

Talking about Dunhuang on  
the Riverside of the Neva

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## FOREWORD

*This booklet is a collection of papers submitted to the Second Roundtable "Talking about Dunhuang at the Riverside of the Neva", which was held on September 3, 2010, at the Institute of Oriental Manuscripts (IOM), Russian Academy of Sciences, St. Petersburg, as part of "Research in the Chinese texts which were discovered in Dunhuang, Turfan, etc. and now kept in Russia" research program. This program was organized by the Editor and supported by the Japan Society for the Promotion of Science (Grant-in-Aid for Scientific Research (B) 21320070). This workshop was conducted under the cooperation between the Institute of Oriental Manuscripts, RAS, and the Institute for Research in Humanities, Kyoto University. For the conduct of the workshop, we are rather grateful to Dr Irina F Popova, Director of the IOM. The subject of the workshop was mainly concerning the Dunhuang manuscripts kept in Russia. We have a long tradition of cooperation in this field of study dating back to 1929, when Prof Kano Naoki published an article on Wen Xuan (Literary Selections) by the use of the photographs of the Dunhuang manuscript, which Prof Alekseev provided as a present for Kano's 60<sup>th</sup> birthday. We sincerely hope that at the time of publication of this booklet, the cooperation will have developed further and bring more fruitful results in the future.*

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Kyoto

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## 前 言

這本小冊子是 2010 年 9 月 3 日在聖彼得堡借俄國科學院東方文獻研究所為會場舉辦的題為“涅瓦河邊談敦煌”的圓桌會議中提交的論文集。本次會議是編者主持的日本學術振興會資助研究項目“敦煌吐魯番等地發現的俄藏漢文文獻研究”（科學研究費 B 21320070）的活動之一，也是俄國科學院東方文獻研究所和日本京都大學人文科學研究所的合作項目。會議的舉辦得到了東方文獻研究所伊麗娜·波波娃所長的悉心關懷，謹此表示感謝！該會議的主題是俄藏敦煌寫本，而在這一方面我們擁有悠久的傳統。1929 年狩野直喜教授利用阿列克謝夫教授為慶祝狩野六十壽誕寄來的俄藏寫本照片，執筆刊行了關於敦煌本《文選》的著名論文，這是早期日俄合作中的一段佳話。在出版這一小冊子的時候，我們衷心希望日俄兩國將來能夠繼續開展在敦煌學上的合作，得到更加豐碩的成果。

高田時雄

二〇一二年二月於京都

## Irrigation in the Tangut State of Xi Xia (982-1227)

Evgeny I. Kychanov

In spite of the fact that the Xi Xia territory of the Tangut state consisted mostly of mountains, desert, and semi-desert regions, a significant part of the country was suitable for agriculture. Soil along the Huang He River from Yinchuan 銀川 to Lanzhou 蘭州 was cultivated from ancient times and yielded a good harvest; Nanshan 南山 and Xining 西寧 were also fertile territories. The *Songshi* 宋史 states that “Tangut lands were fertile, five types of grain were sown here, and rice and wheat were in abundance”<sup>1</sup>. Still, irrigation was essential for agriculture in many regions. According to the work *Xixia shu* 西夏書 by Zhou Chun 周春, an author from the eighteenth century, 68 small and large canals irrigated ninety thousand *qing* 頃 (or 51,000 hectares)<sup>2</sup>. Powerful networks of irrigation canals obtained water from the Huang He River. The *Songshi* states that in the districts of Liangzhou 涼州, Ganzhou 甘州, Guazhou 瓜州 and Shazhou 沙州 (Dunhuang), lands were irrigated with “water obtained directly from the rivers.” Archeological expeditions begun by Sven Hedin, which continue today, have discovered traces of irrigation canals and old irrigated fields. Dai Xizhang 戴錫章, author of the *Xixia ji* 西夏紀, speculated that in the territory of the Xi Xia state, there existed five ancient canals. Among them was the Canal Hanyuan 漢源, which was 250 *li* long, and the Tangliang 唐梁, which was 320 *li* long<sup>3</sup>.

