On December 31, 1396, Zhu Yuanzhang sent two court officials to Annam to settle a border dispute between the two countries. This border settlement embassy had been initiated by a memorial submitted by Huang Guangcheng, the aboriginal prefect of Siming Prefecture, Guangxi Province. Huang reported that Annam had shifted the border located at the “bronze pillar” two hundred li to the north, seizing five districts from Siming; and that the local Thai people were suffering from heavy tax burdens. He thus petitioned the imperial court to “order” the Annamese Tran dynasty to return the occupied territory. As soon as they arrived at the Annamese court in March 1397, the Ming envoys engaged in the difficult task of “instructing” the Tran court. They claimed that those five districts had belonged to Siming since Ma Yuan’s military expedition in 43 C.E. In order to avoid disaster, they warned, the Tran had better return the territory immediately. But the Tran government, controlled by the powerful general Le Qui-ly (1335–1407) (DMB, 797–801), held a different view, saying that Annam’s rule over those five districts could be
traced back at least to the early Yuan; Siming’s accusation of invasion was groundless. Moreover, the Tran argued, the borderline had changed time and again since Han and Tang times. Therefore, how could past incidents like Ma Yuan’s conquest be used to judge present-day affairs? The debate went on and on.

While negotiations were locked in a stalemate, the Annamese king presented a long letter to the Ming government at Nanjing. In it, he emphasized that the Annamese should keep those five districts because they had lived there for generations. It was sincerely wished, the king concluded, that Annam and Siming would each safeguard the fixed boundary and both serve the “heavenly court”—the Ming; and, at the same time, the Ming would treat both Annam, the “lesser country” (xiaguo), and Siming equally, without discrimination. When the Ming envoys eventually returned home empty-handed, Zhu Yuanzhang summoned his court officials to deliberate on the knotty problem. Some proposed a military expedition against Annam for disobeying the court’s order. Although he realized that Annam would not return the disputed land, Zhu did not send expeditionary forces. His decision does not seem belligerent: “Contending among barbarians has existed since ancient times. Being so wayward and disobedient, they [the Annamese rulers] will certainly court disaster in the end. Let us wait for the moment” (TS, 3626–27). The Ming efforts to restore the borderline thus ended in failure.5

This rare case of boundary negotiation during the Hongwu reign raises an important question: What was the relation between Annam, Siming prefecture, and the Ming court? For the Annamese, Annam was certainly a “lesser country” compared to Ming China. They paid tribute to the Ming, sought titles from the Ming, and provided military supplies when the Ming needed to suppress rebels along the border line (MS, 8309–12). But how did they find the courage to argue against the Ming order and keep the disputed land? With regard to the Thai people in Siming, they were clearly subjects of the Ming ruling house. Their chieftains received the office of “aboriginal prefect” (tu zhifu) from the Ming court, and thus should serve and seek protection from the central government at Nanjing. But why did the relationship show signs of disunity? It was the aboriginal officials who repeatedly petitioned the central government to recapture the lost territory, but the Ming court reacted slowly and passively, and eventually adopted a wait-and-see policy. As for the Ming, in the face of foreign encroachment, it was their duty to expel the invading enemies and recover their sacred territory, so why did they behave more as an arbitrator than
an interested party? Indeed, when the Ming envoys tried to persuade the Annamese rulers to follow the Ming order, their main argument was that those five districts belonged to Siming and should be returned to the local people. Thus, they were not requesting the return of these lands from the standpoint of the Ming court.

What was going on? Why did the Ming not take aggressive action to recover the lost territory in Siming prefecture, which was an integral part of the Ming empire? The pacifist stance of the Ming court might have had something to do with dynastic strategy for frontier defense, domestic economic conditions, a realistic assessment of foreign armed strength, or the emperor’s personal interest, health, and age (Lo 1970, 161–66; Wang 1968, 50–53). A crucial factor here seems to be the dual status of Siming perceived both by Annam and the Ming court. While Annam accepted its inferior position with respect to the Ming, they viewed themselves as Siming’s equal, although the latter was indeed part of the Ming empire. They thus petitioned the Ming court to treat the two sides without discrimination. As for the Ming, they viewed the Thai people in Siming—like the Han people in the central Ming territories—as the “children” of the Chinese Son of Heaven, and therefore intervened in the dispute on their behalf. However, the ethnic identity of the Siming people made the Ming court share the viewpoint articulated by Annam. Their conflict, as Zhu Yuanzhang commented, was in essence a dispute between two barbarian peoples. That is to say, Siming’s membership in the Ming empire had not changed their uncivilized nature.

