

世界古典文明叢書

日 知 主 編

雲 夢 竹 簡

〔Ⅲ〕

效			律
秦	律	雜	抄
法	律	答	問
封		診	式
爲	吏	之	道

張政烺 編
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東北師範大學出版社

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Classics of Ancient World (CAW)

Edited by Ri Zhi

**INSCRIPTIONS OF YUNMENG
BAMBOO SLIPS**

(III)

LAWS OF TRANSFERRING DUTIES

(XIAOLU) 小律

DIGEST OF LAWS OF THE STATE OF QIN

(QINLU ZA CHAO) 秦律杂抄

[CRIMINAL.]LAW[OF THE STATE OF QIN]

(FALU DAWEN) 法律答问

INTERPRETATIONS OF THE CASE FORMS

(FENG ZHENSHI) 封诊式

THE BEST WAY OF BEING OFFICIALS

(WEI LI ZHI DAO) 为吏之道

Edited by **Zhang Zhenglang**
Ri Zhi

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本 冊 說 明

《世界古典文明叢書》中，《雲夢竹簡》[I]已出《秦記》、《南郡守騰文書》、《語書》三種(1990年)，《雲夢竹簡》[II]續出《秦律十八種》(1990年)；本冊《雲夢竹簡》[III]出版以下五種：“效律”(第269—328簡)，“秦律雜抄”(第329—370簡)，“法律答問”(第371—580簡)，“封診式”(第581—678簡)，以及“爲吏之道”(第679[1欄]—728[4欄]簡)，末附[“文八首”](第679[5欄]—693[5欄])，“魏戶律”(第694[5欄]—699[5欄])，“魏奔命律”(第700[5欄]—706[5欄])，和[“言語飲食”](第707[5欄]—715[5欄])，這些附件唯“文八首”內容仍屬“爲吏之道”。本叢書至此，《雲夢竹簡》確余“日書甲種”(第730—895簡，正反面)和“日書乙種”(第896—1155，正反面)，待另出。

Introduction

In the series of Classics of Ancient World (CAW) .Inscriptions of Yunmeng Bamboo Slips (Vol. I) published the Chronicles of Qin [Qin—ji], Instructions of Teng, the Magistrate of Nan—jun [Nan—jun—shou Teng Wen—Shu], Document of Instructions [Yu—shu], in 1990. In the same year .Inscriptions of Yunmeng Bamboo Slips (Vol. II) published Eighteen Decrees of the State of Qin [Qin—lu shi—ba—zhong]. In this book, .Inscriptions of Yunmeng Bamboo Slips (Vol. III), the following five categories are published: Regulations on Local Government Administration [Xiao—lu] (No. 269—328] Digest of Laws of the State of Qin [Qin—lu—za—chao] (No. 329—370) Interpretations of the Law of the State of Qin [Fa—lu—da—wen] (No. 371—580) Case Forms [Feng—zhen—shu] (No. 581—678) The Best Way of Being Officials [Wei—li—zhi—dao] (No. 679, one column -- 728, four columns) In it, there adds: Eight Verses [Yun—wen—ba—shou] (No. 679, five columns -- 693 five columns) Law of Census register of the State of Wei [Wei—hu—lu] (No. 694, five columns -- 699, five columns) Law of Urgency—soldiers of the State Wei [Wei—ben—ming—lu] (No. 700, five columns -- 706, five columns) Speaking and Eating [Yan—yu—yin—shi] (No. 707, five columns -- 710, five columns) Among these, only the content of the Eight Verses still belongs to The Best Way of Being Officials [Wei—li—zhi—dao]. In this series of books, the Inscriptions of Yunmeng Bamboo Slips only leave unpublished Divination Book A [Ri—shu (X) No. 720—895] and Divination Book B [Ri—shu (Yi) No. 896—1155].

《雲夢竹簡》[I]已經說過，本書主要取材于《睡虎地秦墓竹簡》（文物，1978）和《雲夢睡虎地秦墓》（文物，1981）等書，此次編印第III冊時，又讀到1990年新版《睡虎地秦墓竹簡》巨冊，其中簡號改依每種竹簡分別編號。為繼續本書第I、II冊所用簡號習慣，本書仍用《雲夢睡虎地秦墓》圖版簡號統一編制，今后本書第IV冊所取簡號亦同。《睡虎地秦墓竹簡》（1978，1990，兩版同）有注釋和譯文，為本書《雲夢竹簡》[I、II]英譯本提供參考，受到助益；唯末篇“為吏之道”僅所附“魏戶律”、“魏奔命律”有譯文，其餘僅有注釋，個別詞句我們有不同見解者，已在附注中提出，茲不贅。

雲夢竹簡基本上是秦王政統一中國，實行郡縣制之前秦邦的史料，絕不屬於中世封建制國家的時日。雖則《秦記》（原作《編年記》）續至秦始皇（“今上”，“今王”）卅年（公元前217年），更不用說秦漢帝國也是古典史的組成部分。