<sup>1</sup> *Songshi* 宋史, vol.486, Zhonghua shuju 中華書局 ed., Beijing, 1977, p.14028.

<sup>2</sup> Zhou Chun 周春, *Xixia shu* 西夏書, Ms. of Peking University Library, vol. 9, p.10b.

<sup>3</sup> Dai Xizhang 戴錫章, *Xixia ji* 西夏紀, vol. 3, p.13a. Beijing: Jinghua yinshuju 京華印書局,

The nineteenth-century author Wu Guangcheng 吳廣成 wrote that “Dozens of canals were connected into a united irrigational system for distribution of the Huang He waters”<sup>4</sup>.

Tangut law codes contain interesting information about irrigation systems in the Tangut state. Tanguts not only had irrigational systems borrowed from the Han and Tang dynasties, but they also dug new canals. In the texts, these canals were referred to as “new canals.” All of the large canals were sovereign property, and thus belonged to the state. Every canal had a zone of alienation that was marked off by boundary signs and landmarks. Cultivated fields had to be at a distance of 40 steps (about 60 meters) from canals and not nearer. Canals were dug up and repaired by specialists – “men who were skillful in digging canals.” Workers were peasants, who were hired on the basis of labor duty and did not work more than 40 days in a year. Labor duty could be substituted with supplying building materials, which included 350 poles, each of which was 2 meters in length.

The entire population of a district was mobilized for work in extraordinary situations, during which time all building materials were confiscated from the citizens. This work was later taken into account as regular taxation. Workers were organized in groups (also called troops) of 20 workers each. This order is known from documents published by D. Twitchett<sup>5</sup>. Every pair of workers had their own task for one day of work. Canal administration consisted of two main executives – the canal manager and the inspector who perambulated the territory. From the Dunhuang documents it is known that they were known as the *quzhang* 渠長 (canal manager) and *qutou* 渠頭 (canal

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1924

<sup>4</sup>Wu Guangcheng 吳廣成, *Xixia shushi* 西夏書事. vol.20, p.7b. Beijing: Wenkui tang 文奎堂, 1934.

<sup>5</sup>Twitchett, D. “Some Remarks on Irrigation under the T’ang.” *T’oung Pao*. 1960. vol.48, livr.1-3, p.180.

supervisor). Each year, water observers and canal servers were appointed in turns. Their job was to keep watch all day and night. There was also a person in a special position who was responsible for plantation along canals. Peasants in the neighborhood were obliged to plant trees and bushes along the canal shores. They were prohibited from herding cattle, hacking trees, and mowing grass near the canal; in addition, they could not store fuel, clay, or sand. Violators were arrested.

In case there was any damage due to a water break, compensation depended on the cost of what was destroyed. If a man was killed, the violator was punished for unintentional murder. For intentional destruction, he was punished as for setting the fire.

Unfortunately, we do not know much about the use of water by peasants. Water was distributed in turns by districts, from spring until autumn. From Dunhuang documents, we know that water distributors were called *cishi* 刺史; they were governors of the districts. This name is also found in the Tangut codes.

In case of a violation, if there was no bribe, the fine was one horse or flogging (13 strokes). If there was a “bribe with violation of law,” then the punishment was more serious. In the case of water being stolen, the thief was guilty if he stole water on a single day, but if it continued after that, the canal administrator was considered guilty. According to the Code of the Tang dynasty, theft was punished by flogging (100 strokes).

Big canals were defense constructions. In case of an enemy attack, the water level was raised. It is possible that such a situation took place during the Mongol invasions (1205-1215).

The first article of the “New Laws” *Xin fa* 新法 (chapter 15) begins with the following phrase<sup>6</sup>: “In all irrigated regions the river beds and canals

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<sup>6</sup> *Xin fa* 新法 “New Laws.” Ch. 15, art. 1, no pagination (Tang 56/16, No. 286, Ms. collection

had to be put in order” after Mongol attacks. Article 3 states that canals are “the base of drinking water for state population” and article 2 demanded that all destruction and damage be fixed. Planting of trees and grass had to be resumed, while canals and ditches had to be cleaned. Local authorities were to register all building materials – reeds, logs, poles, road metal, straw – and they also appointed suppliers and confirmed the mode of compensation.