This story reveals that the early Ming ruling elite were consciously maintaining boundaries between Han and non-Han realms. As a foreign, barbarian land, Annam was inferior to but independent from the Ming. The boundaries between the two countries demarcated not only different peoples but different levels of civilization. From within the Ming empire, Siming was viewed as a place bathed in the sunshine of imperial grace. Its Thai ethnicity, however, became a boundary marker separating this particular place from Han areas. This chapter examines how such boundaries were erected between Han and non-Han cultural zones in the early Ming. It argues that, with the center located in the Han core area, the ruling elite delineated two frontiers in “all under Heaven”—one between Han and non-Han peoples within the Ming empire, and the other between the Ming empire and foreign countries. In order to guard against non-Han “polluting” sources, The Great Ming Code served to define, maintain, and expand the boundaries between Han and non-Han cultures.
The Hongwu reign was a time when borderlines were established by the new ruling house. In their boundary-creation efforts, the early Ming ruling elite divided the world into three interrelated yet distinctive domains: “Zhongguo ren” (people of the Central Kingdom, or “Chinese people” in present-day English), located at the center of the Ming empire; “inner barbarians” (manyi) within the Ming realm; and “foreign barbarians” (waiyi). After overthrowing Mongol rule, delineating “China” became a pressing task for the Han government. Indeed, viewing himself a “Chinese person” (Zhongguo zhi ren) with the mission of bringing peace to the “Chinese people” (Zhongguo zhi min) (TS, 404), Zhu Yuanzhang’s first goal in rebuilding the world was to “recover our China” (fu wo Zhongguo) (TS, 1752). But what exactly was “Zhongguo”? In fact, the early Ming ruling elite used the term “Zhongguo” for two circumstances. First, Zhongguo was home territory, in contrast to foreign countries. As soon as he founded the new dynasty, Zhu began issuing proclamations to his foreign neighbors. On numerous occasions, he “instructed” foreign peoples—in particular, people from Mongolia in the north, the Western Regions, Tibet in the southwest, Annam and Champa in the south, Korea in the northeast, and from overseas countries such as Japan, Java, Liuqiu, and Srivijaya—to serve Zhongguo. By excluding those foreign countries, the Ming court envisioned Zhongguo as a vast region encircled by the ocean, with steppes, deserts, plateaus, and tropical jungles on her four sides. In this sense, Zhongguo was primarily defined as the Ming empire—the “political China.”

Meanwhile, the term “Zhongguo” was often used in contradistinction to non-Han peoples within the Ming domain. In dealing with ethnic minority affairs, the early Ming ruling elite constantly made decisions on the basis of differences between “Zhongguo” and “inner barbarians” (TS, 1599–1600, 2936–37, 2213, 2747–48). They saw Zhongguo as an entity different not only from foreign countries, but also from regions inhabited by non-Han peoples under the Ming government. By excluding those “barbarian” areas, the Ming court defined Zhongguo as the land of the Han, where Han-Chinese values prevailed. Indeed, when Zhu Yuanzhang and his court officials showed their determination to “recover the old territory of our Zhongguo,” they were basically targeting drainage areas of the Yellow River, the Huai
River, the Yangzi River, and the Xi River (TS, 403). In the first comprehensive account of Ming political geography, the Gazetteer of the Great Ming (Da Ming zhi, 1370), the four boundaries of the Ming empire were delineated as: to the east, the ocean; to the south, Qiongya (Guangdong); to the west, Lintao (Shaanxi); and to the north, Beiping. Within the Ming domain, in addition to 120 prefectures and 108 subprefectures which were administered under twelve branch secretariats, there were also three pacification commissions (anfu si) and one chief’s office (zhangguan si) (TS, 1149). The latter administrative regions were clearly designated for non-Han peoples, and were not considered part of “Zhongguo.”7 In this sense, Zhongguo was not identical to the Ming, but only constituted the cultural core of the empire—“cultural China.”

Outside “cultural China” lay the second level of the world: “inner barbarians” ruled by the Ming government. These were primarily the areas inhabited by non-Han peoples, such as Sichuan, Huguang, Yunnan, Guangxi, and Guizhou (Wiens 1967). Continuing Yuan practice, the basic Ming institution for governing aboriginal people was the “aboriginal office” (tusi).8 As part of the Ming “loose-rein” (jimi) policy,9 this system incorporated unassimilated “barbarians” into the Chinese empire by granting tribal chiefs official titles and leaving them with considerable authority over the local people. The Ming court, meanwhile, stationed military forces to maintain order and resist aggression, and demanded tribute and taxes from local people (MS, 7981–8277). To the early Ming ruling elite, these people differed from the Han in “cultural China” in terms of value system, nature, life style, and even physical features (TS, 833, 2210, 2874, 3475–76; MS, 8168; YZWJB, 310).

Beyond the “inner barbarians” were the “outer barbarians” in foreign countries. To be sure, the early Ming ruling elite firmly believed that the Chinese Son of Heaven held the authority and duty to govern the entire human realm. As Zhu Yuanzhang proclaimed to the king of Java, “When the sage governs all under Heaven, anybody inside and outside the four seas [China] is his subject (chizi)” (TS, 2125). However, they did acknowledge a distinction between the Ming and the outside world; this explains why the Ming court endeavored to settle the border dispute with Annam, as discussed at the beginning of this chapter, and was eager to set a boundary with Korea at Tieling (TS, 2807–8, 2867–68; Lo Jung-pang 1970, 158). In fact, Zhu perceived the distinction to be so profound that he instructed his descendants not to covet momentary martial glory and attack “outer barbarians” without being provoked.10

If the boundary lines between “cultural China” and “inner barbarians”
were more ethnocultural in nature, those between the Ming and “outer barbarians” were primarily geopolitical. Accordingly, instead of political and military controls, the Ming government utilized the tribute system as the “basis of Ming foreign policy” in dealing with foreign countries. Under this system, the Ming emperor claimed to be the “ruler” of tributary rulers, who in turn were supposed to be “subjects” of the Ming ruling house. The Ming court established tribute schedules, and granted patents of appointment and official seals to non-Chinese rulers for use in written communications. In addition, a series of rituals was instituted to symbolize the hierarchical world order. The kowtow, for example, was performed by non-Chinese when paying audience to the Ming ruler. The non-Chinese presented local products as tribute to the Ming court, which “bestowed” symbolic gifts in return. Tributes from non-Chinese regimes without proper etiquette or at inappropriate times risked being rejected. Indeed, the refusal to receive tribute served as a way for the Ming court to defend the Chinese world order (MS, 8279–8462, 8511–8627).

