

Horse Policy and Ruling Thought in the Early Western Han: Examining the “Ordinances on Fords and Passes”

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Abstract: The central government's regulations on the sale and purchase of horses in the Land within the Passes (Guanzhong 關中) and their entry and exit from the Pass in the “Ordinances on Fords and Passes” (Jinguan ling 津關令) are important sources for understanding the horse policy of the early Western Han Dynasty and recognizing the relationship between the dynasty and the counties and vassal states outside the Pass. By examining the ordinances on the purchase and sale of horses, it is clear that the Han state strictly controlled horses, restricted private ownership of horses, and prohibited horses from exiting the Pass. However, some "privileged classes" still had the right to purchase horses from the Han government and take them out of the Pass after following some legal procedures, but this privilege was entirely dependent on the imperial power. Behind these regulations, it reflects the legislative thought of the supremacy of imperial power, "power over law" (“權大于法”), and the fundamental purpose of consolidating centralized power, weakening the strength of vassal states, and "strengthening the central forces while weakening the local ones" (“強幹弱枝”).

Keywords: “Ordinances on Fords and Passes”, early Han, horse policy, Power over Law, Strengthening the Central Forces while Weakening the Local Ones

1. Introduction

In 1983, archaeologists excavated many cultural relics of the Han Dynasty in Zhangjiashan (Hubei). In addition to a large number of lacquerware and ornaments, they also excavated a number of written bamboo slips, which are the Han slips. The contents of the Han slips in law, judicial proceedings, medicine, mathematics, and military science provide important original sources for the study of Han Dynasty history. *The Statutes and Ordinances of the Second Year* (*Ernian liling* 二年律令) [1] is one of the very important legal documents in the Zhangjiashan Han slips and an essential source for understanding the political and legal system of the Han Dynasty.

The fundamental prerequisite for the correct use and understanding of the *Statutes and Ordinances of*

the Second Year is to clarify the date of the creation of the laws. There are two main views on the definition of the date of the *Statutes and Ordinances of the Second Year*: the second year of the reign of Empress Lü (186 BCE) and the second year of the reign of Emperor Gaozu (205 BCE).

According to the analysis of the Zhangjiashan Han tomb no. 247 bamboo text editorial working group, the slips contain legal documents that give preferential treatment to King Lüxuan (呂宣王) and his relatives. The posthumous title of King Lüxuan was given to his father by Empress Lü in the first year of the reign of Empress Lü (187 BCE). The last year recorded in the calendar excavated from the Zhangjiashan Han tomb is the second year of Empress Lu (186 BCE), so it is inferred that the *Statutes and Ordinances of the Second Year* was a law enforced in the second year of the reign of Empress Lu. Li Xueqin, Peng Hao, Yang Jian and Gao Min all hold this view.

This view of the second year of the reign of Emperor Gaozu is considered the date of law-making and promulgation, that is the upper limit of law-making. On this point Cao Luning and Zhang Jianguo are in agreement. However, they disagree on the determination of the lower limit. Zhang Jianguo agrees that the second year of the reign of Empress Lü is the lower limit of law-making [2], while Cao Luning thinks that the *Statutes and Ordinances of the Second Year* was made from the second year of the reign of Gaozu to the first year of the reign of Emperor Hui (195 BCE) [3].

The current scholarly opinion is more inclined to believe that it was promulgated in the second year of the reign of Empress Lü. In short, the *Statutes and Ordinances of the Second Year* was promulgated in the early years of the Western Han Dynasty, and is a key primary source for understanding the politics and laws of the early Western Han Dynasty.

The *Statutes and Ordinances of the Second Year* consists of twenty-seven statutes and one group of ordinances, namely, “Ordinances on Fords and Passes” (Jinguan ling 津關令). The “Ordinances on Fords and Passes” was mainly focused on the regulations for the interactions between the Land within the Passes (Guanzhong 關中) controlled by the central government and the Land beyond the Passes (Guanwai 關外). There are 38 bamboo slips, and the editorial working group has restored 18 of them. Among these 18 ordinances, there are 8 ordinances with 19 slips related to horses, and these 8 ordinances are the core sources in this essay.