The “New Laws” contain a lot of information about the devastating consequences of Mongol invasions – government systems were disrupted, soldiers deserted the army, and people fled from the inhabited regions. However, nothing concrete is said about subsequent Mongol invasions.

Articles from the Tangut Codes that are concerned with irrigation are appended below<sup>7</sup>.

### **Article 983**

If the enemy army invades our territory then [in such circumstances] it will be necessary to calculate the distance to the area [that is occupied by the enemy] and to raise the water levels of the canals Ye, La, Han, Yan, and other large irrigation canals.

### **Article 1095**

Each spring, when the major work on irrigation canals begins, the officials who were in charge of it the year before are to attract attention [to the

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of IOM RAS).

<sup>7</sup>Cited at: Изменены заново утверждены кодекс девиза царствовони Небесное процветание (1149-1169). Издание текста, перевод с тангутского, исследование и примечания Е.И.Кычанова. В 4-х книгах. Кн.4. Факсимиле, перевод и примечания (главы 13-20). [The Revised and Newly Endorsed Code for the Designation of Reign “Celestial Prosperity” (1149-1169). Publication of the Texts, Translation from Tangut (Xi-Xia), Research and Commentary by E.I.Kychanov. In 4 volumes. Vol.4. Facsimile of the Tangut text, Translation and Commentary (chapters 13-20). Moscow; Nauka, GRVL, 1989, pp. 52, 79-80, 85-98, 100 (Памятники письменности Востока [Monuments of the Writings of Orient], LXXXI).

condition of the canals] in the prearranged terms. Regarding the chiefs who are to help [them] in handling the matter, after being checked by advisors and confirmed by the sovereign, able persons are appointed [to these positions] from among the heads and the “conveying orders” of all departments and of the transport department, from among the employees of the sovereign’s private chambers and [the department of] audiences, or from among the spies and the servants of the sovereign’s private chambers. The officials familiar with the craftsmanship of canal building are [to guide] personally the repairing and strengthening of damaged parts of the canals. The water from the canals is to be used from the beginning of spring until the frosts of winter, and this water is to be distributed among the districts (*zhou* 州) at the proper time. When difficulties in supplying water and other related troubles occur, if it is possible to appoint a special person to distribute the water, such a person should be appointed, and inspectors who keep watch over the water in canals and the officials in charge of canals are to be strictly ordered to distribute water among the districts in turns. If the law is broken as a result of a bribe and someone is not supplied with water when his turn comes, or if someone is supplied with it out of turn, the case should be treated as “bribe with violation of law.” If there is no bribe involved [the guilty person] who holds rank is to be fined one horse, and the commoner is to be flogged 13 strokes.

#### **Article 1096**

If during the distribution of water among the districts somebody claims that “The water distributor did not supply me with water in my turn, and I have not yet been given water,” then [this] is to be reported to the official. If it is possible to assign a man [to check the matter in situ], then [such] a man is to be assigned, and if it is possible to undertake proceedings, then [they] are to be undertaken. If serious accusations are brought against the distributor

of the water before he is to be examined, then he should be examined, and the water should be provided to the sufferers. If the distributor of the water against whom serious accusations were brought is not examined owing to a bribe or biased actions [of the officials], then senior and junior officials will be given a sentence under the law providing measures of punishment for a “bribe with violation of law,” and if there is no bribe involved [the guilty person] who holds rank is to be fined one horse, and the commoner is to be flogged 13 strokes.

#### **Article 1119**

On all main canals and secondary canals between the General Government (da dudu fu) and Dinyuan district, there must be 150 inspectors and canal managers. If any of these positions are vacant, someone should be assigned to them, and if there are people who have quit [these positions], [they] should return to them. If an inspector’s position is not staffed, it is necessary to find from among unoccupied officials for special missions those who are acquainted with the conditions of land and water to supplement the staff by the desired number of officials. After [their appointment], canal managers and inspectors in the service are not allowed to leave the workplace. If unnecessary workers are appointed, or people leave the service because of secondary causes, then the senior and junior officials who might have encouraged a worker to end his service, or anyone whose responsibility it was to make sure there were no people appointed without necessity, are given a sentence under the law providing measures of punishment for changing the gwon.