Generally speaking, a suzerain-vassal relationship based on the Chinese ethnocentric worldview existed between the Ming and her neighboring countries, although the closeness of their mutual ties varied. Some countries, such as Liuqiu and Champa, maintained constant tributary relations with the Ming court (MS, 8309–12, 8383–85). Others, like Japan and Korea, had occasional trouble with the Ming due to tension at the Ming court, alleged Japanese pirates along the Chinese coast, political division in Japan, and a transfer of power in Korea. The only exception was the Mongols in the north, against which Ming forces engaged in protracted warfare (MS, 8463–67; Rossabi 1998, 224–41). According to the Ming History, some thirty-eight countries and tribal kingdoms paid tribute to the Ming court during the Hongwu reign. It should be noted that boundaries between the Ming empire and the outside world were in constant flux. In 1367, Zhu Yuanzhang and Song Lian saw a “China” that did not include the “Ba-Shu” (Sichuan) area (TS, 26); in 1371, Ming forces incorporated that region into the Chinese empire (MS, 26). Also, the Yunnan plateau ruled by the Mongol Prince of Liang, Basalawarmi (d. 1382), was treated as a separate “country” (guo) before it was incorporated into the empire in Hongwu 15 (1382). And the boundary line between tributaries and non-tributaries also underwent constant change. Of the thirty-eight countries allegedly paying tribute to the Ming court during the Hongwu reign, only six did so ten or more times; twenty-two of them paid tribute only once in a time span of thirty years (MS, 9–37, 39–57). This
indicates that during the first three decades of the Ming dynasty, only a small number of countries maintained a stable tributary status; a vast multitude of others stayed beyond the reach of Ming influence.16

The boundaries created between cultural China and inner/outer “barbarians” constituted an essential part of early Ming cosmology. Based on the traditional concept of “all under Heaven,”17 Zhu Yuanzhang and his officials believed that the supreme deity, the “Lord of Resplendent Heaven,” had chosen the Chinese emperor as his representative to govern all human beings. Every corner of the world should pay heed to the divine will as set forth in instructions by the Ming court. In mediating disputes between Annam and Champa, Zhu instructed their rulers that Heaven loved preserving and disliked killing; the best way to practice benevolence and conform to the Way of Heaven was to serve China and cultivate friendly relations with neighboring lands (TS, 2118–19; MS, 8384–85; YZWJ, 116). When taking Japanese rulers to task for acts of disobedience, Zhu admonished them to mind the principle that Heaven assisted the good and harmed the evil; if Japan continued to disregard the command of the Lord on High, disaster would result in the tiny, isolated islands (TS, 2173–77). To stop the three kings of Liuqiu from attacking each other, Zhu urged them to understand that rulers were “engendered” (sheng) by Heaven to prevent living beings from harming each other; they would only be blessed by Heaven if they pursued the policy of ceasing hostilities and nourishing the people (TS, 2375–77; YZWJ, 126, 127). In this way, heavenly attention did not only rest upon China, but was universal, and “all under Heaven” should pay heed to its mandate—as perceived and articulated by the Ming court.

One way in which the Ming manifested the Heavenly Mandate to the world was by bestowing the Calendar of the Great Unification on foreign rulers (TS, 847–48, 867, 937). Whether or not to observe the Chinese calendar became a test of whether or not one respected the Mandate of Heaven. When the Mongol prince in Yunnan did not employ the Chinese calendar, he was blamed for not following heavenly principle and the human heart (TS, 1706–7; YZWJ, 37–38). Due to noncompliance with the Chinese calendar, a local Japanese lord’s tribute was rejected by the Ming court (MS, 8342). On the other hand, because Annam and Champa both adopted the Chinese calendar, they were treated with kindness by the Ming and exempted from paying taxes or tribute (MS, 8384). By subjecting foreigners to Chinese time, the Ming endeavored to bring them into the Chinese world order.

In addition to the concepts of Heaven and cosmic time, the idea of differentiated cosmic space also supported China’s position at the center of the
world. Drawing on the traditional cosmographical scheme of “five zones” (wufu) dividing the world into five concentric regions, the Ming classified “all under Heaven” into core, periphery, and outside domains according to their cultural and political relations with “China.” This hierarchy of cosmographical relations was further strengthened by yin-yang theory. In 1376, responding to an imperial call to speak out on erroneous policies that might have caused celestial anomalies, Zeng Bingzheng, the principal of the Confucian School at Haizhou Subprefecture in Huai’an prefecture, declared that a recent solar eclipse had been the result of imbalanced yin-yang forces on Earth:

What the Yi[jing] expounds is that great importance should be attached to the yang element, while the yin element should be devalued. The law [as found] in the Chun-qiu puts China in the center and barbarians on the periphery, because China is of the yang element and barbarians are of the yin element. . . . Recently, when passing through Jiangpu, I noticed that many [Mongol] “prisoners” from beyond the borders had rebellious ideas. This is the area bordering on the capital. Can such a state of affairs be tolerated? It is to be feared that after a number of years we will become used to them and we will forget [their true origin]. After they have grown in numbers, is it not likely that there will arise among them strong and cunning men [to disturb the peace right near the imperial throne]?!

In the cosmos, then, China, the yang force, was supposed to rule at the center; and barbarians, the yin, should be ruled in outer areas. Allowing barbarians to stay near the hub of civilization, according to Zeng, was a policy that promoted yin and resisted yang, reversing the fundamental cosmic order. That was why, in consonance with human affairs, the moon and black spots would violate the sun in the sky. Zeng suggested that the court, by following the sagely way of fostering yang and restraining yin, relocate the Mongols out of China. Only then would anomalies be eliminated, the heavenly heart changed, and the dynasty be prosperous forever. The emperor, it is said, was very pleased with Zeng’s memorial and promoted him to the office of vice director of the Directorate for Documents (TS, 1811–16).

