

From the Baoshan Chu Bamboo Slips to the Zhangjiashan Han Bamboo Slips: The Evolution of Evidentiary Institutions from the Warring States Period to the Early Han Dynasty

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Abstract

The Baoshan Chu bamboo slips preserve original records of judicial practice in the Warring States state of Chu, while the Zhangjiashan Han bamboo slips document the judicial order of the early Western Han. As direct historical sources, the two corpora make it possible to trace changes in judicial institutions from the pre-Qin period through the Qin and Han dynasties. Their evidentiary systems differed in fundamental ways. Chu practice remained closely connected to the Western Zhou tradition of litigation oaths. Oath-based testimony (*mengzheng*) drew its authority from sacred belief and retained considerable weight in determining the facts of difficult cases. The collection and evaluation of evidence, however, continued to depend heavily on customary rules and local judicial practice. The Zhangjiashan slips reflect a different institutional order. By the early Western Han, the evidentiary system had completed its transition to a secular form. Documentary evidence, physical evidence, inspection, and forensic examination had been incorporated into a diversified framework, with standardized rules governing the collection and assessment of evidence. Evidentiary force no longer rested on fragmented regional practices but on standards applied uniformly throughout the state. In the development of the Chinese legal tradition, this change marked the replacement of an early trust mechanism founded on divine authority by one grounded in secular law. It was an inevitable consequence of the centralized state's effort to construct a unified judicial order.

Keywords

Baoshan Chu bamboo slips; Zhangjiashan Han bamboo slips; evidentiary institutions; judicial transformation; litigation oaths.

1. Introduction

The evidentiary basis for studying judicial institutions from the Warring States period through the Qin and Han dynasties has changed substantially with the continued publication of excavated bamboo and wooden manuscripts since the twentieth century. No longer confined to the limitations of transmitted texts, scholars have been able to reconstruct the operation of early judicial systems in more concrete historical terms. Unearthed in 1987, the Baoshan Chu bamboo slips contain a substantial body of judicial documents dating from the mid-to-late Warring States period. As primary materials, they offer direct evidence of litigation and adjudication in the state of Chu. The Zhangjiashan Han bamboo slips were published in 2001. Among them, the Statutes and Ordinances of the Second Year (*Ernian lüling*) and the Book of Submitted Doubtful Cases (*Zouyan shu*) present a relatively systematic record of the legal

system and judicial practice of the early Western Han. The two corpora thus correspond to distinct judicial settings: one reflects Chu as a major southern state during the Warring States period, while the other records the Han judicial order at the beginning of unified imperial rule. They therefore provide an especially valuable basis for observing the transformation of judicial institutions from Warring States fragmentation to Qin-Han unification.

Previous scholarship has generally concentrated on institutional analyses of individual corpora, such as discussions of oath evidence in the Baoshan Chu slips or analyses of litigation procedure in the Zhangjiashan Han slips. Few studies have systematically compared the two in order to reveal the logic underlying the evolution of evidentiary institutions from Chu to the Qin-Han empires. Yet evidentiary institutions lie at the core of adjudication, and changes in them most clearly reflect shifts in judicial thought and modes of state governance. As a Warring States polity that preserved many older institutions, Chu possessed a strong shamanic tradition, and sacral authority retained a significant place in its judicial system. By contrast, the Qin and Han, building on the legal traditions of the Three Jin states and of Qin, had already constructed a secular and institutionalized evidentiary system. Comparison of the two makes it possible to see how ancient Chinese adjudication gradually evolved from divine judgment toward a rationalized and institutionalized system of adjudication under written law.

2. The Western Zhou Tradition of Divine Adjudication and Oath-Based Justice under Chu Shamanic Culture

2.1. Divine Adjudication and Litigation Oaths in the Western Zhou

Divine adjudication was a dispute-resolution mechanism widely found in early human societies. Its essential feature was reliance on divine power to determine right and wrong. In the Western Zhou, this tradition developed further and eventually evolved into the institutionalized judicial practice of litigation oaths.

As early as the Xia and Shang periods, ordeal had already become an important component of adjudication. The account in the chapter "Clarifying the Existence of Spirits" in the *Mozi*, in which a divine ram decided a case during the time of Lord Zhuang of Qi, is a representative illustration. Wang Liguo and Zhongli Jiao litigated for three years without resolution; the ruler of Qi therefore ordered them to swear an oath before the shrine, after which the divine ram knocked down Zhongli Jiao, who had lied, thereby determining the merits of the case. The still earlier legend of Gao Yao's adjudication—"when guilt was doubtful, he ordered a ram to butt the suspect"—traces the tradition of divine judgment to high antiquity. After the beginning of the Western Zhou, as belief in divine authority developed further, this primitive form of ordeal gradually evolved into a more regularized institution of litigation oaths.

In oracle-bone inscriptions, the graph *meng* (盟) was etymologically connected with sacrificial activity and referred to a ritual addressed to divine beings, while *shi* (誓) conveyed a resolve that could not be withdrawn. The two concepts gradually became associated during the Western Zhou and acquired an established place in judicial practice. The "Officer of Covenants" section of the *Rites of Zhou* records: "When there is litigation, he causes the parties to perform an oath and imprecation." When a private dispute could not be settled on the basis of secular evidence, the authorities required the parties to swear an oath and utter an imprecation, placing the resolution of the case under divine authority. Zheng Xuan understood this procedure as a means of deterring doubtful claims, commenting that "those who lack confidence dare not submit to this oath and imprecation, and litigation is thereby reduced." Jia Gongyan offered a similar explanation: a party uncertain of the merits of the case would hesitate to undergo the ritual, which in turn limited the number of disputes brought forward. Their comments suggest that, by the Western Zhou, litigation oaths had gained legal recognition as a

judicial procedure and were employed particularly when ordinary means could not resolve a difficult case.

