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THE ORGANIZATION AND CONTROL OF EMBASSIES IN 12<sup>th</sup> CENTURY  
HSI-HSIA -- ACCORDING TO THE TANGUT LAW CODE\*

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The complex international order of East Asia in the late 10th and 11th centuries was dominated by three principal powers. Sung, Liao and the Tangut state of Hsi-Hsia, once hostilities had largely ceased, maintained regular diplomatic relations. The Chin conquest of Liao and of North China by 1127 effectively severed relations between Sung now in the south and Hsi-Hsia, but regular diplomatic contact was pursued between Chin and Sung on the one hand and Chin and Hsi-Hsia on the other. In both earlier and later eras relations were maintained above all through the systematic exchange of embassies. These included embassies which fulfilled a wide variety of purposes -- negotiating peace settlements, conferring certificates of rank and title, exchanging annual gifts, commemorating the New Year, imperial birthdays and other festive occasions, and attending imperial funerals.

The dispatch of these embassies, their protection and maintenance en route, and their reception were conducted strictly in accordance with prescribed regulations. In some cases these regulations became legal norms and were incorporated into codes of law. Thus, we can find information on such matters in the Tangut code, "The Revised and Newly Endorsed Code of Law of the Reign of Celestial Prosperity" (Chinese: T'ien-sheng nien kai-hsin-ting chin-ling 天盛年改新定禁令). This code, completed by 1169, remained in force right up to the downfall of the Tangut state in 1227. At the beginning of the 13th century it was brought up to date with the addition of the so-called "New Laws of the Year of the Pig" (Chu-nien hsin-fa 猪年新法). The original block-printed Tangut text of the code was found in the buried city of Khara-Khoto (Edzima aimak, in the Inner Mongolian Autonomous Region of the PRC). This enormous code contains 20 chapters in 1460 articles, of which nearly 80% is extant. These sections have been translated into Russian and

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prepared for publication by the author.<sup>1</sup>

The Tangut code required that Hsi-Hsia ambassadors should "observe the law and the house of the sovereign (of the host country)."<sup>1a</sup> It also stipulated the composition of an embassy, comprising the ambassador, his official deputies, other members, and attending personnel. Persons in the first three categories were officials of various ranks, while attending personnel were unfree people, "state-owned and competent."<sup>2</sup> These people frequently looked after cattle herds which were driven along with the diplomatic caravans to supply their needs. Where any member of an embassy committed a minor offence, the ambassador and his deputies were empowered to try him and to order punishment in accordance with the law should guilt be clearly established.

An embassy's route across Tangut territory was defined by the character of its mission. If urgent, the ambassador received the appropriate p'ai-tzu, which gave him immediate access to horses, transport animals, food and forage at any place along the way. Likewise, if it was a foreign embassy which had to proceed to the Hsia capital without delay, it was escorted by an official with such a p'ai-tzu and move with corresponding speed. Otherwise, an embassy used the ordinary system of post stations and inns maintained by the state. The law stipulated only that an embassy's route was to be supervised, and that an embassy could not "travel, avoiding the places where officials were stationed, and take with it too many people and too many carts."<sup>3</sup>

While in the host country, embassy personnel could communicate only officially with the representatives of the local and central authorities. Any private or secret contacts with the natives, organization of banquets for non-officials, attendance at informal banquets, or informal exchange of presents was forbidden by law. All contacts with the receiving side were to be of an official nature only, and embassy personnel had to wear clothing appropriate to their rank and position.<sup>4</sup> The ambassador and his subordinates could not ask the host authorities for anything beyond the necessities of food, wine, fruit and medicines. The concern was that demands for or acceptance of

1. For information on research in Tangut studies in the USSR, see BSYS 15, pp. 12-14, and 17, pp. 101-105.
- 1a. "The Revised and Newly Endorsed Code of Law of the Age of Celestial Prosperity (1149-1169)". The Tangut Fund of the Leningrad Branch of the Institute of Oriental Studies, Academy of Sciences of the USSR. Chapter 11/26b-27a, article 761. (Hereafter cited as The Code.)
2. Ibid., arts. 761, 763, 764.
3. Ibid., ch. 11/24b, art. 757; ch. 13/41a-b, art. 958.
4. Ibid., ch. 11/25b-26a, art. 759.