The cosmological boundaries between Han China and non-Han “barbarians” were reinforced by the “cosmic demarcation” (fenye) theory. In 1384, the Ming court completed the Record of the Purified Categories of Celestial and Terrestrial Regions of the Great Ming (Da Ming qinglei tianwen fenye shu) (TS, 2563–64; MS, 367–70). This work lays out a cosmic demarcation plan by mapping celestial bodies and the Ming empire into twelve corresponding pairs.
In table 4.1, list A delineates the twelve equal celestial sections (shier cì), matched by the twenty-eight lunar mansions. List B assigns twelve groups of Ming administrative areas (including Zhili), thirteen provincial administration commissions, and the Liaodong Regional Military Commission, to the twelve celestial regions. By correlating these two groups, each area of the Ming empire was seen as subject to the rule of its corresponding celestial region. Parts of Zhili were governed by the celestial regions of Xingji/Capricorn, Xuanxiao/Aquarius, Dahuo/Scorpio, and Ximu/Sagittarius. Portents occurring in these heavenly regions would indicate good or evil fortune for specific areas on Earth.

A tradition that could be traced back to the Warring States period, the “cosmic demarcation” system signified the central position of “China” in the human realm, not only denying participation in this cosmological scheme.

<table>
<thead>
<tr>
<th>A. Celestial Regions</th>
<th>B. Terrestrial Sections</th>
</tr>
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<tbody>
<tr>
<td>1. Xingji, Capricorn (dou3, niu, nü1)</td>
<td>1. Zhili, Zhejiang, Jiangxi, Fujian, Guangdong, Guangxi</td>
</tr>
<tr>
<td>2. Xuanxiao, Aquarius (nü2, xu, wei12)</td>
<td>2. Shandong, Beiping</td>
</tr>
<tr>
<td>3. Juzi, Pisces (wei13, shi, bi, kui1)</td>
<td>3. Henan, Beiping, Shandong</td>
</tr>
<tr>
<td>5. Daliang, Taurus (wei4, ang, bi6)</td>
<td>5. Beiping, Henan, Shandong, Shanxi</td>
</tr>
<tr>
<td>7. Chunshou, Cancer (jing9, gui, liu3)</td>
<td>7. Shaanxi, Sichuan, Yunnan</td>
</tr>
<tr>
<td>8. Chunhuo, Leo (liu4, xing, zhang15)</td>
<td>8. Henan, Shaanxi, Huguang</td>
</tr>
<tr>
<td>9. Chunwei, Virgo (zhang16, yi, zhen9)</td>
<td>9. Huguang, Guangxi, Guangdong</td>
</tr>
<tr>
<td>11. Dahuo, Scorpio (dir2, fang, xin, wei2)</td>
<td>11. Henan, Shandong, Zhili</td>
</tr>
<tr>
<td>12. Ximu, Sagittarius (wei3, ji, dou2)</td>
<td>12. Beiping/Liaodong/Korea†</td>
</tr>
</tbody>
</table>

* Adapted from Da Ming Qinglei tianwen fenye shu.
† It is not clear why, before the Korean Yi dynasty was founded and was called “Korea” by the Ming in 1392, the name “Korea” (instead of “Koryo”) is recorded in the 1384 text.
to foreign countries outside the Ming, but also excluding non-Han areas within the Ming empire from the picture. Why did this plan keep out non-Han peoples and focus exclusively on China? Li Chunfeng, a seventh-century Tang astrologer, furnished insight on this question. According to Li, “China” (Zhonghua) epitomized human values and ritual forms. A place where gentlemen lived and sages emerged, it could not be mentioned in the same breath as the word “barbarian.” This was why Confucius had commented that although “barbarians” had rulers, they were not like those in China. The “cosmic demarcation” system, therefore, only covered China and did not favor the “uncultivated zone” (huangfu). Li’s Han-chauvinistic view was echoed in the remarks by Zhu Yuanzhang above.

Although the cosmic demarcation system did not cover non-Chinese territories, it allowed for keeping a close watch on foreign movements and provided practical guidance for Chinese border defense. In 1377, Zhu Yuanzhang was alarmed when Venus “invaded” a star in the lunar mansion of “bi,” a celestial motion indicating “barbarian” military action in the areas of Beiping and Shanxi. At that time, about two hundred Mongol soldiers led by the “Four Generals” were often harassing the Ming’s northern frontier, and had been able to elude search and capture by Ming forces. The emperor was so concerned that he ordered the Ming commander Xu Da (1332–85) (DMB, 602–8) to wipe out the enemy before they spread to other regions (TS, 1770). Likewise, in 1385, when the five planets and moon all “invaded” the lunar mansion “jing,” Zhu warned the imperial princes of Qin, Jin, and Zhou that the celestial phenomenon signaled hostilities in their sectors. Troops in Shaanxi, Shanxi, and Henan should not be dispatched; instead, they should intensify training within their princely establishments and make ready for defending the frontiers (TS, 2662). The exclusion of foreigners from the cosmic demarcation system, then, did not necessarily deny their existence; rather, it served as a way to separate China from non-Han peoples. By defining the governing boundaries of celestial regions over their terrestrial counterparts, the Ming court promoted the idea of China’s cosmological centrality in the world.

These boundary lines drawn for the human realm defined certain Ming policies toward non-Han peoples. In non-Han areas within the Ming empire, the early Ming ruling elite launched aggressive programs to transform the non-Han cultures in line with Chinese values. To be sure, the Ming court tolerated non-Han values and customs to a high degree. Women were able to serve as aboriginal officials and pay imperial audience at Nanjing; the Chinese boundaries of gender roles made little sense to them (MS, 8017, 8050,
Aboriginal offices were hereditary; the Chinese bureaucratic system was not applied (MS, 8050, 8230). As long as non-Han peoples remained politically submissive, the Ming court seemed forbearing on such matters. In the meantime, however, the Ming ruling elite also planned for the cultural transformation of these non-Han peoples. The imperial mission was to expand “China” throughout the Ming empire by changing “aboriginal customs” (*tusu*) and making non-Han people identify with “China.”