As has already been said in the first volume of the Inscription of Yunmeng Bamboo Slips, this book draws the material mainly from the Document of Instructions in the Bamboo Slips of Qin Tombs in Shuihudi (Wenwu Publishing House, 1978) and the Qin Tombs in Shuihudi in Yunmeng (Wenwu Publishing House, 1981). In editing the third volume, we read the big book the Document of Instructions in the Bamboo Slips of Qin Tombs in Shuihudi which is newly published in 1990, the slips are numbered separately according to the categories. In order to continue the numbers of the slips in the first two volumes of this book, we still use the numbers of the slips in the plate of the Qin Tombs in Shuihudi in Yunmeng. The fourth volume of this book will also use these numbers. There are footnotes and modern Chinese translations of the Document of Instruction in the Bamboo Slips of Qin Tombs in Shuihudi (the two editions of 1978 and 1990 are the same) . These provide reference for the English translation of this book. But in the Best Way of Being Officials [Wei—li—zhi—dao], only the added Law of Census register of the State [Wei—hu—lu] and Law of Urgency —soldiers of the State Wei [Wei—ben—ming—lu] are translated into modern Chinese, there are only footnotes to the others. We have different understand on some of the words and sentences. We have already explained in our footnotes. Here we will not repeat.

The Inscriptions of Yunmeng Bamboo Slips are the historical material of Qin state before the King Zheng united China. It does not belong to the feudal country in Medieval period. Although the Chronicles of Qin [Qin—ji, originally called Chronicle (Bian—man—ji)] continued to the 30th year of Qin—shi—huang [217 B. C.], the empire of Qin and Han is a part of the ancient Classical history.

效 律

XIAO LU/LAWS OF TRANSFERRING DUTIES

269 爲都官及縣效律；其有贏、不備，物直(值)之，以其賈(價)多者罪之，勿贏(累)。

269 Laws formulated for capital offices and counties to inspect properties; in the case of exceeding or inadequacy, every-material should be valued, the guilty will be judged according to the material which is the highest in price, but not be judged by adding the prices of every materials together.

270 官舊夫、冗吏皆共賞(償)不備之貨而入贏。

270 The chief official [Sefu] and all the other officers should-compensate the inadequate money and goods together, and turn over the exceedings.

271 - 272 衡石不正，十六兩以上，貲官舊夫一甲；不盈十六兩到八兩，貲一盾。甬(桶)不正，二升以上，貲一甲；不盈二升到一升，貲一盾。

271 272 If the weighing Dan [120 Jin, 1920 Liang] is not accurate, and the error rate is more than 16 Liang, fine that chief official [Sefu] 1 suit of armour; between 8 Liang and 16 Liang, fine 1 Dun. If the Bucket [10 Dou, 100 Sheng] is not accurate, and error rate is more than 2 Sheng, fine the chief official [Sefu] 1 suit

of armour; between 1 Sheng and 2 Sheng, fine him 1 Dun.

273-275 斗不正,半升以上,貲一甲;不盈半升到少半升,貲一盾。半石不正,八兩以上;鈞不正,四兩以上;斤不正,三朱(銖)以上;半斗不正,少半升以上;參不正,六分升一以上;升不正,廿分升一以上;黃金衡贏(累)不正,半朱(銖)【以】上,貲各一盾。

273-275 If Dou [10 Sheng] is not accurate, and the error rate is more than $1/2$ Sheng, fine [the chief official (Sefu)] suit of armour; between $1/3$ Sheng and $1/2$ Sheng, fine 1 Dun. If a half Dan is not accurate, and error rate is more than 8 Liang; Jin is not accurate, error rate is more than 4 Liang; Jin [16 Liang] is not accurate, error rate is more than 3 Zhu; half Dou; [1 Sheng] is not accurate, and is more than $1/3$ Sheng; Can is not accurate, more than $1/6$ Sheng; Sheng is not accurate, error rate is more than $1/20$ Sheng; weight used on a balance for weighing gold is not accurate, error rate is more than $1/2$ Zhu, in each case, fine [the chief official] 1 Dun.

276-278 數而贏、不備,直(值)百一十錢以到二百廿錢,誼官嗇夫;過二百廿錢以到千一百錢,貲嗇夫一盾;過千一百錢以到二千二百錢,貲官嗇夫一甲;過二千二百錢以上,貲官嗇夫二甲。

276-278 In the case of exceeding or inadequacy in counting goods number, the value is from 110 Qian to 220 Qian, rebuke the official [Sefu]; from 220 Qian to

1100 Qian, fine him 1 Dun; from 1100 Qian to 2200 Qian, fine him 1 suit of armour; more than 2200 Qian, fine him 2 suit of armour.

縣料而不備者，欽書其縣料毆(也)之數。

Weighing goods and materials, but they are insufficient, record the amount weighed out.