#### **Article 1120**

Regarding the appointment of “water observers” and “canal servers” on big main canals, [they] are to be appointed annually in turn from among the

families using the water, from among the sovereign's husbandmen, and from among [husbandmen] belonging to [sovereign's] relatives, advisors, senior and junior [officials], lords of taxed yards, and all shrines. Appointing anyone [on these positions] out of turn is prohibited. If the law is broken, then those who hold rank are to be fined one horse, and commoners are to be flogged 13 strokes. If a bribe has been given, it should be treated as "bribe with violation of law."

### **Article 1121**

At all main canals, "water observers," "canal servers," canal managers, inspectors, persons in charge of works, and other chiefs are to make a full inspection of their posts, send [people] for questioning, check [the canal's condition], and keep track of the cattle pasture [in the area of the canal]. [All of this] must be done with great care. If wearing away of shores near the canals or at the junctions of irrigation ditches is detected, then, where it is possible to conduct repairs [through own forces], the same should be undertaken. Moreover, if it is not possible, one should report [all present damages of the canal] to the official and then undertake repairing and strengthening [of damaged parts]. If [they] do not give due attention and do not look after the cattle pasture [in the area of the canal], and do not report all present damages to the official and [as a result of which] the repairs are not done, and the canal is breached and water is flown, then the sentence is passed [to those who are guilty] according to [damage] cost – that of the bread crops, fields under crop, houses and buildings belonging to the sovereign, private owners or shrine's "permanent residents" (*changzhu* 常住), – and also the cost of [repairing] works and [another] sowing of the fields. 1. If the next canal server in line, whatever day or night, is not present at the part of canal entrusted to him, or leaves the workplace and does not keep watch over [a canal carefully], and

[as a result of which] a canal is broken through and water is lost, the punishments are as follows: in case of loss in the amount of up to and including 50 bunches of coins, the guilty person is to be awarded a punishment in the form of 3 months of hard labor; from above 50 up to and including 150 bunches of coins, 6 months; from above 150 up to and including 500 bunches of coins, 1 year; from above 500 up to and including 1,000 bunches of coins, 2 years; from above 1,000 up to and including 1,500 bunches of coins, 3 years; from above 1,500 up to and including 2,000 bunches of coins, 4 years; from above 2,000 up to and including 2,500 bunches of coins, 5 years; from above 2,500 up to and including 3,000 bunches of coins, 6 years; from above 3,000 up to and including 3,500 bunches of coins, 8 years; from above 3,500 up to and including 4,000 bunches of coins, 10 years; from above 4,000 up to and including 5,000 bunches of coins, 12 years of hard labor. In case of loss of an amount exceeding 5,000 bunches of coins, the guilty person is subject to death by choking. If anyone is killed, [the guilty person] is to incur the same punishment as that prescribed for unintentional murder, when a man on one side of a fence does not know [that there is another man] on the other side, and kills [that] man with an item thrown or an arrow released from a bow. A person in charge of works, a chief, an inspector, and a canal server incur the next punishments for their administrative disability: a canal manager – as an aide of “a canal server,” an inspector – as an aide of a canal manager, a person in charge of works and a chief – as aides of an inspector.

2. If a canal manager and his officials do not inform in advance the inspector who keeps watch over the water in a canal about destruction near junctions of irrigation canals and shores of the main canal or river, or if [through their default] the enemy destroys a dam, then [they] incur the same punishment as for “canal servers” when [they] leave workplaces and [as a reKychanov : 2011/8/3(9:5) Kychanov 9 sult of which] an irrigation canal

is damaged. An inspector [who keeps watch over] the water in a canal for his administrative disability incurs punishment for having aided a canal manager.