The Ming court engaged in several programs to educate non-Han peoples. The first was to encourage the children of aboriginal officials to study in “China.” In 1382, when the head of the Puding Tribal Office, named Zhee, came to the Ming court to pay audience, Zhu Yuanzhang instructed him:

> A king takes the whole realm as his home; his teachings should reach everywhere. In particular, the various commanderies in Puding are close to China (Zhongguo), so it is truly praiseworthy for you to come and pay audience with admiration for righteousness. Now, after you return, you should notify various chieftains that all their children shall be ordered to enter the Directorate of Education to receive instruction. Thus, they will be taught the ways of ruler-minister, father-son, and matters of ritual, music, and transformation. Later on, when they complete their schooling and return [to their native places], they can transform the local aboriginal customs, making them identical to that of China. Isn’t this beautiful?! (TS, 2366)

Zhee did send his son and fifteen other young people from his ethnic group to the Ming capital to pursue Chinese learning. For Zhu Yuanzhang, although non-Han peoples had become subjects of the Ming court, they were still not accepted as an integrated part of “China.” He saw it essential to transform the ethnic minorities into cultural Chinese.

To educate non-Han peoples more effectively, the Ming court had Confucian schools established in areas under aboriginal offices, and required that these schools send non-Han students to the imperial Directorate of Education in Nanjing. In fact, the Ming court had considerable difficulty in changing non-Han cultures. For instance, when the Confucian school instructor of Xincheng District, Guangxi, reported to the court that the local Yao students had only just begun their rudimentary studies and could not be promoted to the Directorate of Education, Zhu Yuanzhang had to suspend this requirement and exempt the school from sending “tribute students” (*gongsheng*) to Nanjing. In 1393, the emperor simply closed down the Libo District, Guangxi, Confucian school because the “barbarian languages” of the Miao and Yao students were so difficult to understand that the students...
could not be taught (TS, 3277). In general, however, the Hongwu court made continuous efforts to establish educational institutions in non-Han areas. In 1395, toward the end of the Hongwu reign, because the aboriginal officials of the Lolo people in Yunnan and Sichuan areas were still not clear about the way of “Three Bonds and Five Constants,” Zhu ordered the Ministry of Rites to build Confucian schools and recruit the local officials’ children. The emperor regarded this as a crucial way to bring peace to the frontier regions, and hoped that the local people would “know the principle of ruler-minister and father-son and not make trouble by violating rituals and fighting one another.” In the cultural frontier regions, the Ming adopted a proactive policy to transform non-Han peoples.

Toward foreign peoples beyond Ming political control, the imperial court adopted a different strategy: defending the borders. The Ming ruling elite, of course, also endeavored to transform the cultural identities of the “outer barbarians”—especially their foreign neighbors—as they did for the non-Han peoples within Ming territory. With this end in view, the Ming court accepted foreign students into the Directorate of Education (MS, 8362), authorized the Chinese civil service examination system in foreign countries (MS, 8280, 8310, 8362), and even performed sacrifices to foreign mountains and rivers. These cultural measures, however, only represented a secondary aspect of Ming foreign policy; the predominant goal was to guard the borders and protect the security of the Ming regime and the purity of Chinese civilization. This policy was forcefully expressed in the abovementioned imperial instructions designating that fifteen neighboring countries should not be invaded (Wang 1998, 311–13). Although the Ming envisioned a unified “all under Heaven” with China as the superior nucleus, they sensibly chose to observe the boundaries existing between them and their foreign counterparts.

In short, the early Ming ruling elite drew two boundary lines to structure the human realm: the internal boundary between Han and non-Han peoples within the empire, and the external borderline between the Ming and foreign countries. These two lines marked off three cosmological regions: cultural China—Zhongguo (the Central Kingdom), geographical China—the Ming, and foreign lands. Within each domain, the Ming engaged in a different mission. In “cultural China,” the cultural and political core of the empire, the Ming focused on the mission of purifying Chinese culture. In the Ming empire that included “inner barbarians,” the Ming endeavored to transform non-Han cultures in line with Han values, also making allowance for a tremendous degree of cultural and political autonomy among these non-Han peoples. In the third region, foreign countries, while the Ming
claimed the unity of “all under Heaven” and occasionally made efforts to spread Chinese values, the focal point of its policy was to defend the borderlines and protect Chinese civilization from pollution or even destruction by alien forces. *The Great Ming Code* was envisioned as an essential instrument for furthering imperial policies on these boundaries.

**DEFENDING THE BORDERLINES OF THE MING EMPIRE**

The territorial boundaries between the Ming empire and the rest of the world were neither clear nor stable. The aforementioned borderline settlement efforts made by the Ming with Annam and Korea were very rare events. For the most part, the boundaries demarcating the Ming and their “others” were often indefinite and in constant flux. In essence, the mechanisms separating the Ming from other societies were not “boundaries,” lines demarcating different political domains, but borderlands, the regions where different peoples and cultures interacted (Prescott 1987, 12–14; Martinez 1994, 5). Nevertheless, the Ming government did reinforce a great number of physical locations—frontier passes—along the border regions to demarcate the different spheres.34 To the Ming ruling elite, frontier passes were symbolic as well as physical points between “civilized” China and the contaminating “barbarian” worlds (BLPX, juan B, 1a). They were the very places where danger might enter China, threatening the purity of their civilization and the security of the realm (Douglas 1966, 114–28). Hence, there is a considerable body of regulations in *The Great Ming Code* on safeguarding frontier passes.