The “Ordinances on Fords and Passes” is the most complete documents on the management of Fords and Passes in the early Han Dynasty that can be seen to date. As soon as it was published, it attracted great attention from scholars, and many scholars have studied it. From the current research results, scholars have examined various aspects of the “Ordinances on Fords and Passes”, including regional geography, the Passes and Fords system, the function of state border control, horse policy, the relationship between the central government and vassal states, and the protection of state property. Thanks to Anthony J. Barbieri-Low and Robin D.S. Yates for their in-depth research on the Zhangjiashan Han slips and the translation of the *Statutes and Ordinances of the Second Year* and the *Book of Submitted Doubtful Cases* (Zouyan shu 奏讞書) into English in 2015, more non-Chinese scholars have had the opportunity to access and study Han Dynasty legal issues.

Therefore, based on previous research results, and using the English translation by Anthony J. Barbieri-Low and Robin D.S. Yates as a reference [4], this paper discusses the strict state control of horses in the early Western Han Dynasty, restricting private ownership of horses and prohibiting horses from exiting the Pass according to the management and punishment measures of horses entering and leaving the Pass in the *Statutes and Ordinances of the Second Year*. These laws show that horses were not only a tool for production, transportation and communication, but also the most important military equipment at that time, which was a prerequisite for the number and strength of the cavalry, and whether the Han Dynasty could effectively defend itself against the Xiongnu's invasion. However, some "privileged classes" still had the right to purchase horses from the Land within the Passes after passing the legal procedures. Behind these laws, it reflected the legislative thought of the supremacy of imperial power, "power over law" ("權大于法"), and the fundamental purpose of strengthening centralized power, weakening the strength of vassal states, and "strengthening the central forces while weakening the local ones" ("強幹弱枝").

2. Background of Horse Policy in Early Han

In the early Western Han, due to the tyranny of the Qin Dynasty and the destruction of long wars, the social economy was in ruins, and the number of horses was greatly reduced. The historian Sima Qian remarks that at the outset of the Han dynasty, the founding Emperor could not even find four matching horses to pull the Imperial coach, and even high officials and generals were forced to harness cattle to their carriages. In some places, a horse was even worth a hundred gold. However, this situation was only temporary, with the unification of the country and the implementation of the policy of rehabilitation, with the recovery and development of agriculture, especially with the increasing Xiongnu attack on the border, the state attached increasing importance to horse breeding. Therefore, the Han was suitable for horse breeding in all kinds of favorable conditions have been fully developed, so the number of horses continued to increase and rapid development. In this situation, the official horse institutions were restored and strengthened, the areas suitable for horse breeding were actively explored and utilized by the state, while horse breeding by civilians also flourished under the encouragement of the government.

The Western Han Empire was still in a period of recovery and development, and the number of horses was far from sufficient to support the country's economic, political, and military needs. In particular, it was simply not possible to remove the threat of the powerful Xiongnu cavalry from the Han without a large number of war-horses and well-trained cavalry. In addition, Liu Bang, in order to consolidate his regime, had divided the descendants of Liu into vassal lords, and the fiefs of the vassals far exceeded the central jurisdiction, which was undoubtedly a threat to the central court. And as time went on, blood relations became distant, and the security of the dynasty could no longer be maintained through blood. The Han government was also aware of this problem, and the central court set up forts in the Land within the Passes, such as Yu Pass 扞關, Yun Pass 郟關, Wu Pass 武關, Hangu Pass 函谷關, and Linjin Pass 臨晉關, to consolidate Guanzhong and prevent vassal states.