Excavated Western Zhou bronze inscriptions attest to the extensive use of litigation oaths in judicial practice. They carried particular weight in civil disputes over land and dependents, where an oath could become the decisive basis for judgment. The dispute involving Mu Niu, recorded in the inscription on the Hu ding, is the best-known instance. Mu Niu and his superior, Hu, each claimed ownership of five dependents. Neither party abandoned his account, and the available secular evidence was insufficient to establish the facts. Bo Yangfu, the judicial official handling the dispute, therefore ordered Mu Niu to swear that the dependents belonged to Hu. Once the oath had been taken, the proceedings came to an immediate end. The same use of oath-taking appears in Li's oath recorded in the Wu Si Wei ding inscription and in the oath of You Wei Mu found in the Dou You Bi ding inscription. In each dispute, the evidence submitted by the parties was insufficient to establish the facts. The oath consequently became the decisive basis on which judgment was reached.

By the Western Zhou, litigation oaths followed an established sequence comprising "issuing the oath" (shi shi), "announcing the oath" (bao shi), and "repeating the oath" (ze shi). During shi shi, the adjudicator gave the defendant a prescribed oath that set out the substance of the decision and required a corresponding pledge. The recorder then read the formula aloud in the act of bao shi, making its terms known to those present for confirmation. Completion came with ze shi, when the defendant repeated the prescribed words. The truthfulness of the statement was guaranteed throughout by divine authority. A person who violated the oath was believed to incur punishment from the gods, and fear of that consequence restrained false statements made in their presence. Completion of the ritual gave the oath final and conclusive force. The person who had sworn could neither retract the statement nor appeal the outcome, since the decision was understood to have been rendered by divine power.

2.2. The Decline of Oath-Taking Institutions in the Central Plains States

Chinese society underwent substantial structural change from the Spring and Autumn period onward. The development of productive forces altered existing social relations, expanding the space available for individual autonomy and bringing human agency into a more prominent position. Wang Qiao understands the intellectual change that occurred in the Central Plains states during the Spring and Autumn and Warring States periods as a movement from a "god-centered" outlook to a "human-centered" one; as individual autonomy grew, the foundation of an oath system sustained by fear of divine punishment steadily weakened.[1] The effects of this change were particularly visible in legal practice. Litigants no longer had to establish the validity of their claims by swearing before divine beings. Physical evidence, human testimony, and other secular forms of proof increasingly performed that task. Reliance on divine intervention was also losing ground in intellectual life. Confucian thinkers gave priority to human affairs and kept a certain distance from ghosts and spirits. Legalist arguments were based entirely on secular utility. Mohist thought still acknowledged Heaven's mandate, yet its mode of reasoning remained clearly rational. Oath rituals grounded in divine belief could hardly preserve their former authority once this intellectual foundation began to recede.

The spread of secular proof gave judicial authorities practical alternatives to oath-taking and made its institutional decline possible. Niu Jiequn observes that, during the Spring and Autumn and Warring States periods, oath systems became increasingly "ritualized and secularized," relations between humans and divine beings gradually loosened, and secular guarantees such as hostages (zhi) and gifts (hui) emerged, marking the moment when "the gods descended from the altar and ultimately entered the secular world." [2] Earlier ritual forms remained visible in the covenant texts from Houma and Wenxian, though mainly within political covenants. Judicial records contain far fewer instances in which oaths were used to establish proof. The casting of

penal tripods in Jin and the promulgation of written penal rules in Zheng reflected a more public and procedural mode of applying law. Rules governing the admission and evaluation of evidence also became relatively explicit. As these changes took hold, the oath gradually lost its earlier judicial function and disappeared from litigation in the Central Plains states as a distinctly religious form of proof.

2.3. The Chu Exception: The Penetration of Shamanic Culture into Adjudication

Chu followed a different course from the Central Plains states, preserving oath-based justice in a comparatively complete form even as the institution declined elsewhere. Its persistence must be considered in relation to Chu's distinctive cultural character. The people of Chu were conscious of their difference from the Central Plains states and openly expressed that distinction. In the "Hereditary House of Chu" of the Records of the Grand Historian, the Chu ruler Xiong Qu is recorded as declaring, "We are barbarians; we do not share the titles and posthumous names of the Central States." [3] King Wu of Chu made the same identification in the more direct statement, "We are barbarians." [4] Such declarations were neither expressions of modesty nor ironic remarks. These declarations affirmed a cultural tradition that the people of Chu understood as their own. Located between the Yangzi and Han rivers, Chu absorbed a substantial influence from the Zhou culture of the Central Plains, but this contact did not erase its local character. Ban Gu described Chu customs in the "Treatise on Geography" of the Book of Han as "believing in shamans and spirits and attaching great importance to excessive sacrifices." [5] His description captures one of the most visible differences between Chu culture and that of the Central Plains.

Shamanic practice in Chu had deep historical roots and was present in state institutions as well as in ordinary life. The court maintained specialized shaman-officials. Hereditary official families represented by Guan Shefu practiced shamanism and acted as intermediaries between the human and divine worlds. During the reign of King Zhao of Chu, Wangsun Yu traveled to Jin on a diplomatic mission and referred to Guan Shefu as Chu's "foremost national treasure." [6] Such an assessment reflects the political standing enjoyed by shaman-officials. Chu rulers also took part directly in sacrificial activity and often assumed priestly functions. King Ling of Chu was said to have "believed in the arts of shamans and invocators and personally danced before the altar." [7] Outside the court, divination, sacrifice, and prayer permeated everyday life. Excavated Chu manuscripts on divination and sacrifice repeatedly record "ritual exorcism" (gongjie), "ritual removal" (gongchu), and "oath curses" (mengzhou). The presence of this shamanic ethos from the royal court down to local society supplied the cultural conditions under which oaths continued to operate in adjudication.