From a legal point of view, the Ming was a closed realm in that except for a limited number of government emissaries, very few people were allowed to cross frontier passes and enter foreign lands. In the *Code*, the crime of crossing domestic passes without authorization was divided into “private” (without a travel permit), “circumvention” (not crossing through post gates), and “deceitful” (using others’ travel permits to cross the passes). For the act of crossing a frontier pass, however, only the crime of crossing the passes by “circumvention” was stipulated; the other two situations were nonapplicable—no ordinary people were allowed to leave or enter the country and thus no travel permits were involved in crossing frontier passes. After all, the frontier passes leading to foreign territories were “different from domestic passes where [people] may go out or come in” (JJFL, 1178). In the *Great Ming Code*, passing domestic passes by circumvention was punished by ninety strokes of beating with the heavy stick; whereas passing frontier passes by
circumvention was punished by one hundred strokes of beating with the heavy stick and penal servitude for three years, six degrees heavier than for the former. Those who entered a foreign territory were sentenced to strangulation (Art. 241). In justifying such a harsh penalty, a model verdict for The Great Ming Code reads:

Establishing important posts is to defend the dynasty; watch towers and guard moats lie along the borders connecting the barbarians and Chinese. Building passes is to oppose violent enemies; languages and clothes strictly mark the differences and similarities [between the barbarians and Chinese]. (XSJH, 6.1a; ZPZZ, 7.2a; BLPX, 2.11b)

The concern over boundaries seems twofold. One is dynastic security: since frontier passes connect different countries, communication at such points might threaten the stability of the Ming empire. Indeed, a model notice for the Code specifically mentions the potential collusion between runaway Chinese soldiers and artisans with foreigners beyond the frontier passes. “Their communications,” it says, “will cause great calamities in the future, against which serious precautions should be taken” (ZPZZ, 7.2b). The second purpose of the rule concerns separating the values upheld in the opposing regions. Here, the symbolic codes of language and clothing played an important role. People on either side speak and dress differently; their mingling is liable to blur the distinction between different value systems and thus pollute the “civilized” Ming realm. The significance of the rule, therefore, is to produce and maintain difference between the Ming and the outside world.

But the Code leaves an issue unaddressed: how should the law deal with ethnic Chinese already living beyond the frontier passes? Right after driving away the Yuan forces, the Ming continued the old administrative divisions and governed the Chinese along the northern frontiers with civilian prefectures, districts, and military garrisons. In 1371, the government abolished the prefectures and districts outside the passes and relocated almost seventy thousand civilian and military households to the interior, especially in the Beiping area. During the Hongwu reign, however, there were still three major Ming military regions operating outside the northern frontier passes: Wanquan Regional Military Commission beyond the Juyong Pass but inside the present-day outer Great Wall; Beiping Regional Military Commission outside the present-day outer Great Wall; and Liaodong Regional Military Commission outside the Shanhai Pass in Liaodong Peninsula. If people in the interior were prohibited from going through the frontier passes, were Ming subjects outside the passes allowed to come in? While the Code is
ambiguous about this, the “Collected Explications” (Huijie) provides a clue: “If military personnel and civilians outside passes such as the Juyong and Shanhai passes flee back to the interior, they shall be punished according to the law on crossing frontier passes by circumvention” (JHXZ, 6.1a; XSJH, 6.1b). According to this interpretation, Ming subjects outside “China” were also prohibited from coming back through the frontier passes, although the punishment was less severe than for going out. The boundary separating the Ming empire and the outside world marked by frontier passes was thus a barrier for Ming subjects on either side. That the Ming people beyond the passes were not allowed back is probably not due to their possible status as outsiders, but because the passes had failed to function as a protective screen against foreign peoples in the borderlands. At any rate, by punishing both going out and coming in, the Code drew land boundaries to define the inner and outer world for the Ming.

More serious is the act of leaking important information to foreigners. If someone knew that the court was transferring troops to attack foreign countries and divulged that information, which eventually reached the enemy, even though he had had no intention of aiding the enemy, he would still be punished by decapitation. To divulge important military information that was then reported by frontier generals to the enemy (Art. 70) would also merit punishment. The Collected Commentaries explains that divulging important military information to foreigners is an act of “betraying the dynasty and associating with enemies,” which will make “them” prepared and make “us” accomplish nothing (JJFL, 499).

Those who intentionally transmitted important information to enemies would be punished as spies. The Collected Commentaries defines spies as either “Chinese” (Zhongguo ren) who go out of the country to leak information or “foreign invaders” who enter China to fish for information (JJFL, 1192–93). It appears that in either case, the nature of the crime was defined by the borderline: only those who crossed that demarcating line would be punished as “spies.” According to the Code, spies, along with those who guide them and make plots, would be decapitated (Art. 245) with no distinction between principals and accessories. In 1388, a person in Wenzhou who bought Aquilaria agallocha (chenxiang) from a Siamese envoy was almost executed on the charge of “communicating with foreign barbarians” (TS, 2815). In 1395, a frontier general was sentenced to death for receiving a horse from foreigners (TS, 3470–71). It is no surprise then to see Hu Weiyong’s fate when charged with, among many other offenses, colluding with the Japanese and Mongols (MS, 7906–8; Wu 1934).
The legal responsibilities of frontier garrison officers and soldiers are also specified in the *Code*. Generally speaking, the military personnel at frontier garrisons were responsible for two kinds of duties: checking authorized passengers in peacetime, and defending the borderline during times of war. In the former case, they were not to allow people to cross the border without authorization or trade prohibited articles with foreigners; nor could they let enemy agents leave or enter the empire to divulge or seek information. If these events did happen, no matter whether the guarding officers or soldiers had collaborated with the offenders, or had been negligent in carrying out their duties, they would still receive the death penalty (Arts. 241, 245, 246). For frontier defense, the guarding officers and soldiers were required to request military supplies, including weapons, money, and grain, in a timely manner. Any delay in requesting frontier supplies resulting in miscarried military operations merited decapitation (Art. 224). If, in the face of the enemy, the commanding officers did not tenaciously defend their positions, watchmen on the heights or on patrol did not swiftly report on the enemy’s situation, or soldiers did not fight the enemy and fled, resulting in the loss of fortified positions or the capture of people inside the realm, the offenders would also be decapitated (Art. 228). In the *Collected Commentaries*, the frontier regions are regarded as so important that commanding officers had to fight to the death in defending them. In other words, only when the fortified garrisons were guarded firmly, with strict precautions taken, could foreigners be kept outside the borderline, the dynasty remain at peace, and Chinese civilization be preserved (JJFL, 1105–6).