additional goods might look like attempts to obtain or accept bribes.<sup>5</sup> Embassy personnel abroad were also forbidden by law from abusing each other, in writing or otherwise, and from engaging in brawls.<sup>6</sup>

Let us consider in more detail the prohibition against members of an embassy "engaging in trade, so as to neglect their duties."<sup>7</sup> Embassies frequently brought goods with them for sale. These might be state-owned goods ("the sovereign's goods") or property privately owned by embassy members. The law forbade trading only at the neglect of basic duties. State-owned goods intended for sale were to be carried separately and in no case mixed with personal belongings and other goods. They also were to be sold separately.<sup>8</sup> In order to assure proper and accurate disposition, they were packed in separate bales and stamped with the imperial seal. If for some reason the seal was destroyed, a report had to be made and the goods sealed up again. It was required that thorough inventories of state-owned goods be maintained, and that profits, both in money and kind, be carefully recorded.<sup>9</sup> Naturally, it was not permissible to sell something for a higher price, while reporting a lower price to the authorities and pocketing the difference.<sup>10</sup> All such machinations with state goods were punished as theft.<sup>11</sup>

At the turn of the 12th century, we find a list of goods banned for sale abroad. Embassies sent from Hsi-Hsia to the Jurchen and Uighurs could not sell grain, rice and flour in the latter's territories.<sup>12</sup> Embassies going north to the Tatars were forbidden from taking vessels and various other utensils for sale or exchange. Violations were punished by three years of penal servitude.<sup>13</sup> Imperial writ forbade the sale of people, horses, armor for men and horses, cows and camels within the boundaries of foreign

5. Ibid.

6. Ibid., ch. 11/27a-b, art. 762.

7. Ibid., ch. 11/28a, art. 764.

8. Ibid., ch. 18/23a-24b, art. 1319-1320.

9. Ibid., ch. 18/23b-24b, 1320; 24b-25a, art. 1322.

10. Ibid., ch. 18/25a-b, art. 1323.

11. Ibid., ch. 18/23b-24b, art. 1320. Ms. Dunnell observes that punishment depended on the manner in which the goods were missused, on their value, and on the offender's status.

12. "New Laws of the Year of the Pig." The Tangut Fund of the Leningrad Branch of the Institute of Oriental Studies. Chapter 7, p. 26.

13. Ibid., p. 26-27.

territory.<sup>14</sup> The sale of a man was considered equivalent to premeditated murder. As a rule, the illegal sale of these "strategic" goods was punished by death. All currency operations were prohibited and those involved were sentenced to capital punishment.<sup>15</sup>

Ambassadors, naturally, were obliged to observe great discretion in talks with representatives of the opposite side, never to cast the slightest reflection upon the sovereign, and carefully to guard state secrets.

In the event that anyone conducting parleys with foreigners should, even without malice, or through mere carelessness, slur the sovereign or speak disrespectfully about all great [people of our country] ... the same punishment is to be inflicted upon him as upon those who, not remonstrating with the emperor to his face, later speak ill of him behind his back. [For divulging state secrets to the enemy;] for giving out information to the effect that a small or large army has been put on the alert ... or that there are local inhabitants who have been asked [to support us] and have accepted our offer; for [betraying] information about those of the enemy who would give [us] the signal, or of nomads who have surrendered [to us] and such like information, the guilty regardless of rank are to be punished with death by decapitation. As regards the divulgence of internal affairs of the court which were to be kept secret, after establishing the particulars through interrogation ... everything must be reported to the higher authorities and action taken in accordance with instructions received. As to conversations about army conditions, the one who initiated such a conversation is to serve 12 years [of penal servitude] and the participants in the conversation ten years. If ambassadors discuss secret affairs, plans or the weakness of [our] wise officials, he who started the conversation is to receive six years [of penal servitude] and the participants of the conversation five years.<sup>16</sup>