The persistence of shamanic traditions did not place Chu outside the wider movement of institutional reform and state strengthening during the Warring States period. King Dao of Chu appointed Wu Qi to carry out a reform program that included "clarifying laws and scrutinizing ordinances" and "abolishing unnecessary offices." [8] The measures sought to establish a more comprehensive structure of state institutions. Chu later enacted xianling (statutes and ordinances), indicating that its legal institutions continued to develop. This process did not follow the same course as reform in Qin. Qin decisively rejected older practices in favor of a comprehensive system of written law, whereas institutional change in Chu allowed old and new elements to remain in operation together. Written law gained a wider role and the official structure became increasingly complete, but indigenous cultural traditions still shaped the actual working of institutions. The oath system gives particularly clear expression to this pattern. It was not removed by the emerging legal order. Instead, an ancient evidentiary practice was absorbed into formal judicial procedure and continued to occupy a central position in determining the facts of a case.

2.4. The Practice of Oath-Based Adjudication in the Baoshan Chu Bamboo Slips

The Baoshan Chu bamboo slips offer direct evidence of how oath-based justice operated in Chu. Lü Jing and Cheng Boli distinguish three settings in which oaths were used: alliances between states, oath-based testimony in legal proceedings, and oath curses associated with divination and sacrificial prayer.[9] Of these practices, oath-based testimony (*mengzheng*) provides the clearest instance of oath ritual being incorporated into judicial institutions.

The meaning of *mengzheng* remains disputed. Hirose Kunio reads both *shi* ("oath") in bronze inscriptions and *meng* ("covenant/oath") in the Baoshan Chu slips as litigation oaths used to bring proceedings to an end. More specifically, he describes *meng* in litigation as "an oath concerning the determination of facts." [10] Under this interpretation, *meng* and *zheng* (testimony/evidence) were essentially equivalent within the litigation process. Chen Wei separates the two terms and assigns them to successive procedural stages. In his account, *meng* was a ritual performed before a witness gave testimony, serving to guarantee the truthfulness of the evidence that followed. [11] The point of disagreement lies in the procedural character of *mengzheng*: Hirose treats the oath itself as evidence with a fact-finding function, while Chen regards it as a preliminary procedure conducted before testimony. The position adopted here is that *meng* and *zheng* were closely integrated in actual practice. Swearing the oath was itself part of the evidentiary act, so a witness's pledge before divine beings operated at once as a procedural requirement and as substantive evidence.

The "Shu Qing Homicide Case" recorded on Baoshan slips 131-139 provides the clearest example of oath-based adjudication in Chu. The case arose in the eleventh year of King Huai of Chu (318 BCE). Shu Qing accused Ke Mao and Huan Mao of Yin of killing his elder brother, Shu Ren. After an unjust local adjudication, Shu Qing appealed directly to the king of Chu, and the matter was transferred to the Left Administrator for handling. [12] During the investigation, the king ordered the parties to undergo an oath-based testimony procedure. Slips 136-137 state: "On the *guihai* day of the *Xiayi* month, the officials in charge conducted oath-based testimony for them. There were 211 persons in all. After taking the oath, they all said: 'We have indeed heard and know that Shu Qing killed Huan Mao, and that Zhou and Cheng were together with Qing; we have heard and know that Ke Mao and Huan Mao did not kill Shu Ren.'" [13] After swearing, all 211 participants unanimously identified Shu Qing as the killer, thereby reversing the direction of the case. This record shows that the oath was a decisive step in determining the facts and that statements made by participants under divine supervision possessed substantial evidentiary weight.

The *mengzheng* procedure also included examination of witness competence. The reverse sides of slips 138-139 record that the Left Administrator, acting on the king's command, informed Lord Ziwan: "One who bears enmity or resentment toward a party may not testify; those of the same shrine community, neighborhood, or office may not testify; close relatives extending to paternal cousins may not testify." [14] This rule corresponds to Liu Yutang and Jia Jidong's account of witness qualification in Chu oath-based testimony: enemies, members of the same shrine community or neighborhood, colleagues in the same office, and paternal cousins were all excluded. [15] The existence of such eligibility rules demonstrates that oath-based adjudication in Chu was not simply a surviving custom from an earlier age, but had developed a relatively mature body of procedural rules.

2.5. Cultural Characteristics of Oath-Based Justice in Chu

The Baoshan materials bring into view two closely related features of Chu oath-based justice. At its foundation was a judicial trust mechanism grounded in divine authority. While the Central Plains states increasingly relied on secular forms of evidence, Chu continued to place factual determination under divine supervision, with the evidentiary force of an oath derived from the religious ritual itself. This practice also carried forward the Western Zhou institution of

litigation oaths. Wang Qiao describes “the oaths in the Baoshan judicial slips” as “a Warring States survival of Western Zhou litigation oaths.”[16] Yet Chu did more than preserve an older institution. Mengzheng adjudication had become more institutionalized and procedurally developed than its Western Zhou predecessor. The examination of witness competence, the initiation of proceedings, and the production of documentary records had been incorporated into a relatively complete system. Oath-taking was therefore no longer limited to an early act of swearing before divine beings.

Seen in this light, Chu oath-based justice may be understood as an attempt at the “rationalization of religion.” Divine supervision remained visible in its external form, but the internal operation of the institution had absorbed elements of procedural justice. Chu’s deeply rooted shamanic culture furnished the basis on which oath evidence could survive. Its incorporation into an established institutional form, however, was made possible by the expansion of legal institutions during the Warring States period. The intersection of these two conditions allowed an ancient religious mode of proof to remain operative within a judicial order that was becoming increasingly formalized. The Baoshan materials record no single, linear path in the development of Warring States evidentiary institutions. Several forms continued to operate at the same time, giving the transition a pluralistic rather than uniform character.