Under this background, the Han state attached great importance to important materials such as horses,

in order to strengthen the cavalry power of the central government to deal with the threat of Xiongnu on the one hand, and to prevent the vassal states from purchasing horses from the Land within the Passes on the other hand, so as to avoid the threat of the vassal states to the central government. With this thought, it was inevitable that the “Ordinances on Fords and Passes” was formulated for managing the entry and exit of horses.

3. Horse Policy in “Ordinances on Fords and Passes”

In the early Han, different regulations were made according to the subjects who bought the horses, which can be divided into two major cases: first, ordinary people were forbidden to take the horses outside the Pass privately; second, some subjects could buy horses from the Land within the Passes and bring them out of the Pass, such as the state officers, the commanderies outside the Pass, two vassal states and the Supervisor of the Household of the Empress Dowager.

3.1 Regulations for Ordinary People Purchasing Horses

□議：禁民毋得私買馬以出扞關、鄖關、函谷【關】、武關及諸河塞津關。其買騎、輕車馬、吏乘置、傳馬者，縣各以所買[506/C208]名、匹數告買所內史、郡守。〔內史、郡守〕各以馬所補名為久（灸），（灸）馬，為致告津關。〔4〕

No.□. [The Chancellor of State] put forth the following opinion in a court deliberation: "Let it be prohibited; ordinary people may not privately purchase horses in order to take them out through the Yu Pass, Yun Pass, Hangu [Pass], Wu Pass, and the various fords and passes along the frontier defenses of the Yellow River: Should [counties outside the passes] purchase simple mounts, light-carriage horses, or horses to be harnessed to the postal-relay conveyances and official conveyances ridden by officials, the counties [outside the passes] are each to report the [506] name of the place of purchase and the number of head [of horses] to the Governor of the Capital Area or the Governor of the Commandery where the horses were purchased.[4]

The prohibition of private purchasing horses out of the Pass here does not mean the prohibition of private purchasing horses, but the prohibition of horses out of the Pass. The four Passes mentioned here: Yu Pass, Yun Pass, HanguPass, and Wu Pass were the boundaries that divided "the Land within the Passes" (Guanzhong 關中) and "the Land outside the Passes" (Guanwai 關外). According to the analysis of Wang Zijin and Liu Huazhu, the "Guanzhong" in the early Han included Tianshui 天水, Longxi 隴西, Beidi 北地, Shangjun 上郡, and also Ba 巴, Shu 蜀, and Hanzhong 漢中. This is the concept of "Great Guanzhong" (大關中), and this concept has been supported and confirmed by law [5]. Since the Land within the Passes was a region ruled by the central government, the outflow of horses was under strict control in order to maintain the security of the Land within the Passes and to ensure the development and smoothness of the economy and transportation of the capital region.

3.2 Regulations for State Officers Purchasing Horses

□、相國上中夫_二（大夫）書，請：「中夫_二（大夫）謁者、郎中執盾、執戟家在關外者，得私買馬關中。有縣官致上中_二夫_二（大夫）、郎_二中_二，（中大夫、郎中）為書告津關來復傳，[504/C138]津關謹閱出入。馬當復入不入，以令論。」•相國、御史以聞。•制曰：「可。」 [505/C139] [4]

No. □. The Chancellor of State submitted a document from [the Director of] the Grand Masters of the [Han] Palace, petitioning: "Receptionists of [the Director of] the Grand Masters of the [Han] Palace and the Shield Bearers and Halberdiers [subordinate to the Director of] the Gentlemen of the [Han] Palace Interior whose families are located outside the passes may privately purchase horses in the Land within the Passes. When there is a government transit document, forward this to [the Director of] the Grand Masters of the [Han] Palace or [the Director of] the Gentlemen of the [Han] Palace Interior, and [the Director of] the Grand Masters of the [Han] Palace or [the Director of] the Gentlemen of the [Han] Palace Interior should make a document reporting [the matter] to the [officials at the] fords and passes and make passports good for coming and going for [the Receptionists and the Shield Bearers and Halberdiers], [504] and [the officials of] the fords and passes should carefully examine [the passports] and enumerate [the men and horses] and let them exit or enter. When a horse matches reentry but does not reenter, sentence [the owner] according to the ordinance." • The Chancellor of State and the Chief Prosecutor made this known [to the Emperor]. • The Imperial decision stated: "It can be done." [505] [4]