Article 229 of the *Code* specifically forbids pillaging by Chinese troops:

1. In all cases where generals who guard the frontiers, without receiving commands, privately order troops to capture people or seize property beyond the borders, they shall be punished by one hundred strokes of beating with the heavy stick, be dismissed from office, and sent into military exile.

2. If soldiers, without receiving orders from their immediate superior officers, privately engage in pillaging beyond the borders, the principals shall be punished by one hundred strokes of beating with the heavy stick, and the accessories shall be punished by ninety strokes of beating with the heavy stick. If, [as a result of pillaging, foreign] persons are injured, the principals shall be punished by decapitation, and the accessories shall be punished by one hundred strokes of beating with the heavy stick. [The accessories to pillaging in which foreign persons are injured and the principals and accessories who do not injure foreign persons shall] all be sent into military exile. If the immediate superior officers do not control their
troops strictly, they shall be punished by sixty strokes of beating with the heavy stick and be returned to service with their transgressions recorded.

4. For those who engage in pillaging within territories that are attached to the realm, they shall all be decapitated without distinction of principals and accessories. If the immediate superior officers do not control [their troops] strictly, each shall be punished by eighty strokes of beating with the heavy stick and be returned to service with their transgressions recorded.

This article articulates several noteworthy points concerning the borderline. The first is the general attitude toward territorial expansion. If the Ming government can arguably be viewed as an inward-looking regime, it was Zhu Yuanzhang who laid the foundation for this policy. As noted at the outset of this chapter, among the many factors contributing to this policy, the Ming perception of the world order may have been decisive. As early as 1371, instructing his court officials during an audience, Zhu cited the example of Emperor Yangdi’s expedition to Ryukyu during the Sui Dynasty (581–617) to illustrate the point that “barbarian” lands were not adequate sources of supplies, nor could “barbarian” peoples supply adequate labor services, so it was ridiculous to launch military expeditions against them (TS, 1277–78; Lo 1970, 156). Many years later, in his Ancestral Instructions of the August Ming (Huang Ming zuxun, 1397), Zhu further warned his descendants:

The barbarians roundabout are hemmed in by the mountains and the sea, isolated in out-of-the-way corners of the world. Although they have land, the land is insufficient; although they have people, the people are difficult to control. (Farmer 1995, 119)

Based on his ethnocentric worldview, Zhu regarded expansion beyond the border of Chinese civilization as worthless. For him, the best policy was to train troops and to take precautions against outsiders. Therefore, when Zhu listed seventeen countries against which the Ming should not launch military campaigns, the policy was formulated in terms derogatory to foreign peoples. Zhu’s Ancestral Instructions serves as a family law that is binding for successive dynastic rulers, while the article “Allowing Troops to Pillage” in the Ming Code is a piece of regulation that restrains the general populace; however, both are based on the perception of spatial hierarchy in the cosmos. The no-attack clause in the Code functions as a special means to create a barrier between the Ming realm and outsiders.

A second noteworthy point in Article 229 is the harsh penalty—decapitation—for soldiers who injure foreigners while pillaging (see section two).
In the *Code*, injuring others normally entailed a range of penalties: the lightest was thirty strokes of beating with the light stick, and the heaviest, one hundred strokes of beating with the heavy stick and life exile to a distance of three thousand *li* (Art. 325). Why was injuring foreigners punished more severely than injuring the Chinese? The answer has to do with the boundary line concept. In *Ancestral Instructions*, Zhu admonishes his descendants that if foreigners do not pose a threat to China, “should we rashly send forces to attack them, it will be inauspicious for us” (Farmer 1995, 119) because external expansion would inevitably cause human death and economic loss. The *Collected Commentaries* on the *Code* also explains that the ideal way to control “barbarians” is to resist when they come, but not give chase when they go. It would be dangerous to commence hostilities along the border regions (JJFL, 1115; DLSY, 254). The “Collected Explications” adds that if pillaging foreign territories leads to hostilities along the frontiers, causing damage to the Ming, the offenders will be punished by decapitation according to the law on “provoking honorable persons to revolt” (JHXZ, 5.12a). Throughout the Hongwu reign, Zhu Yuanzhang remained cautious about sending troops on military expeditions. In 1397, for example, he was annoyed to learn that the local chieftains in Changhexi and Dajianlu areas (in present-day Sichuan Province) had been “polluted” (*wuran*) by a Mongol leader named Yuelu Tiemu’er and did not pay tribute to the Ming court. Although those two places were right on the border of the Ming empire, Zhu still hesitated to use force. Instead, he ordered officials at the Ministry of Rites to write a letter of reprimand warning the local leaders (TS, 3630–31). The stipulation in the *Code* seems consistent with his concern to avoid making trouble beyond the borderline. By offering foreigners “preferential” legal treatment, the *Code* controls “insiders” so as to protect the realm.