3. If a canal manager informs an inspector who keeps watch over the water in canal that there are destructions near junctions [of irrigation canals] and shores [of a canal], and an inspector does not take this information into consideration and does not report it to the official, and [as a result] repairs are not carried out and water is lost, then the inspector who [keeps watch] over the water in that canal incurs the same punishment as for a canal manager who does not inform an official about damage of canal's shores when water is lost. If water is not lost, then a guilty person is awarded one years of hard labor.

4. In the case of a canal manager informing an inspector who [keeps watch] over the water in canal about destructions of canal's shores near junctions of irrigation canals, and the inspector who [keeps watch] over the water in that canal does not take [this information] into consideration and a canal manager does not inform another official and [as a result] water is lost, then this canal manager incurs a punishment of three degrees less than for an inspector who [keeps watch] over the water in a canal. If due to these damages water is not lost, then a canal manager does not incur a punishment, and the inspector who [keeps watch] over the water in that canal is to be fined one horse if he holds rank, and is to be flogged 13 strokes if he is a commoner.

5. If at Na, Lang, Han, and Yan or other big canals, an inspector, a canal manager, or any other man who, without a corresponding right, breaks through a dam out of hatred to the owner or destroys the shore of a canal and [as a result] fields, buildings, and their owners are damaged by the water flow, then, if it is reported by a third man, a punishment for he who destroyed a dam, a reward to informer for the information, and compensations

to the owners of the cattle and property are carried out on the same basis as a punishment for one who commits arson, a reward to an informer, and a compensation for damaged cattle and property as though they had suffered arson.

### **Article 1122**

At the new canals Na, Lang, Han, and Yan, and at all big canals over 1,000 steps in length, it is necessary to mark the boundaries of [their] areas, to set down landmarks, and to sink big stones of a conventional shape into the center on which the name of those who keep watch [over the canal] are written. If a sovereign's private owner, or a private owner from the nearest taxed yard who is a member of local gwon may [be appointed] as a fellow [to canal observer], then he is to be appointed. In the case that there are no owners around, a fellow may be appointed from among owners living in places where irrigation is provided. [This responsibility] is to be allocated to [such owner] personally, and he is to carry out the service in turn with other owners. It is necessary to send each year an inspector [who keeps watch] over the water in the canal and a canal manager, and they both are to look after trees, bushes, and grass planted along the canal at the areas entrusted to them. Nobody is allowed to cut down [trees and grass along the canal]. If someone cuts down [a tree or a bush] or cuts a grass [in the area of canal], then it is necessary to inform an official [about him] and to arrest [that person]. A sentence is passed [to the guilty person] in accordance with the law. If a [canal] observer detects [a thief] and lets [him] go, then [he] incurs the same punishment as prescribed [for a thief]. If [he] does not check, then he [also] incurs a punishment: he is to be flogged 13 strokes like a commoner, and must compensate the cost of bushes and grass, and must revive plants carefully. If the damages [of shores and plants on the shores] are due to

the carelessness of [canal] observers, then those who carelessly serviced the canal incur a punishment two degrees less than those who damaged the canal directly.

### **Article 1123**

If the relatives of a sovereign, advisor, or other people holding high ranks and who are held in respect make the “canal server” turn on the water [to their fields and gardens] out of turn by beating and threatening him, [and as a result of which] the canal is damaged, then [the guilty persons] incur the same monetary punishment as for the “canal server” when he leaves his post, does not keep watch over the canal carefully, and misses the water flow, depending on the amount of damage done to the cattle, property, and processed or sown fields. The cost of damage to the cattle and property is to be divided into two parts, and one of them is compensated by the guilty person. If a “canal server” in this case urgently says, “I took water from the canal,” then he does not incur a punishment. If [that person] does not inform an official [about an incident], after getting a bribe or because of a bias, then he incurs a punishment of two degrees less than for those who take water without it being their turn. Moreover, if someone bribes a “canal server” and asks for water out of turn, [and as a result] a canal is damaged, then the main punishment is inflicted to the “canal server,” and whoever asks for water out of turn is to be punished as an aide. If the “canal server” sleeps or leaves a work place, and someone turns on the water and damages [a canal], and if it happened within one day of a punishment being inflicted to that he who turned on the water [to his fields], then the “canal server” is to be punished as an aide. If it took [the offender] more than one day [to take water illegally], then the main punishment is inflicted to the “canal server.”