Embassy personnel who openly committed treason were regarded as rebels or fugitives, depending on the character of the offense. Both categories fell under the first three and most severe crimes of the so-called "ten evils" and resulted in the death of the criminal and punishment of his relatives.<sup>17</sup>

Foreign embassies coming to Hsi-Hsia were met and seen off by officials with the position of "border army commanders" and "those who are responsible for preparing [to meet and send off] embassies." These officials had to appear at the appointed place and time; failure to show up or tardiness was punishable.<sup>18</sup> The highest office of Tangut local administration, the

14. The Code, ch. 7/22a-27b, art. 440

15. Ibid., ch. 7/27b, art. 441.

16. Ibid., ch. 11/24b-25b, art. 758.

17. Ibid., 11/31a, art. 768. Reference here is to the shih-o.

18. Ibid., 11/31b, arts. 769-770.

so-called military-police commissions, were in direct charge of satisfying the needs of a foreign embassy passing through Tangut territory. They also had charge of state-owned inns and post stations, whose managers had to "provide from state grain reserves and state-owned reserves food and forage, horses and people to the embassy; and to oblige [subordinates] to attend to the embassy with care."<sup>19</sup>

Embassies appearing on the Tangut border might be invited or uninvited; those in the latter category might be desirable or undesirable. Invited embassies were given the opportunity to apply beforehand for permission to enter. However, those who sought to enter without prior invitation or who might prove unwelcome had to remain at the point which they had reached at the border, obey the local authorities, and wait for an order to advance or return home. Members of a foreign embassy could secure provisions only with the written permission of the Tangut government.<sup>20</sup> They were to communicate only with Tangut authorities, and all other communication with the native population was forbidden.<sup>21</sup>

If an embassy brought any goods for sale, custom duties (not specified in the Code) had to be paid on them first. Again, trade was permitted only under the supervision of Tangut officials. The state retained the privilege of prior choice in the purchase of foreign goods, and only after it had declined to purchase could the goods be sold to local merchants and residents.

When ambassadors come from another country and put up at an inn, no one is permitted, in the absence of [authorized] merchants and [officials responsible for collecting] customs, to engage in clandestine trade. If the law is violated and customs not paid, the guilty party is to receive the same punishment as for evasion of payment of trade (duties), and the informer is to be rewarded in accordance with the law rewarding such informing. If the duties had [in fact] been paid in compliance with the law, those guilty of engaging in the illegal trade are [only] to be sentenced to two years [of penal servitude].<sup>22</sup>

Judging from information preserved in the Chinese sources, trade duties in the 11th century were on the order of ten percent *ad valorem*. Thus the Tanguts took from the Uighurs "one part in every ten, and always took the best goods."<sup>23</sup>

19. *Ibid.*, ch. 13/41a-41b, art. 958.

20. *Ibid.*, ch. 11/26a-b, art. 759.

21. *Ibid.*

22. The Code, ch. 11/24a, art. 756.

23. Hung Hao 洪皓, *Sung-mo chi-wen* 松漢紀聞 (Taipei, 1968 ed.), ch. shang /3a.

Goods banned for sale within Tangut territory included, above all, those controlled under state monopolies such as wine, tea and salt. "If one buys wine from a foreigner for personal use, he is to receive a sentence one degree lighter than that for the private manufacture of wine. The purchased wine is to be confiscated and revert to the state, as a fine."<sup>24</sup> Banned likewise for export and domestic sale to foreigners were: grain, cattle, horses, arms, coins, all restricted by "imperial interdiction."

The same goods prohibited from export were banned for sale to members of the foreign embassies -- grain, cattle, horses, arms and coins, all falling under "imperial interdiction." "If a transaction involving goods under imperial interdiction has been made with ambassadors from ... Ta-shih (Persia) and Hsi-chou (Turfan and Eastern Turkestan) ... and [the goods] have already been conveyed to those lands, the guilty are to be sentenced according to the law against contracting bargains disposing of such goods in the enemy camp ... . Since the ambassadors involved are guests, they are to be punished by the imposition of a fine ... and the sum they had paid for the goods returned to them ... . In the cases of ambassadors from other countries [such as Sung and Chin] ..., the guilty are to be punished according to the law against selling goods under imperial interdiction to foreign countries."<sup>25</sup> The point is that no fines against ambassadors from "other countries" are mentioned in the Code.