十五、相國、御史請：「郎騎家在關外，騎馬節（即）死，得買馬關中，人一匹以補。郎中為致告買所縣_二道_二。（縣道）官聽，為質（致）告居縣，受數而籍書 [513/F99] 馬職（識）物、齒、高，上郎中。節（即）歸休、繇（徭）使，郎中為傳出津關。馬死_二，（死）所縣道官診上_二。其詐（詐）貿易馬及偽診：皆以詐（詐）偽出馬令論。其 [514/F98] 不得買及馬老病不可用，自言郎_二中_二。（郎中）案視，為致告關中縣道官，賣、更、買。」 • 制曰：「可。」 [515/F97] [4]

No. 15. The Chancellor of State and the Chief Prosecutor petition: "With regard to Gentlemen of the [Palace] Interior Serving as Cavalrymen whose families are located outside the passes, if their simple mount dies, then they may purchase one horse per man in the Land within the Passes to serve as a replacement. [The Director of] the Gentlemen of the [Han] Palace Interior is to make a transit document and report this to the county or march where [the horse] is to be purchased. The county or march officials are to acknowledge the report, make a transit document to report to the county of residence [of the Gentleman of the (Palace) Interior Serving as Cavalryman], receive [and confirm the Gentleman's] name and related accounts, and register in a document [513] the distinguishing markings and color, age, and height of the horse and forward this to [the Director of] the Gentlemen of the [Han] Palace Interior. When [a Gentleman] is returning [home] to rest, or is employed in government service, [the Director of] the Gentlemen of the [Han] Palace Interior is to make a passport for exiting the fords and passes. When a horse dies [on one of these return journeys], the officials in the county or march where the death occurred are to make a physical examination [of the horse's corpse] and forward [this report] to higher authorities (viz., the Director of the

Gentlemen of the [Han] Palace Interior). Should there be a fraudulent exchange of horses (i.e., a dead one for a live one), as well as counterfeiting of physical examination [reports]: in every case, sentence [those responsible] according to the 'Ordinance on Taking Horses Out through Passes through Fraud and Counterfeit.' Cases [514] in which [a Gentleman] is not able to purchase [a replacement horse], as well as those in which a horse [of a Gentleman of the (Palace) Interior Serving as Cavalrymen] is old or sick and cannot be used, are to be personally reported [by the Gentleman] to [the Director of] the Gentlemen of the [Han] Palace Interior. [The Director of] the Gentlemen of the [Han] Palace Interior is to investigate and conduct a visual inspection [of the animal] and make a transit document, instructing the officials of counties and marches in the Land within the Passes to sell [the horse], exchange [it for another one], or purchase [a new horse]."[•]The Imperial decision stated: "It can be done." [4]

In these two ordinances, the officials who served in the imperial court were the Director of the Grand Masters of the Han Palace 中大夫, the Shield Bearers 執盾, the Halberdiers 執戟, the Director of the Gentlemen of the Han Palace Interior 郎中, all of whom were close to the emperor. The state would provide these officials with public horses, and in addition, "privately purchase horses in the Land within the Passes"(得私買馬關中) and "purchase one horse per man in the Land within the Passes"(得買馬關中), indicating that these officials were authorized to buy private horses, but they must follow certain procedures: The Director of the Gentlemen of the Han Palace Interior makes a transit document or report to the county where the horse are sold, after receiving it, the officials of the county where the horse are sold sent the document to the county where the Gentlemen of the Han Palace Interior lived, telling the number of horses bought, and registering the color, age, and height of the horse and submitting it to the Director of the Gentlemen of the Han Palace Interior.