3. Oath Evidence in the Baoshan Chu Bamboo Slips

3.1. Overview of the Judicial Documents in the Baoshan Chu Slips

In 1987, the Hubei Jing-Sha Railway Archaeological Team excavated Chu Tomb No. 2 at Baoshan in Jingmen, Hubei. The excavation yielded an important group of bamboo slips dating to the Warring States state of Chu. The tomb occupant was Shao Tuo, who held the office of Left Administrator under King Huai of Chu (r. 328–299 BCE).[17] Within the Chu central government, the Left Administrator was a judicial official charged with adjudicative responsibilities. A substantial number of the slips are archival documents generated through judicial activity. They record the actual operation of Chu law and provide primary evidence for studying its legal system in the mid-to-late Warring States period.

The Baoshan corpus contains 278 bamboo slips. Approximately 180 of them, amounting to roughly two-thirds of the entire corpus, are judicial documents.[18] Their contents are varied. Some are reports and responses concerning cases submitted by local officials to higher authorities for decision. Others preserve records of judicial investigations, including the questioning of parties and witnesses. A separate group documents litigation oaths and oath-based testimony, recording how evidence was taken through ritual oath procedures. The corpus also includes case files relating to the adjudication of particular disputes. Homicide, theft, status-registration disputes, and land disputes all appear among the cases. The homicide case involving Shu Qing of Yin (slips 131–139) has received the greatest scholarly attention. Its comparatively complete documentation and clear procedural sequence offer the clearest account of how Chu’s oath-based evidentiary institution operated in practice.[19] A number of other cases concern household registration and possession of land, showing that Chu judicial jurisdiction extended across a broad range of disputes.

The discovery of the Baoshan slips filled a substantial gap in the surviving materials on Chu law in the mid-to-late Warring States period. Before the excavation, knowledge of that legal system came largely from scattered references in transmitted texts. These included fragments in the *Lüshi chunqiu* and Han Feizi concerning the Chu rules on “punishing those who discarded ashes on the road” and the “law of the thatched gate.”[20] The slips replaced this fragmentary picture with a systematic body of judicial archives. They allow the course of Chu adjudication to be

followed from case acceptance and investigation through evidence collection and final decision. Within this process, oath-based evidence was the most distinctive institutional feature.

3.2. The Institutional Operation of Oaths as a Core Form of Evidence

Mengzheng was a distinctive form of evidence in Chu adjudication in which judicial officials presided over oaths sworn by parties and witnesses to guarantee the truthfulness of their statements. Li Ling explains it as "testifying under oath," whereby witnesses used an oath to guarantee their testimony.[21] The institution relied on divine deterrence to ensure truthfulness: a witness who testified falsely would perjure themselves before the gods and incur divine punishment. Such evidence, backed by belief in divine beings, was uncommon in the judicial practice of other pre-Qin states and constituted a distinctive feature of Chu law.

Chu law imposed explicit restrictions on witness competence. The reverse sides of Baoshan slips 131-139 state: "Those of the same shrine community, neighborhood, or office may not testify; close relatives extending to paternal cousins may not testify." [22] More specifically, persons who sacrificed at the same community shrine, neighbors living in the same li, officials serving in the same office, and close paternal relatives were prohibited from testifying for one another. The purpose was to prevent interested persons from shielding one another and to safeguard the reliability and impartiality of testimony. The existence of witness-eligibility rules indicates that Chu adjudication already attached considerable importance to evidentiary reliability.

The Baoshan slips record the specific mengzheng procedure in considerable detail. Slips 132-133, for example, state: "The officials in charge conducted oath-based testimony for them; there were 211 persons in all. After taking the oath, they all said..." [23] The ritual was therefore presided over by the "officials in charge," and witnesses could provide testimony only after completing the oath before divine beings. The phrase "after taking the oath" is especially significant: it indicates that oath-taking was a prerequisite to testimony and that a person who had not undergone the ritual was not eligible to testify. The procedure was thus clearly formalized and was not conducted arbitrarily.

The Shu Qing homicide case (Baoshan slips 131-139) is the most representative case for analyzing the oath-based evidentiary system. The basic facts were as follows: Shu Qing of Yin was accused of homicide; dissatisfied with the initial judgment, he appealed to a higher judicial authority.[24] During adjudication, Shu Qing produced numerous witnesses. After their qualifications were reviewed, however, some were disqualified because they lived in the same neighborhood or served in the same office as Shu Qing.[25] The remaining eligible witnesses participated in the mengzheng ritual and testified after swearing before divine beings.

The most significant feature of the case is that, even after the mengzheng procedure, it remained unresolved for a prolonged period. The slips show that the testimony of different witnesses conflicted, and the oath itself could not eliminate those contradictions.[26] This reveals an inherent limitation of oath evidence: it could ensure only that witnesses were willing to "tell the truth," not that what they "knew" corresponded to objective reality. Differences in memory and perspective could lead witnesses to describe the same event differently, and oath-taking could not remedy that problem. The Shu Qing case is therefore an especially valuable example of both the operation and the limitations of oath-based evidence. Jia Lianxiang's detailed analysis of the underlying circumstances of the case further reveals the more complex legal relationships behind it.[27]

Scholars have advanced three principal views concerning the relationship between meng and zheng. Hirose Kunio treats them as equivalent in litigation: meng itself was zheng. In his view, shi in bronze inscriptions and meng in the Baoshan slips both denoted a form of oath within litigation and served to terminate proceedings; the function of meng was an oath concerning factual determination, a prerequisite for judgment.[28] Chen Wei disagrees, arguing that meng

and zheng were separate matters and successive stages. Meng guaranteed the truthfulness of the evidence and was a necessary adjunct to zheng, but was not itself zheng.[29] Nan Yuquan interprets meng as oath-taking or mengzheng, an important procedure in Chu judicial fact-finding and a distinctive feature of the Chu judicial system.[30] Wang Jie supports the integrated interpretation, maintaining that the actual records in the Baoshan slips show meng and zheng to have been inseparable and that sharply distinguishing them is inconsistent with Chu practice.[31]

On balance, the integrated interpretation of mengzheng better accords with the Baoshan materials. The compound mengzheng appears repeatedly in the slips, and oath-taking itself was an indispensable part of evidence collection; in judicial practice, the two were unified. Chen Wei's division of meng and zheng into two stages offers analytical convenience, but does not fully reflect the terminology and practice recorded in the manuscripts. At the same time, their integration does not mean that the procedure could be undertaken at will. On the contrary, it was governed by strict rules of witness competence and ritual procedure.