All these trade limitations concerning Tangut ambassadors sent abroad as well as foreign ambassadors who came to Hsi-Hsia were common enough for the countries of Eastern Asia at the time. Sung, Liao and Chin all maintained a variety of restrictions on trade with Hsi-Hsia (and each other). Protecting its monopoly, the Sung government prohibited the Tanguts from selling salt in China and normally prohibited them from buying arms as well.<sup>26</sup> The Khitan forbade the import of Tangut cattle and products of animal husbandry and prohibited their populace from buying iron from and selling copper and bronze to Hsi-Hsia.<sup>27</sup> The Jurchen, who also excluded iron from their trade with Hsi-Hsia, in 1190 prohibited any trade at all by Tangut ambassadors on the territory of Chin.<sup>28</sup> Then, the following year they issued an order permitting the sale of approved goods by the Tangut emissaries for the first three days after their

24. The Code, ch. 18/17a, art. 1301.

25. *Ibid.*, ch. 7/22a-27a, art. 440.

26. Tai Hsi-chang 戴錫章, *Hsi-Hsia chi* 西夏記, (Peking, 1924) ch. 5/1a-b and 3b. ch. 12/12b-13a.

27. *Ibid.*, 15b; *Liao-shih* 115 (*Ssu-pu pei-yao* ed.), 440 and 421.

arrival only. For their part, the Jurchen continually sought to trade on the territory of Hsi-Hsia. The Chin-chih reports that in 1216 the Jurchen ambassadors traded vigorously with the Tanguts, "striving for profits and forgetting the interest of the state."<sup>29</sup>

Chinese sources contain fascinating details about the practice of exchanging embassies between Sung and Hsi-Hsia in the 11th century. We shall cite two instances. The Tangut emperor, we may recall, acknowledged himself the junior and even a son of the Sung emperor in their formal relationship. In 1062 the Chinese ambassador Chang Tsung-tao arrived in Hsi-Hsia with birthday presents for the Tangut emperor. As soon as he and his party crossed the Hsi-Hsia border, however, complications of protocol emerged. While the Tangut official who met the embassy insisted on riding in front of the Sung ambassador, Chang Tsung-tao insisted on sitting on his left. An argument immediately flared up. The Tangut official declared: "The left side is that occupied by the sovereign, a ceremonial procedure which is always followed. How can the ambassador of the Son of the Heaven doubt it?" To this the Sung ambassador retorted: "The Tangut sovereign and I occupy equal positions as both of us serve the Son of the Heaven. Even if the sovereign of Hsi-Hsia comes in person [for the meeting], he must be [treated as] a guest. Your sovereign is a vassal! How can he become the host? The ancient rules are to be followed and according to them I must have the superior position!" This was a clear insult to the Tangut emperor, and the official warned Chang Tsung-tao, none too subtly, of the dangers of making such demands: "Have you several heads, that you dare to behave so?" The Sung ambassador, confident of his impunity, replied: "I have but one head. But the state of Hsi-Hsia would not dare do such a thing!" The Tangut decided to terminate this unpleasant conversation and said: "The interpreter has made a mistake. I said that I myself did not have two heads." Chang Tsung-tao replied: "If the interpreter has made a mistake, why not decapitate his head rather than mine?" Seeking further to strike a harmonious note and to assure the obstinate Chinese ambassador of his friendship, the Tangut representative now declared, "The love of [our] two states is like the love of fish for water." To that the clearly resourceful ambassador of Sung replied: "However, it is the Heavenly court that is water and the state of Hsi-Hsia that is a fish. Water can do without fish, but fish cannot do without water!"<sup>30</sup> For his quick wit Chang Tsung-tao went down in history on this occasion. But such conflicts were hardly isolated.