However, for those officials whose homes were outside the Passes but bought horses from the Land within the Passes, if they had to exit the Passes, the Director of the Grand Masters of the Han Palace or the Director of the Gentlemen of the Han Palace Interior should make a document reporting this matter to the officials at the fords and passes, to inform them of the details of the horses they were riding, and the officials at the fords and passes check the horses. If a horse dies outside the Passes, the local county officials should inspect it, find out the cause of death and report it to the central authorities. If the horse is too old and weak to be used and needs to be replaced with a new one, the horse-holder first report to the supervisor, who will then check the situation and, if it is true, send a report to each county in the Land within the Passes, so that the horse-holder could sell the old horse and buy a new one.

3.3 Regulations for Commanderies outside the Passes Purchasing Horses

十二、相國議：「關外郡買計、獻馬者，守各以匹數告買所內史、郡守。（內史、郡守）謹籍馬職（識）物、齒、高。移其守，及為致告津關，（津關）案閱[509/C211]出，它如律令。」御史以聞，請許…制曰：「可。」 [508/C203] [4]

No.12. The Chancellor of State put forward the following opinion in a court deliberation: "For cases of commanderies outside the passes purchasing horses [in the Land within the Passes] for use in the [annual forwarding of] accounts or the presentation [of tribute], each Governor [of a commandery that purchases the horses] is to report the number of horses [to be purchased] to the Governor of the Capital Area or the Governor of a Commandery [within the passes] where they are to be bought. The Governor of the Capital Area or the Commandery Governor, [respectively], are to carefully record in a register the distinguishing markings and color, age, and height of the horses. They are to transmit this information to the Governor [of the purchasing commandery], as well as make a transit record and report it to [the officials at] the fords and passes. [The officials at] the fords and passes are to investigate and enumerate [the horses], [509] and then let them exit [the ford or pass]. Everything else shall be done according to the statutes and ordinances." The Chief Prosecutor made this known [to the Emperor], petitioning for approval...The Imperial decision stated: "It can be done." [508] [4]

The word "xian 獻" in the phrase "jixianma 計獻馬" refers to the tributes offered to the central government every year. Some scholars consider that the term "jixianma" refers to the horses offered to the central government [6], while different views hold that it refers to the horses used to transport the tributes offered to the central government [7]. Gong Liuzhu's view is that since there were many horses in the Land within the Passes, the counties outside the Passes generally needed to buy horses from the Land within the Passes, and if the "jixianma" refers to the horses offered to the central government, then it would be necessary to buy horses and go out of passes, and then enter the passes when Shangji 上計, which would be time-consuming and wasteful of manpower and material resources. Therefore, "jixianma" refers to the horses for carrying goods.

Because such horses had to go in and out of passes every year, they had to be recorded in each ford and pass, and received inspections every time. Since the horses were bought by the commanderies under the jurisdiction of the central government, the procedure was relatively simple. The Governor of a commandery that purchases the horses reported the number of horses to be bought directly to the Governor of the Capital Area 內史 or the Governor of a Commandery 郡守 within the passes where they are to be bought, then the Governor of the Capital Area or the Governor of a Commandery within the passes registered the horses' color, age, height, and sent a document to the fords and passes. The officials at the fords and passes checked these records and allowed the horses to out of the passes after they were correct.

3.4 Regulations for Vassal States Purchasing Horses

The Han government strictly controlled the vassal states to purchase horses, and only certain vassals who were given the privilege to buy horses in the Land within the Passes.