3.3. Characteristics and Limitations of Chu Oath Evidence

The Baoshan records disclose several characteristics of Chu's oath-based evidentiary system. At the same time, they make visible the limits that accompanied its operation.

The evidentiary force of an oath was rooted in a strongly sacral conception of justice and rested ultimately on fear of divine punishment. Witnesses invoked divine beings as guarantors of their words and called punishment upon themselves if their statements proved false.[32] Such a mechanism could operate only where belief in divine power was broadly shared. Lü Jing and Cheng Boli distinguish three settings in which Chu oaths were used: interstate alliances, judicial proceedings, and divination and sacrificial prayer.[33] Judicial oath-taking was therefore part of a much wider ritual practice within Chu society, rather than an institution confined to litigation. Its survival and continued development were closely connected with the prevalence of shamanic customs and the depth of religious belief. Liu Yutang and Jia Jidong accordingly treat mengzheng as one of the principal differences between Chu and Qin adjudication: Qin moved rapidly toward secularization and rationalization after Shang Yang's reforms, whereas Chu preserved a strongly sacral mode of justice.[34]

The institution also retained a pronounced regional character. The system recorded in the Baoshan slips was concentrated in the Jiang-Han region of Chu and lacked rules applied uniformly across the state. Oath rituals may have varied among localities, while the detailed procedures governing mengzheng were not necessarily the same throughout Chu territory. Qin followed a markedly different course after Shang Yang's reforms, imposing a unified legal system across its jurisdiction. Chu adjudication continued to leave more room for inherited customs and local practice. Oath evidence was one of the clearest expressions of this customary-law character.

Formalism was another feature of the system. In its actual operation, compliance with prescribed procedure could carry more weight than the substance of a witness's statement. Completion of the required oath ritual gave testimony evidentiary force. Failure to meet a procedural condition could lead to exclusion, even where the statement itself may have been truthful. The Shu Qing case records the disqualification of witnesses because they lived in the same neighborhood or served in the same office.[35] Their exclusion illustrates the practical effect of this formalist rule. Attention to procedure had a rational basis in procedural justice, but rigid dependence on formal requirements could also separate the result of adjudication from substantive justice.

The probative force of an oath was itself uncertain. Oath-taking remained an important means of proof, but adjudicators could not rely on it alone and still had to consider other relevant factors. The prolonged failure to decide the Shu Qing case exposes this difficulty. When

conflicting accounts had each been confirmed by oath, the adjudicator lacked an effective means of determining which one was true. Fear of divine punishment might restrain a witness's subjective willingness to lie, yet it could not ensure that the testimony was objectively accurate. Several witnesses could all complete the prescribed ritual and still contradict one another, leaving the adjudicator without a clear basis for choosing between their statements.

Chu oath evidence inherited important elements from Western Zhou litigation oaths, though it did not merely reproduce the earlier institution. Both systems invoked divine authority to secure truthful statements and recognized oaths as having an evidentiary function in judicial proceedings. Their administrative structures were different. Western Zhou oaths were generally conducted under the supervision of royal officials and consequently bore a clearer character as state law. Chu oaths were more often administered locally, under a system in which central control over local adjudication remained comparatively loose. Their scope of application had also expanded. Western Zhou oaths appeared chiefly in civil disputes involving land and dependents, whereas Chu employed them in criminal proceedings, including homicide cases.[36] Changes in administrative setting and case coverage gave oath evidence a new institutional form in Chu. They also indicate that Chu adjudication depended on this mode of proof more heavily than Western Zhou justice had.

Among the institutions recorded in the Baoshan slips, oath-based evidence remains the most distinctive feature of Chu adjudication. Divine belief provided its foundation, and the mengzheng ritual formed the center of its procedure. Rules developed around the competence of witnesses, the collection of evidence under oath, and the evaluation of testimony. This system performed a substantial judicial function within Chu's particular cultural environment, although its sacral foundation and formalist operation limited its ability to deal with complex disputes. After Qin unified the six states and early Han law developed further, a more secular and rationalized evidentiary regime gradually replaced the oath-centered system. In the Han judicial procedures preserved in the Zhangjiashan slips, oath-taking as a means of proof had almost entirely disappeared.

4. The Secular Evidentiary System in the Zhangjiashan Han Bamboo Slips

Chu judicial practice reflected in the Baoshan slips depended heavily on oaths as a sacral means of evidence collection, with witnesses guaranteeing their statements by swearing before divine beings. In the Han procedures recorded in the Zhangjiashan slips, oath-taking is almost entirely absent. In its place appears a secular and diversified evidentiary system supported by the authority of state law.

4.1. Overview of the Zhangjiashan Han Legal Manuscripts

The Zhangjiashan Han bamboo slips were excavated in December 1983 from Han Tomb No. 247 at Zhangjiashan in Jiangling County, Hubei, and the corpus was published by Cultural Relics Press in 2001.[37] The Zhangjiashan corpus contains more than 1,200 bamboo slips. Of these materials, the Statutes and Ordinances of the Second Year and the Book of Submitted Doubtful Cases bear most directly on legal institutions.