### **Article 1124**

If an inspector, a canal manager, or anyone else hand in a statement in which it is reported that the shores of a main canal are damaged and need to be repaired, and clerk does not accept it, or does not consider it with the appropriate urgency, or after considering it does not inform the chief of department or the “order deliverer” about it and as a result a canal is damaged, then the guilty person at the point at which the statement was delayed incurs the same punishment as the inspector who does not take into consideration the same statement from the canal manager. If the canal is not damaged, then the guilty person is to be punished in the form of six months of hard labor.

#### **Article 1125**

If somebody cultivates a new plot of land and it is possible to bring an irrigation canal [to this plot] where it would be profitable for the sovereign or for a private, then [it] is to be reported to the transport department and it should be clarified whether or not it inflicts damage on [other people] who live on the sovereign or private’s land. If it inflicts damage [on them], then an irrigation canal is not to be brought [to the new plot], and if it does not inflict damage [on them], then an irrigation canal is brought [to the new plot] and it is forbidden to oppose [it]. If an irrigation canal is brought where it inflicts damage on other people living on the land, or if it is not brought where it does not inflict damage on other people living on the land because of opposition of owners, then [the guilty people incur a punishment]: those who hold rank are to be fined one horse, and the commoners are to be flogged 13 strokes.

#### **Article 1127**

The transport department of the General Government (*Da dudu fu* 大都督府) that is in charge of the lands irrigated by water from the main canals in case of important incidents, such as a rush of water or a damage of canal, is responsible for estimating the scale of the threat with its own forces and

to repair damaged parts, and also to inform the immediate supervisor of the incident.

### **Article 1130**

If poles are required during the cleaning of a canal in the area of irrigated farming near any main canal, then it is necessary to take from the conscripted workers during the springtime building of a canal one hundred secondary workers, each of which, instead of additional works, is to supply 350 thin poles each of the length of 7 *chiau* (*chi* 尺) and to send [them] to the main canal. If [this number of] poles is insufficient and more are necessary, then it must be estimated how many [are] necessary in all, to inform the official about it, and to extract [an extra number of] secondary workers for supplying poles. If the supervisors do not inform the official and any workers are imposed the duty to supply poles, then, if there is not a bribe and poles are already supplied to the sovereign's storages, the guilty persons incur a punishment one degree less than it is prescribed for a mistake, and if the officials use poles for private purposes, then they incur the same punishment as for a "bribe with violation of law."

### **Article 1132**

The destruction of all existing large and small bridges over all main canals is prohibited. If this law is broken and [a bridge] is damaged, then a sentence [to those who are guilty] is passed in accordance with a law that metes out the punishment for a theft with consideration for the cost [of actual damage] in monetary terms. If [the bridge] is currently in use, then the thief is to compensate for any actual damage, and the bridge should be repaired.

### **Article 1133**

If there are disabled bridges on the wide roads that cross the Na, Lang, Han, and Yan canals, it should be reported to the transport department. The

representative of the transport department is to go to the site to estimate any work that needs to be done, and after that, repair should be executed at the sovereign's cost. Supervisors [of the bridges] should be appointed from among skillful and faithful people at the rate of [one] man from 10 yards. If the need for repairing the bridge is not reported, then [the guilty person incurs a punishment]: those who hold rank are to be fined one horse, and the commoners are to be flogged 13 strokes. If at the other main canals there are big bridges, and the transport department has a right to appoint supervisors of them from among the owners of taxed yards, then [such supervisors] should be appointed. The repair [of such bridges] is carried out at the privates' cost, and it should be ordered urgently. Careful supervision [of the condition of bridges] should be kept day and night. If there is careless supervision and the bridge is washed away by water or destroyed by gangsters, then, if [the one who is responsible for the bridge] can compensate the damage and repair [the bridge] by his own means, then [he] does not incur a punishment. If the bridge is not repaired, then those who hold rank are to be fined one horse, and the commoners are to be flogged 13 strokes.