十六、相國上長沙丞相書言：「長沙地卑濕，不宜馬。置缺不備一駟，未有傳馬。請得買馬【關】中，給置、傳，以為恆。」•相國、御史以聞。請： [516/F96] 「許買給置馬。」

•制曰：「可。」 [517/F187] [4]

No. 16. The Chancellor of State submitted a document from the Chief Minister of the Changsha [Regional Lordship] that stated: "The land of Changsha is low and damp, and this is not conducive to [raising] horses. Our postal-relay stations are so lacking that we cannot even outfit a single quadriga of horses, nor do we yet have any horses to pull official conveyances. We petition that we may purchase horses in the Land within the Passes, to provide for postal-relay and official conveyance stations, and that this be made a permanent [policy]."•The Chancellor of State and the Chief Prosecutor made this known [to the Emperor]. They petitioned: [516] "[The Changsha Regional Lordship] should be permitted to purchase horses to provide for postal-relay stations."•The Imperial decision stated: "It can be done." [517] [4]

廿二、丞相上魯御史書言：「魯侯居長安。請得買馬關中。」•丞相、御史以聞。制曰：「可。」 [520/C205] [4]

No. 22. The Chief Minister submitted a document from the Chief Prosecutor of the Lu Regional Lordship that stated: "The [Regional] Lord of Lu resides in Chang'an. We petition that he may purchase horses in the Land within the Passes."•The Chief Minister and the Chief Prosecutor made this known [to the Emperor].The Imperial decision stated: "It can be done." [520] [4]

●丞相上魯御史書，請：「魯中夫- (大夫)謁者得私買馬關中。魯御史為書告津關。它如令。」•丞相、御史以聞。制曰：「可。」 [521/C201] [4]

●The Chief Minister submitted a document from the Chief Prosecutor of the Lu Regional Lordship, petitioning: "The Receptionists of [the Director of] the Grand Masters of the Palace of the Lu Regional Lordship may privately purchase horses in the Land within the Passes. The Chief Prosecutor of the Lu Regional Lordship shall make a document to report [purchases] to [the officials of] the fords and passes. Everything else shall be according to the ordinances."

•The Chief Minister and the Chief Prosecutor made this known [to the Emperor]. The Imperial decision stated: "It can be done." [521] [4]

●丞相上魯御史書，請：「魯郎中自給馬騎，得買馬關中。魯御史為傳。它如令。」•丞相、御史以聞。制曰：「可。」 [522/F95] [4]

●The Chief Minister submitted a document from the Chief Prosecutor of the Lu Regional Lordship, petitioning:"The Gentlemen of the Palace Interior of the Lu Regional Lordship who are to provide their own horses for simple mounts may purchase horses in the Land within the Passes. The Chief Prosecutor of the Lu Regional Lordship shall make passports [for them]. Everything else shall be according to the ordinances."•The Chief Minister and the Chief Prosecutor made this known [to the Emperor]. The Imperial decision stated: "It can be done." [522] [4]

These two ordinances of the “Ordinances on Fords and Passes” stipulate that among the vassal states,

Changsha Regional Lordship and Lu Regional Lordship could buy horses from the Land within the Passes. This was a special exception under the strict control of horses out of the passes. Why were the Changsha Regional Lordship and Lu Regional Lordship allowed to enjoy this privilege?

Scholars have given a convincing explanation for this question. The Changsha Regional Lordship was the only one of the eight non-Liu lords in the early Han that was not eradicated by the state, because the lord of Changsha was always loyal to the Han and its strength was the weakest, so it could not threaten the central government. In addition, the land of Changsha was so humid and swampy, it is unsuitable for raising horses that there was a great shortage of horses in Changsha, and even the postal-relay was short of horses. Under such circumstances, the central government authorized Changsha Regional Lordship to buy horses in the Land within the Passes. However, this ordinance did not specify the procedure for purchasing horses.