The Statutes and Ordinances of the Second Year is written on 526 slips and includes twenty-seven statutes together with one collection of ordinances. Drawing on the posthumous title King Xuan of Lü and the last year entered in the accompanying calendar—the second year of Empress Lü, or 186 BCE—the editorial team concluded that the manuscript selected statutes and ordinances in force during that year.[38] Its twenty-eight sections cover a wide range of matters. They include the Statutes on Assault (Zei lǚ), the Statutes on Theft (Dao lǚ), the Statutes on the Composition of Judgments (Ju lǚ), the Statutes on Denunciations (Gao lǚ), the Statutes on Households (Hu lǚ), and the Statutes on Enrollment (Fu lǚ). Their provisions reach into

nearly every area of contemporary social life. The Book of Submitted Doubtful Cases consists of 228 slips and preserves twenty-two cases dating from the Spring and Autumn period to the early Han. These were difficult cases sent by local judicial authorities to the central government for decision.[39] Although they span several centuries, the cases place the collection, scrutiny, and use of evidence by Han officials within concrete judicial settings.

The statutory rules preserved in the Statutes and Ordinances of the Second Year and the judicial cases recorded in the Book of Submitted Doubtful Cases reflect a fundamental restructuring of evidentiary institutions in the early Han. The reliability of evidence was no longer secured through faith in divine authority. It now depended on state law and on rules created within judicial institutions. Li Junming regards the Zhangjiashan slips as systematic and comprehensive materials for the study of the early Western Han legal system, since the statutory provisions and case records corroborate one another and disclose the operation of a mature secular evidentiary regime as a whole.[40]

4.2. The Establishment of a Plural Evidentiary System

By the early Han, a diversified system of secular evidence had taken shape. Cheng Zhengju classifies Han evidence into documentary evidence, physical evidence, witness testimony, forensic examination, inspection records, and statements by the parties; he identifies such principles of proof as the free evaluation of evidence and adjudication according to the actual facts.[41] Wang Tianxiao likewise notes that Qin and Han judicial officials collected evidence from multiple perspectives and emphasized the mutual corroboration of statements and evidence and adjudication according to the actual facts.[42]

Documentary evidence occupied an important place in early Han justice. The Statutes on Households and the Statutes on Enrollment contain detailed rules concerning household registers, which proved a party's identity, age, rank, and kinship and thus served as an important basis for determining legal capacity, inheritance rights, and the grade of punishment. The Statutes on Households provide: "In the eighth month of each year, the village section chief, officials, and scribes shall jointly verify the household registers, and a duplicate shall be stored at the court." [43] Tallies and contracts also constituted important documentary evidence. The same statute required property inheritance and division to be "verified by comparing the written tallies" and provided that "where there is a dispute, proceed on the basis of the written tallies; where there is no written tally, do not hear the claim." [44] Statutory texts themselves also served as grounds of judgment. Decisions in several cases in the Book of Submitted Doubtful Cases directly quote statutory provisions, showing that "deciding according to the statutes" had become a basic principle of adjudication. Aishu, a generic term for judicial documents such as interrogation records and examination reports, likewise constituted important documentary evidence for determining facts.

Physical evidence included stolen property in theft cases and weapons in homicide cases. In Case 17 of the Book of Submitted Doubtful Cases, the "Petition for a New Finding of Fact by Jiang, a Tattooed Wall-Builder," the owner identified a stolen ox by its external characteristics: "The ox that Mao had stolen was presented to He. He recognized it and said, 'It is my ox.'"[45] This identification relied on the object's distinctive physical characteristics. In Case 16, the "Case of the Acting Magistrate's Assistant of Xinqi under the Governor of Huaiyang," the investigation of the murder of the prison scribe Wu likewise depended on examination of the corpse and traces at the scene. Physical evidence was generally inspected and recorded in the presence of specialized officials such as scribes. Their records and findings became part of the aishu and possessed legally recognized evidentiary force.

Witness testimony was an important source of evidence, but differed fundamentally from Chu mengzheng. Han witnesses no longer needed to perform an oath ritual; instead, they were required to make truthful statements under official examination. The Statutes and Ordinances

of the Second Year required officials, before questioning a witness, to issue a formal warning explaining the legal consequences of "a witness failing to state the facts." [46] Witnesses could include relatives, neighbors, and neighborhood heads, whose statements corroborated the facts from different perspectives.

Statements by the parties included the complainant's accusation (gao) and the accused's deposition. An accusation had to be supported by evidence, while an official charge (he) could be brought only after investigation and evidence collection. Concerning the accused's deposition, the statute on interrogating cases in the Statutes and Ordinances of the Second Year provides: "One must first listen fully to what each person says and record it, allowing each to complete the statement. Even if one knows that the person is lying, one should not immediately interrogate him further." [47] Officials were therefore required to hear and record the accused's entire account before challenging it, even when they knew it to be false. This rule protected the accused's procedural right to make a full statement.

Inspection and forensic examination constituted the most specialized category of evidence. The Book of Submitted Doubtful Cases shows that a relatively systematic inspection regime had already been established. During the rehearing of the "Petition for a New Finding of Fact by Jiang, a Tattooed Wall-Builder," the reviewing officials "examined Mao's back: there were thirteen whipping welts as thick as a finger...and densely clustered marks too numerous to count." [48] Through a professional examination of the injuries on Mao's back, the reviewing officials confirmed that a confession had been extracted by torture and thereby overturned the original judgment. This technically grounded expert assessment stood in sharp contrast to Chu's reliance on divine will to determine right and wrong.

4.3. Standardization of Evidence Collection and Evaluation

The "mutual corroboration of statements and evidence" was an important early Han principle of proof: an accused person's deposition could serve as the basis for a decision only when corroborated by other evidence. In Case 15 of the Book of Submitted Doubtful Cases, the "Case of Hui, Magistrate of Liyang, Stealing Government Grain," Hui's confession, the testimony of the witnesses Xing and Yi, and the verified value of the stolen property corroborated one another. The final finding was: "Hui, an official, stole property worth more than 660 cash; this is verified." [49] In the case of Jiang's petition for a new finding of fact, the first adjudication found Jiang guilty solely on the basis of a confession extracted under torture. The rehearing, by contrast, cross-checked the examination of injuries, witness testimony, and statements by the original officials, and ultimately found that "Jiang did not conspire with Mao to steal the ox." [50] The extraction of confessions by torture was subject to strict procedural limits. The statute on interrogating cases provides: "When the deposition has been fully recorded but the matter remains unresolved, only then question the person about the points requiring clarification...When questioning has been exhausted and the person has repeatedly revised the statement without confessing, if the statute permits beating and coercive interrogation, only then may beating and coercive interrogation be used." [51] Torture could therefore be employed only after other methods of examination had been exhausted and only where the law expressly authorized it. The numerous oath rituals in the Baoshan slips suggest official distrust of the truthfulness of statements and recourse to divine deterrence; Han law instead incorporated coercive interrogation within statutory procedure, replacing divine power with institutional rules as the guarantee of reliability. [52]

