with the outside world and welcomed foreign people and cultures. Valerie Hansen, for instance, has described the Tang period as 'an age of cultural openness', during which the empire was 'enthusiastic about foreign influence' and interaction with peoples of different cultures living or traveling in its territory. [461] However, we might qualify such a picture of 'openness' by considering the state controls imposed on these migrants and travellers and their activities. As the vital criteria for early Tang subjecthood were political and economic ones, measures for maintaining the relationship between the court and its subjects focussed not on Confucian education and its preoccupation with cultural cultivation, but on enforcing restrictions on travel out of the empire. That, in turn, imposed rigid rules to regulate interactions between Tang subjects and foreigners. The court did not allow any Tang subjects, including immigrants, to leave the empire without its approval. In so doing, it aimed to consolidate its control over them, limit the security threat that they might pose if they maintained contacts outside the empire, and retain the resources so necessary to the empire's financial strength. Buddhist pilgrims such as Xuanzang and Jianzhen therefore struggled under the ban to travel abroad for religious missions. In the other direction, too, the court extended restrictions on foreign travellers. It was cautious about the potential harm that foreign visitors could bring to the state, though if the court wanted to use such foreign visitors as Abe no Nakamaro for its own ends, then it would force them to stay in the empire for the rest of their lives. Therefore, the empire's openness extended only to people coming into Tang territory, not to those who sought to depart it. This limitation to the Tang's 'openness' has been largely neglected in previous scholarship.[462]

The empire's controlling side definitively shaped early Tang concepts of subjecthood. These differed from the modern legal status of citizenship, which emphasises distinctions between the civil and political rights of a country's citizens and those of its residents who do not hold citizenship. In view of the actual power and role in imperial governance that ordinary people held in

[461] See Valerie Hansen, *The Open Empire: A History of China to 1600* (New York; London, W. W. Norton & Company, 2000), especially p. 191.

[462] Hansen has noted the Tang state's surveillance of foreign merchants, but she has not extended that discussion to other kinds of traveller or to the extent of Tang's openness more generally. See *ibid*., pp. 208-210.

imperial China, Hilde De Weerdt has proposed that we might see them as 'citizens' of a sort. She has argued that while a notion of 'citizenship' was never theorised in terms of rights, imperial states in practice needed to negotiate with their people since they could never fully dominate the imperial societies under their governance. The state also served to protect the people and to support marginal groups of the empire, such as children, slaves, and the elderly. The relationship between state and society was therefore reciprocal. This reciprocal relationship was imagined as a single 'organic body', the members of which were 'citizens whose actions were required for the community's proper functioning and survival'. De Weerdt argues that this emphasis on political participation and action over legal rights in establishing the relationship of the state to its people was continuous between imperial times and the present.[463] It is true that the relationship between the early Tang imperial court and its subjects could be reciprocal in the sense that its subjects might benefit from state policy. The Tang court granted shares of land to its subjects under the equal field system in exchange for their taxes, for example. Yet such reciprocity was always underpinned by a rigid hierarchy and strict regulation. As such, people were expected to demonstrate loyalty to the state, particularly to the throne, and to offer practical contributions to it. If they failed to do so, they were punished under the law. And it was on these grounds, too, the court justified its restrictions of its subjects' freedom in travel. On the whole, in light of these significant differences, the people under the rule of the Tang court should still be called subjects rather than citizens.

[463] Hilde De Weerdt, 'Considering Citizenship in Imperial Chinese History', in *Citizenship Studies*, vol. 23, no.3 (2019), pp.256-276.

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