According to the notes of the editorial working group, Luhou 魯侯 in 22nd ordinance should be the Regional Lord of Lu. The Lu Regional Lordship was the fief of Zhang Yan, son of Princess Luyuan who was the daughter of Empress Lü. During the reign of Empress Lü, a large number of people from the Lü family were assigned as lords, actively expanding the power of the Lü family. Because of this, The Lu Regional Lordship had the privilege to buy horses in the Land within the Passes because of Empress Lü's relationship. The procedure of purchasing horses: The Chief Prosecutor of the Lu Regional Lordship sent a document to report the officials of the fords and passes, and make passports for the Receptionists of the Director of the Grand Masters of the Palace of the Lu Regional Lordship and the Gentlemen of the Palace Interior of the Lu Regional Lordship to enter and leave the fords and passes.

3.5 Regulations for the Supervisor of the Household of the Empress Dowager Purchasing Horses

廿一、丞相上長信詹事書,請:「湯沐邑在諸侯屬長信詹事者,得買騎、輕車、吏乘置、傳馬關中,比關外縣。」丞相、御史以聞。•制[519/C206A+C186] [4]

No. 21. The Chief Minister submitted a document from the Supervisor of the Household of the Empress Dowager, petitioning: "A subordinate of the Supervisor of the Household of the Empress Dowager in a bath town located within the domain of a Regional Lord may purchase, in the Land within the Passes, simple mounts, light-carriage horses, or horses to be harnessed to the postal-relay conveyances and official conveyances ridden by officials, analogous [to the practice allowed for] counties located outside the passes."

The Chief Minister and the Chief Prosecutor made this known [to the Emperor].

The Imperial decision.[519] [4]

Changxin zhanshi 長信詹事 is the supervisor in charge of the household of the Empress Dowager. Tangmuyi 湯沐邑 is a county where the tax is used to supply bath tools. Tangmuyi is the subordinate of the Supervisor of the Household of the Empress Dowager in a bath town located within the domain

of a Regional Lord. indicates that this Tangmuyi is Empress Lü's. This ordinance shows that Tangmuyi, which belonged to Empress Lü, could buy simple mounts, light-carriage horses, horses to be harnessed to the postal-relay conveyances and official conveyances. The legal procedure was in accordance with the regulations for commanderies outside the passes purchasing horses in the Land within the Passes.

Therefore, the Han central court strictly restricted the subjects who could buy horses in the Land within the Passes, such as the state officers who held important positions, the commanderies outside the passes, the subordinate of the Supervisor of the Household of the Empress Dowager in a bath town located within the domain of a Regional Lord, the Changsha Regional Lordship and Lu Regional Lordship. There were different legal procedures for these subjects to purchase horses in the Land within the Passes. There were severe penalties for the violation of the horse policy. The restrictions on the subjects, the regulations on the procedures, and the penalties on the behaviors reflected the great attention of the Han central court to the management of the entry and exit of horses as a material.

4. Ruling Thought in the Early Han

The horse policy in the "Ordinances on Fords and Passes" reflects the legislative thought of the supremacy of imperial power, "power over law", and the fundamental purpose of consolidating centralized power, weakening the strength of vassal states, and "strengthening the central forces while weakening the local ones".

First, the Han government strictly controlled society with legislation. The ninth ordinance "When a horse matches reentry but does not reenter, sentence [the owner] according to the ordinance" 馬當復入不入，以令論[4] and the tenth ordinance "Exporting a horse through fraud or counterfeit, or not reentering with a horse that matches [being required] to reenter: in every case, sentence [the criminal] according to the 'Ordinance on the Price of Horses Falsely Exceeding the Fair-Market Price, and also reward the one who arrests and denounces him.'" 詐偽出馬，(馬)當復入不復入；皆以馬賈(價)訛過平令論，及賞捕告者[4] indicate that horse owners did not have absolute right to dispose their horses. The horses should be re-entered after outing the passes, otherwise it constituted a crime. This reflects the strict of the passes and fords policy of early Han, which was a reflection of centralized power.