The free evaluation of evidence and adjudication according to law operated in parallel. On the one hand, expressions such as "verified" (shen) and "all verified" (jie shen) in the Book of Submitted Doubtful Cases indicate that the adjudicator had formed an internal conviction concerning the facts. Shen meant true or verified and therefore implied a standard of proof. [53] On the other hand, adjudicators were required to "decide according to the statutes." In Case 16,

for example, the judgment cited provisions one by one: "The statute provides: one who kills another as a bandit shall be executed in the marketplace" and "The statute provides: one who releases a prisoner receives the same punishment as the prisoner." [54] In doubtful cases, punishment was mitigated.

The institutions of petitioning for a new finding of fact (qiju) and reviewing a case (fuyu) provided remedial channels for evidentiary review. The Statutes on the Composition of Judgments in the Statutes and Ordinances of the Second Year provide: "When a criminal case has been decided and the convicted person believes the punishment inappropriate and wishes to petition for a new finding of fact, permit it...Those petitioning shall each make a statement in the county or circuit where they are located. The magistrate, chief, or assistant of the county or circuit shall carefully hear and record the petition and transmit the case to the competent official receiving a salary of two thousand bushels, who shall order a metropolitan official to review it." [55] The case of Jiang's petition is a typical application. After being sentenced to tattooing and service as a wall-builder, Jiang appealed, and the Commandant of Justice dispatched a metropolitan official to review the original case. The reviewing officials re-examined the defendant and witnesses from the original proceedings, inspected Mao's injuries from torture, and questioned the officials who had conducted the original adjudication. After comprehensively reassessing the evidence, they reversed the original judgment. The design of this institution shows that the early Han judicial system used hierarchical supervision to correct possible errors in evidentiary review.

In sum, the early Han had established a secular and diversified evidentiary system grounded in the authority of state law. It rested on documentary evidence, physical evidence, witness testimony, statements by the parties, and inspection and forensic examination; adopted mutual corroboration between statements and evidence as a principle of proof; governed evidence collection through statutory procedure; and provided petitions for a new finding of fact and case review as remedies. Compared with Chu's oath-centered model of evidence collection, the Han system represented a qualitative advance in evidentiary reliability, procedural regularity, and the predictability of adjudication.

5. From Chu to Han: The Evolution of Evidentiary Institutions and Judicial Transformation

The preceding sections have examined the evidentiary institutions reflected in the Baoshan Chu and Zhangjiashan Han slips and revealed a profound transformation in adjudication from the mid-to-late Warring States period to the early Western Han. Building on that analysis, this section considers the internal logic and historical significance of the transformation across three dimensions: the basis of trust, normative form, and historical legacy.

5.1. From Divine Authority to Secular Law: The Transformation of the Basis of Trust

Chu evidentiary institutions were rooted in belief in divine beings. The binding force of mengzheng in the Baoshan slips did not derive from legal sanctions imposed by human authorities, but from the fear of divine punishment felt by parties and witnesses. During the examination by the Officer of Criminal Justice recorded on slips 120-123, the parties were repeatedly required to act "after taking the oath"; witnesses had to swear before divine beings to guarantee the truth of their statements. Statements made "after taking the oath" were regarded as words spoken under divine supervision and thus possessed special evidentiary force. [56] Witnesses in the ritual were not merely narrators of facts, but guarantors who placed themselves under divine sanction. The institution could operate effectively only because belief

in divine beings was widespread and deeply rooted in Chu society, particularly within the religious environment created by its shamanic tradition.[57]

Han evidentiary institutions rested on an entirely different basis of trust. Oath-taking is almost absent from the Statutes and Ordinances of the Second Year and the Book of Submitted Doubtful Cases. The reliability of evidence was no longer grounded in divine will, but guaranteed by state legal procedure. The binding force of witness testimony derived from explicit legal responsibility: the Statutes and Ordinances of the Second Year punished "a witness who fails to state the facts," thereby compelling truthful testimony.[58] Even coercive interrogation derived its legality from statutory authorization rather than divine will. The Statutes on the Composition of Judgments strictly regulated the conditions and procedure for its use, requiring officials to "first listen fully to the person's words and record them" and permitting beating only after other methods of evidence collection had been exhausted.[59] State law itself had thus become the highest authority in judicial activity.

The disappearance of oaths from legal history followed a profound historical logic. After unifying the six states, Qin imposed uniform laws and standards, brought local shamanic customs under state control, and restricted the intervention of popular sacral authority in adjudication. The Han inherited the Qin system. A centralized state no longer needed local divine authority to maintain judicial order, because the authority of state law could independently sustain judicial operations. At the same time, the rise of Confucian rationalism challenged divine adjudication at the level of ideas. Shiga Shuzo argues that oaths played an important role in the formation of law, but that, as written law developed and the state became rationalized, their legal function gradually weakened and ultimately disappeared from adjudication.[60] This assessment accords with the general trajectory of ancient Chinese legal development.

5.2. From Custom to Written Law: The Evolution of Normative Form

Chu's oath-based evidentiary system displayed pronounced characteristics of customary law. The mengzheng procedures recorded in the Baoshan slips lacked a uniform basis in state legislation and depended primarily on local Chu traditions and judicial practice. Rules on witness competence, such as the prohibition on testimony by persons of the same shrine community, neighborhood, or office, had a normative character but are documented only sporadically in individual case documents and did not form a systematic body of rules.[61] Procedures also varied between cases, indicating a limited degree of standardization. This fragmented and local normative form was closely connected to Chu's relatively decentralized political structure.