#### **Article 1134**

In places where roads cross short-haul canals, the owners who live in the surrounding area are to be ordered to build bridges [across these canals] and to keep watch [over the conditions] of these bridges. If [the bridge] is damaged then they are to repair [it]. If the bridge is not built or repaired, then the guilty persons who hold rank are to be fined five bunches of coins, the commoners are to be flogged 10 strokes, and the bridge should be built or repaired.

**Article 1136** If the bridge, large or small, falls into disrepair and is not reconstructed, or if the bridge is not built where [it] should be built, and

if large or small road is cut off or narrowed, or is cultivated, or is flooded by water, then an inspector [who keeps watch] over the water in the canal and the canal manager are to give an order to repair it, and an order for the building [of a bridge] or repair [of a road]. If an inspector [who keeps watch] over the water in a canal and the canal manager find out [difficulties] and do not report [them], and do not order them to be repaired, then [they] incur the same punishment as those who cut off a road and flooded it with water.

#### **Article 1137**

If there are not roads along the shores or near the junctions of the new canals of Na, Lang, Han, and Yan, as well as other big canals, walking and damage of the shores are forbidden. If the law is broken, then the owner who keeps watch over the canal is to arrest [the perpetrator] and to deliver [him] to the official. The commoner is to be flogged 13 strokes [for walking near canal where it is prohibited]. If the canal observer lets the criminal go or does not keep watch [over the canal] carefully, then he incurs the same punishment [as that is prescribed for the perpetrator].

#### **Article 1138**

Along the Na, Lang, Han, and Yan canals, and all the other sovereign's canals, the sovereign and private owners of taxed yards in the places where [their] lands come close [to canals] are to plant along the canal osiers, poplars, elms, and other trees, to build [fences] from bushes and to look after old plants, to protect [them], to dress browses in due time, and not to cut down anything without planting something new. The cutting down of trees and bushes [near the canals] is prohibited for any other people except for those [mentioned above]. The transport department is to appoint, from time to time, a skillful man to keep watch over these proceedings. If the law is broken, then those who do not plant anything [incur a punishment]: those who

hold rank are to be fined one horse, and the commoners are to be flogged 13 strokes. Those who planted trees and bushes but failed to protect them or inadvertently fed them to cattle [incur a punishment] along with the owner of the cattle: the commoners are to be flogged 20 strokes with a thin stick, those who hold rank are fined five *ldie* (*jin* 斤) of iron. If [such a crime] is committed by a third man who cut down a tree or a bush owned by the sovereign or by a private, then the guilty person's sentence is passed as though for a theft, depending on the cost [of the damage done] in monetary terms. If someone informs about cutting, the informer gets a reward for giving information about a theft. If someone who keeps watch over trees and bushes catches [a thief] on his own and informs an official [about him], then [he] is released from his penalty. If such a man cuts a tree or a bush near the canal by himself, regardless of the amount of plants cut, the commoners are to be flogged 13 strokes, and those who hold rank are to be fined one horse.

#### **Article 1139**

Removing the bark of the sovereign's trees along the main canal, or notching them with an axe, is forbidden. If this law is broken, then the [guilty person] incurs the same punishment as for cutting down a tree. A reward for information [about such a crime] is paid within the limits prescribed by the law.

#### **Article 1140**

If inspectors and canal managers that [keep watch] over the water in canals do not deliver a strict order to the owners of taxed yards who live along [the shores of] the main canal that is entrusted [to those officials], and the trees are not planted along the sovereign's main canal, then the canal manager is to be flogged 13 strokes and the circuit [who keeps watch] over the water in canal is to be flogged 10 strokes. If the trees are planted and [the

officials mentioned above] see that someone has cut down a tree and did not inform [of it], then [they] incur the same punishment.