Secondly, it reflects the thought of "power over law" by giving some rights to the "privileged classes". The above contents discuss the groups who could buy horses within the law, and analyzes their identities. These "privileged classes" were either the emperor's retainers, loyal officials awarded by the emperor, daughters of Empress Lü, or Tangmuyi of Empress Lü, in all cases closely related to the emperor. The power of the "privileged class" depended on the imperial power, and their privileges would disappear with the change of the new emperor. For example, in the "Ordinances on Fords and Passes", because of the authority of Empress Lü, the Lu Regional Lordship, the fiefdom of the grandson of Empress Lü, enjoyed the privilege of buying horses. However, in the time of Emperor Hanwen, he vigorously purged the power of Lü, and in this case, "Statutes on the Composition of

Judgments” (Ju lü 具律), which favored the father of Empress Lü and his relatives, was among those to be changed or abolished [8], and the provisions of the “Ordinances on Fords and Passes” that favored the Lu Regional Lordship were also to be abolished. Therefore, the entire contents of the law and the legislative operation were entirely in the hands of the "Son of Heaven", reflecting the supremacy of imperial power, which can be said that "power is law" or "power over law".

Finally, the fundamental purpose of both imperial supremacy and control of society and officials was to strengthen centralization and weaken the power of vassal states so as to consolidate the power of the Han central court. Therefore, the basic state policy of the early Han, "strengthening the central forces while weakening the local ones", is fully revealed in the “Ordinances on Fords and Passes”. The Han government considered it essential to guard against vassal states, even those of the same surname, which was necessary to maintain central authority and great unity, and therefore first of all to show the uniqueness and authority of the Han court in its statutes and ordinances. The five passes in the “Ordinances on Fords and Passes” were set up for preventing vassal states. To strictly control the entry and exit of horses, and to legislate for strict passes control, both militarily to prevent unpredictability and economically to control the outflow of manpower and material resources from the Land within the Passes, so as to ensure that the comprehensive power of the court was in a superior position and to suppress any acts that endangered the court. The policy of "strengthening the central forces while weakening the local ones" was an objective requirement to strengthen centralization and maintain national unity in the early Han, and it was an important reason for the Han government to take the initiative and eventually win the struggle against the vassal states.

5. Conclusion

The “Ordinances on Fords and Passes” was the ordinance against vassal states, not hostile minorities outside of Han dynasty [9]. Among the 18 ordinances that have been compiled so far, eight of them involve the regulations on purchasing and selling of horses in the Land within the Passes and their entrance and exit from the passes and fords. From the main subjects of the regulations, there are ordinary people, the state officers who held important positions, the commanderies outside the passes, the subordinate of the Supervisor of the Household of the Empress Dowager in a bath town located within the domain of a Regional Lord, the Changsha Regional Lordship and Lu Regional Lordship. Among them, the ordinary people were forbidden to buy horses out of the passes, while the other privileged classes were allowed to buy horses in the Land within the Passes and bring them to the Land outside the Passes after following some legal procedures.

Behind these regulations, it reflects the legislative thoughts and political strategy of the early Han Dynasty. The Han government severely restricted the entry and exit of horses at the passes and fords because the Han government, in the period of establishment, recovery and development, lacked strategic materials such as horses, and was faced with the Xiongnu and the vassal states. So Han government prevented the outflow of horses while developing the horse breeding industry, reflecting the court's strict control over national resources and even the whole society, which was a manifestation of centralization. The ordinances gave the "privileged class" certain rights, but this

privilege was entirely dependent on imperial power, and the "Son of Heaven" was the law, reflecting the thought that imperial power was supreme and that "power over law". Finally, whether it was the supremacy of imperial power or the control of society and officials, the fundamental purpose was to strengthen centralization, weaken the power of the vassal states, and consolidate the power of the Han central court. The military and economic prevention of the vassal states in the "Ordinances on Fords and Passes" was a reflection of the policy of "strengthening the central forces while weakening the local ones".

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