Han evidentiary institutions, by contrast, were recast in statutory form. The Statutes and Ordinances of the Second Year systematically regulated evidentiary matters through state law: types of evidence, collection procedures, standards of evaluation, review mechanisms, and remedies were all governed by explicit provisions.[62] A relatively complete evidentiary framework took shape through the interaction of several statutory rules. Provisions governing coercive interrogation in the Statutes on the Composition of Judgments stood alongside the requirement in the Statutes on Denunciations that denunciations have evidentiary support and the procedures in the Statutes on Checking for verifying documentary evidence. Once applied throughout the empire, these rules reduced the influence of locally defined judicial practices and brought adjudication within a legal order established uniformly by the state.

The operation of this framework presupposed a unified state with the capacity to enforce a common judicial order. Having conquered the six states, the First Emperor of Qin sought unification in cultural, institutional, and social life by "standardizing the script, the axle widths of vehicles, and norms of conduct." [63] Legal unification formed a central part of that effort. As Qin law was extended across the territories of the former states, the divisions sustained by

regional customary laws were gradually broken down. Although the early Han altered parts of the Qin system, it preserved its basic structure and carried the process of legal unification further. The location of the Zhangjiashan slips makes this continuity especially clear. They were excavated in the Jiang-Han region, which had once formed part of Chu territory, yet the applicable law was the Han court's uniform Statutes and Ordinances of the Second Year, not the former Chu legal system.[64] The contrast indicates that direct central control over local judicial affairs had become firmly established.

5.3. Laying the Foundations of the Evidentiary Tradition of the Chinese Legal System

The reshaping of evidentiary institutions during the Qin-Han transition occupied a foundational place in Chinese legal history. The regime preserved in the Statutes and Ordinances of the Second Year established an important basis for the later Chinese legal tradition's attention to evidence and judicial procedure. Under the principle of mutual corroboration between statements and evidence, a deposition could not support a judicial decision unless other evidence confirmed it. This rule imposed a strict requirement of evidentiary sufficiency.[65] Inspection and expert examination were also brought within standardized procedures. Judicial officials were required to examine crime scenes, corpses, and relevant objects in person and to record their findings in writing. These practices initiated a durable tradition in which material evidence served as an important basis for adjudication.

The influence of these institutions extended well beyond the Han. Provisions in the Tang Code with Commentary governing "conviction on the testimony of multiple witnesses" and "limits on the duration of coercive examination" carried forward the Han principles of mutual corroboration and restrictions on torture.[66] Inspection procedures became more detailed during the Song, while the forensic knowledge later assembled in *The Washing Away of Wrongs* developed from the tradition of judicial inspection established in the Qin and Han.[67] The basic structure of evidentiary rules found in Ming and Qing statutes and substatutes can likewise be traced to the institutional model of the early Han. China's evidentiary tradition thus emerged through a long process of development beginning in the Qin and Han, rather than through a sudden act of creation.

The secularization and rationalization of evidence also belonged to the larger process through which the centralized state was constructed. Judicial rationalization required adjudication to be released from the constraints of divine will and local custom, then placed under the authority of uniform state law.[68] The movement from divine judgment toward secular adjudication formed a general tendency in the development of human legal civilization. Ancient China shared important features with other civilizations: written law displaced divine judgment, and state law replaced customary law. Its path nonetheless had a distinctive character. China did not pass through a fully developed stage of religious adjudication, but completed its secular transition during the formation of the early state.[69] Excavated manuscripts supply direct documentary evidence of this process. They make it possible to move beyond the limits of transmitted texts and reconstruct the early development of judicial rationalization in China.

6. Conclusion

Taking the Baoshan Chu and Zhangjiashan Han bamboo slips as its core materials, this article has examined the evolution of evidentiary institutions from the mid-to-late Warring States period to the early Western Han and draws the following conclusions.

The Baoshan Chu slips reveal a sacral evidentiary regime centered on oath-taking. Within this system, judicial legitimacy rested on belief in divine beings; mengzheng was the key means of obtaining evidence; and the binding force on witnesses derived from fear of divine punishment.

The institution survived because of Chu's shamanic cultural tradition and stood in contrast to the gradual decline of oath-taking in the Central Plains. The Zhangjiashan Han slips, by contrast, reveal a secular evidentiary system grounded in the authority of state law. Evidentiary reliability was guaranteed by legal procedure, witnesses were constrained by legal responsibility, the legality of coercive interrogation derived from statutory authorization, and mutual corroboration between statements and evidence became a basic principle of evidentiary evaluation.

The differences between the two systems concerned not merely evidentiary form, but a fundamental divergence in judicial thought. The former entrusted justice to divine will; the latter placed justice under the control of state law. The deeper forces behind the transition operated at three levels: culturally, the replacement of Chu shamanic customs by Qin-Han rationalism; politically, the institutional shift from local decentralization to centralization; and legally, the normative transformation from customary law to written law.

From the Warring States period to the early Han, ancient Chinese justice underwent a decisive transition from divine authority to secular law. The transformation resulted from the combined effects of Qin unification, the restructuring of state institutions, and cultural integration, and constituted a major step in the maturation of the Chinese legal tradition. Excavated manuscripts provide direct materials for observing the process: the mengzheng documents in the Baoshan Chu slips and the statutory provisions in the Zhangjiashan Han slips record the two ends of this historical process. The very fact that the Zhangjiashan slips were excavated in former Chu territory but contain uniform Han law is the strongest evidence that the law of the unified state had displaced regional tradition. The analysis demonstrates that the formation of the Chinese legal tradition was a complex historical process and that the secularization and rationalization of evidentiary institutions constituted an important judicial achievement in the modernization of state governance in early China.

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