28. Tai, Hsi-Hsia chi, ch. 24/12a and ch. 25/22a.

29. Chin-shih 27/10a.

30. Li Tao, Hsü tzu-chih t'ung-chien ch'ang-pien (1881 ed.), ch. 196/23b-24a.

Here is another example, connected with the name of the famous politician and historian of Northern Sung, Ssu-ma Kuang. In the year following the above incident, 1063, a Tangut embassy came to China to attend the funeral ceremonies for Emperor Jen-tsung. The Tangut ambassadors insisted on being received in the Huang-tzu-tien hall, to which they had never been admitted before and to which they were now not admitted either. The Tangut emperor, angered by what he regarded as disrespect to his embassy, declared in retaliation that he would henceforth refuse to bear the additional family name of the Sung emperors, Chao, which was in effect a denial of friendly relations. Ssu-ma Kuang, speaking out for a realistic approach towards foreign affairs and for the maintenance of peaceful relations with Hsi-Hsia, condemned the actions of the Chinese authorities as inexpedient. "It is known that the ambassadors sent by Hsi-Hsia had not previously been allowed to enter the doors [of the Huang-tzu-tien hall]. They insisted on being admitted, but the court did not allow it and made them to return to their inn. I now inquire: why should we be grudge them a few more steps of territory?<sup>31</sup> How much more happily would the ambassador look upward [to the Son of Heaven!]"

One Tangut document gives some notion of the procedure of a Tangut embassy across Hsi-Hsia territory. The ambassador, governor of the border affairs of Su-chou and bearer of a gold p'ai-tzu, was progressing north, probably to the camp of Chingis-Khan (the document is dated the end of March, 1225), and was "escorted by the bearer of a silver p'ai-tzu and other people." The author of this document, deputy commander of the city of Edzina (Khara-khoto) Mbenoshion, reported to the ambassador that he had prepared horses for the embassy, which would proceed across Edzina. Since the governor in question was the immediate superior of the Edzina deputy commander, Mbenoshion was obliged, as the document reveals, to request permission to go to meet him personally.<sup>32</sup>

Let us conclude with a few general remarks. The fact that diplomatic and commercial intercourse and the forms it employed in the countries of East Asia during the 11th-13th centuries were strictly regulated is well known. But it is essential to reconstruct these regulations and their sources, discerning any changes over time and any peculiarities from one state to the other. The Tangut Code affords us first-hand, reliable information for this purpose. Moreover,

31. Ibid., 2a-b.

32. The Tangut Fund, inventory no. 8185. See also, "Dokladnaya zaniska poloshchnika komanduyushchego Khara-khoto, mart 1225 g. (A Report by a Vice Commander-in-Chief of Khara-khoto, March 1225)," Pis'mennye Pamyatniki Vostoka 5 (1972) (Moscow, 1977), pp. 139-143.

we know from the historical record that Tangut authorities pretty much conducted diplomatic exchanges by the rules. For example, they always overserved the sanctity of foreign embassies, a widely accepted principle in North Asia, whose violation provoked the Mongols to war on more than one occasion. Yet, adherence to this principle -- no instance of the Tanguts ever executing an emissary being known -- failed to save them from attack and virtual extirpation by the Mongols.

We must emphasize that in general the sources consider every embassy as a real caravan. Not only was the mutual dispatch of gifts and payments fixed by treaty, but the exchange of embassies itself provided a normal channel for foreign trade. For economic as well as diplomatic reasons, these relations were strictly regulated since each side strove to secure needed goods and raw materials but not to sell goods to the other which might contribute to its economic prosperity. Thus, while the Tanguts were obliged by treaty to deliver horses as tribute to Sung, Liao and Chin, they endeavored to limit or even halt the export of their best breeds. "To provide a neighboring state with battle horses is a grave mistake," said future emperor Yüan-hao to his father.<sup>33</sup> Diplomacy, as today, was in all areas to serve the best interest of the state.

33. Tai Hsi-chang, Hsi-Hsia chi, ch. 5/24a.