#### **Article 1141**

Sand recovery and the laying of fuel along the shores, near the locks or branches of the Na, Lang, Han, Yan, and all other main canals are forbidden. If, contrary to this law, shores are dug up and destroyed, and as a result water breaks through, then the person who dug and damaged the shore incurs the same punishment that is prescribed for a “canal server” who left a job site and caused the destruction of canal. If water does not break through, then the guilty person incurs a punishment for the theft of sand and fuel in accordance with the cost of stolen property, as well as an additional three months of hard labor. If a third person informs an official [of a violator], [that person] will be rewarded in accordance with the law of rewards for information about a theft.

#### **Article 1142**

If any owner of taxed yard, after asking for water, turns it on through irrigation canals to the fields, then until [the supply of water] ends [he] is to keep watch over [it]. It is forbidden to turn on water to the fields of any [other] man. If the law is broken and the irrigation canal is carelessly damaged, and the water that breaks through the dam floods fields and buildings, then the one who turned on water [incurs a punishment]: those who hold rank are to be fined one horse, and the commoners are to be flogged 13 strokes. If agricultural activities are still carried out, then inflicted losses should be compensated with the supply of draft cattle, seeds, or additional processing and seeding of [flooded fields]. If agricultural activities are already over, then the damaged crops and fruits are to be lost, and should be compensated. If water penetrates under a building and [it] falls, [the damaged building] is to

be lost and [a guilty person] is to compensate [to the sufferer] a half [of its cost]. If the [guilty] owner is poor and sent his son for labor repayment as a compensation of a loss [he incurred], but is still unable to compensate [it], then the sentence [to the guilty person] is passed according to the law [that prescribes punishment] for mistakes made. If [as a result of water breakout] a man is dead, then [the guilty person] incurs the same punishment as that prescribed for unintentional killing of a man beyond a fence with an item thrown or an arrow released from a bow.

#### **Article 1144**

If the water in the main canal came up because of rain or because it was clogged up, and the [canal] was damaged, and if there is not enough grass stored up for the sovereign at the nearest [storage place] [for the repair of canal], then the grass should be taken from those privates living nearby who have it, and it should be used, and the amount of the grass should be calculated. If the owner of the grass owns croplands, then [the grass taken from him] should be counted against the hay supply. If the grass is taken in the amount that is more than the one [this owner] is to supply annually, then [surpluses] should be counted against the [future] hay supply. Further, if [the owner of the grass taken] does not own croplands, then for every roll of grass, [he] is paid by the sovereign in accordance with [its] cost in the law. If the grass of the private owners is not counted against the hay supply or is not compensated, then [the guilty person incurs a punishment]: those who hold rank are to be fined one horse, and the commoners are to be flogged 13 strokes.

#### **Article 1149**

Laborers who are conscribed to the springtime works of canal building and are sent to the Na, La, Han, and Yan canals are to be paired. [All of their] work should be divided between them, and they are to do a repair [of

the canal], digging the ground carefully at a necessary depth and extent. If [they] dig carelessly, without due attention to the [determined] extent and depth, then [they incur a punishment]: those who hold rank are to be fined one horse, and the commoners are to be flogged 13 strokes.

## 西夏國的水利灌溉

葉夫根尼·克恰諾夫

一般認為西夏國領土不是山地而是沙漠，可耕土地很少，其實不少地方適宜於農業生產，但水利灌溉是不可或缺的一個條件。一些傳世歷史文獻提到西夏國開鑿了四通八達的水渠網，而斯文赫定等近代考古學家發掘了這些灌溉設備的遺址。不僅如此，黑城發現的西夏文法典中的很多條文涉及水利灌溉，如水渠保護的管理條例、禁止項目、罰則規定等。此文未附西夏文“新法”相關條文的英譯文共二十四條。

Talking about Dunhuang on the Riverside of the Neva. S IM. I=M.Â ranks and who are held in respect make the "œcanal server" turn on the waÂ ter [to their fields and gardens] out of turn by beating and threatening him, [and as a result of which] the canal is damaged, then [the guilty persons] inÂ cur the same monetary punishment as for the "œcanal server" when he leaves his post, does not keep watch.