279—284 縣料而不備其見(現)數五分一以上，直(值)其賈(價)，其貲、誅如數者然。十分一以到不盈五分一，直(值)過二百廿錢以到千一百錢，誅官嗇夫；過千一百錢以到二千二百錢，貲官嗇夫一盾；過二千二百錢以上，貲官嗇夫一甲。百分一以到不盈十分一，直(值)過千一百錢以到二千二百錢，誅官嗇夫；過二千二百錢以上，貲官嗇夫一盾。

279—284 Weighing goods and materials, but they are less than $\frac{1}{5}$ of them, evaluate them, its fine and rebuke is the same as that in counting the goods and materials. If it is from $\frac{1}{10}$ to $\frac{1}{5}$, and the value is from 220 Qian to 1100 Qian, scold the official [Sefu]; from 1100 Qian to 2200 Qian, fine him 1 Dun; more than 2200 Qian, fine him 1 suit of armour. From $\frac{1}{100}$ to $\frac{1}{10}$, and the value is from 1100 to 2200 Qian, scold him; more than 2200 Qian, fine him 1 Dun.

285—286 同官而各有主毆(也)，各坐其所主。官嗇夫免，縣令令人效其官，官嗇夫坐效以貲，大嗇夫及丞除。縣令免，新嗇夫自效毆(也)，故嗇夫及丞皆不得除。

285 - 286 The officers who hold posts in the same office, but are in charge of different aspects, shall undertake the responsibility of the aspects they are in charge. If the official [Sefu] is removed from the office, and the magistrate [Ling] has sent people to inspect the materials of the office, so the chief official [Ling] and the clerk [Cheng] will be exempt from punishment when the official [Sefu] is fined on account of any fault in the inspecting. The magistrate [Ling] will be removed from the office, the new one will inspect by himself, the former one and the assistant [Cheng] can't exempt from punishment.

287 - 289 實官佐、史械免徙，官齋夫必與去者效代者。節（即）官齋夫免而效不備，代者與居吏坐之。故吏弗效，新吏居之未盈歲，去者與居吏坐之，新吏弗坐；其盈歲，雖弗效，新吏與居吏坐之，去者弗坐。它如律。

287 - 289 When the assistants or the subordinates of the government granary are dismissed or transferred, the chief officer [Sefu] should check the stores together with those who are to leave and then hand over the stores to the newly appointed person. If the chief official [Sefu] has checked the stores before he is dismissed, and a shortage still happens, then the newly appointed men and the remaining assistants are in fault. If the former official did not check and the new official has been in office for less than one year, the departed official and the remaining officials are to be

blamed and the new official is not involved. If the new official has been in office for a year, and even if the former official didn't check the stores, the new official and the remaining official are to be punished and the departed official is not involved. The rest of them are punished according to laws.

290—292 倉廩(漏)朽(朽)禾粟,及積禾粟而敗之,其不可飮(食)者,不盈百石以下,諍官罰夫;百石以到千石,貲官罰夫一甲;過千石以上,貲官罰夫二甲;令官罰夫、冗吏共賞(償)敗禾粟。禾粟雖敗而尚可飮(食)毆(也),程之,以其耗(耗)石數論贓(負)之。

290—292 In case a granary leaks and it makes the grain rotten, or the piled grain becomes rotten, the chief official [Sefu] is to be reprimanded if the uneatable grain is less than 100 Dan. When the uneatable grain is from 100 Dan to 1000 Dan, the chief official [Sefu] will be fined 1 suit of armour. When the uneatable grain is more than 1000 Dan, the chief official [Sefu] will be fined 2 suits of armour. In all the above cases, the chief official [Sefu] and all the other officers should pay for the rotten grain. If the grain is spoilt but still eatable, then it should be estimated and the officials concerned should repay according to the amount of grain that is wasted.

293—294 度禾、芻粟而不備,十分一以下,令復其故數;過十分以上,先索(索)以粟人,而以律論其不備。

293- 294 In weighing the grains, fodder and stalk, if the account of them is less than $1/10$ of the original amount, the short age should be supplied to the original. If the shortage is more than $1/10$, all the remaining grains should be given to the people who should have them first, then deal with the shortage of grains according to laws.

295- 299 入禾、萬石一積而比黎之爲戶，及籍之曰：“某廩禾若干石，倉嗇夫某、佐某、史某、粟人某。”是縣入之，縣嗇夫若丞及倉、鄉相雜以封印之，而遺倉嗇夫及離邑倉佐七粟者各一戶，以氣(餼)人。其出禾，有(又)書其出者，如入禾然。嗇夫免而效，效者見其封及隄(題)以效之，勿度縣，唯倉所自封印是度縣。終歲而爲出凡曰：“某廩出禾若干石，其余禾若干石。”

295- 299 When the grains are carried into storehouses, put ten thousand Dan as a pile, build up the store door and register "how much grains are stored in which store house and which chief official [Sefu], which assistant [Zuo], which secretary [Shi], which one who manages the granary [Lung ren] are in charge of the store. " If the grains are carried into the storehouse by the county, the official [Sefu] or clerk [Cheng], of this county, the person in charge of storage and village [Xiang] should seal off together and leave one door for the official [Sefu] of the storehouse and Cang Zuo appointed by the chief of county to hand out grains. When the grains are carried out of the