A third point to note in Article 229 is the distinction made between “foreign territories” and “areas that are already attached to the empire”—another way to signify the separation between insiders and outsiders. Sections one and two severely punish those who pillage outside the empire, but section three imposes even harsher penalties on those who pillage within newly attached areas. The *Collected Commentaries* explains that territories outside the borderline, after all, still belong to enemy countries; by prohibiting pillaging in these areas, hatred would not be engendered. Those living in attached areas, however, were already “our people”; pillaging them would deter others from submitting to the dynasty. Thus, these two crimes did not elicit the same punishment (JJFL, 1118). It seems clear that this particular article in the *Code* reveals the basic Ming viewpoint on creating boundaries, which might have
strengthened the perceived distinction between China and other countries.

To be sure, as a land-based power, the Ming set frontier defense as a crucial part of its foreign policy (Lo Jung-pang 1970, 155–61). Zhu Yuanzhang once pointed out that overseas “barbarian” countries were far away at the ends of the world, hence could not constitute a serious threat to China. It was the Mongols along the northwest frontiers who had been dangerous for generations, and against whom preventive measures should be taken (TS, 1277–78). That does not mean that the Ming ignored danger from the seas. In order to maintain an intact boundary for Chinese civilization, much energy was spent in strengthening coastal defenses. Indeed, coastline fortification had worried the early Ming ruling elite ever since the dynasty was founded. A major measure they took was to establish garrisons and build up marine troops to defend coastal areas (TS, 2986–87, 3412; MS, 2243–44). In the course of building up coastal defenses, harsh laws were often applied in order to keep frontier military personnel diligent. Zhu believed that it was largely due to lack of strict precautions that pirates had been able to invade and pillage coastal areas (TS, 3444). Any generals who failed to expel these bandits should be decapitated in public markets as the Code stipulated.40 In Guangdong Province, for instance, a garrison commander and some of his subordinate battalion commanders encountered pirates while out patrolling the ocean. They were so frightened that they did not attack the enemy, causing government troops to suffer casualties. The officers responsible were all executed (TS, 3573).

Controlling the flow of goods across the border was another important item in the Code. Trading with foreigners proved to be a tough issue for the Hongwu court to regulate, because the Ming allowed foreign trade in certain markets, but wanted to keep this activity under control. While the Ming permitted foreigners to come to China to engage in commerce, they strictly forbade the Chinese to go abroad (TS, 3640; MS, 2243). Along land borders, the Ming established tea and horse markets (Serruys 1975), and various peoples from Inner Asia came to exchange horses and other items for Chinese products (TS, 3611–12). But the Ming always tried to manage matters on their own terms. In 1391, for example, the chieftain of Hamili in the Western regions sent an envoy to the Ming, petitioning to trade in horse markets in the Shaanxi area. Zhu Yuanzhang instructed the Shaanxi regional military commander:

Barbarians are crafty and deceitful. When they want to exchange goods, how do you know they do not intend to spy on China? If we seek the small gain of horses
but do not take precaution against danger, we definitely stand to suffer great losses. (TS, 3087)

Thus, Zhu refused Hamili’s request due to his perception of the mean nature of foreigners and his concern for dynastic security.

A year later, the Ming started to prohibit Muslim merchants from entering Gansu City; they could only engage in commercial transactions thirty li away, outside the city limits. The reason was the same—Zhu suspected that foreign merchants might come to spy on China (TS, 3180–81). Zhu Yuanzhang’s suspicion indicates that the Ming regulated foreign trade more in terms of cultural and political values than in view of economic profit. The desire for material gain was secondary to fear that the borders would be penetrated.

Likewise, the Ming tried to impose tight controls over trade with overseas countries (Ch’en 1966, 34–39). During most of the Hongwu period, the Ming received tributary overseas trade at three ports: Ningbo in Zhejiang for trade with Japan, Quanzhou in Fujian for Ryukyu, and Guangzhou in Guangdong for trade with Champa, Siam, and all the western ocean countries. These commercial transactions were supervised by government “maritime trade supervisory bureaus” (shibo tiju si), whose function was also primarily cultural and political—“to collect information on barbarians, repress evil merchants, enforce law, and thereby prevent strife” (MS, 1980). The sense of separation between insiders and outsiders was so strong that it was extensively institutionalized in foreign affairs management. In the later years of the Hongwu reign, the court even abolished maritime trade supervisory bureaus, reiterating the injunction that coastal residents and defense military personnel should not communicate with foreigners (ibid.). In 1389, a peasant in Shaoxing prefecture falsely accused his lineage head of privately going to sea to trade. The peasant was punished in accordance with the principle of “reciprocal retribution” (fanzuo) (TS, 2967–68).

While the Ming Code prohibited Ming subjects from going to sea, it permitted overseas merchants to come to trade (Art. 166):

In all cases where maritime merchants land at ports in ships, they shall immediately make accurate reports to the government concerning all the goods on which taxes will be levied in certain portions. If they go to and stay at the houses of local merchants or brokers and do not report this, they shall be punished by one hundred strokes of beating with the heavy stick. If they have reported but do not report completely, the penalty shall be the same. The goods shall all be forfeit to the govern-
ment. Those who let [these merchants] stay and hide their goods shall be punished the same. For those who report such matters and catch the offenders, the government shall give them twenty liang of silver as reward.

The key point for understanding this article is the “maritime merchants” (fanhai keshang; lit., “traveling merchants who sail the seas”): are they Ming subjects or foreigners? The Code is vague on this issue, and the various commentaries do not provide consistent answers. In the commentaries that address this issue, there are four interpretations. The first position explicitly points out that “maritime merchants” means Chinese carrying foreign goods back to the Ming to trade who fail to pay taxes to the government. The second viewpoint implies that the merchants are foreigners. The third interpretation unequivocally views the merchants as foreigners who “come by sea” (fanhai er lai); the purpose of the law is not only to procure revenue but also to inspect the “foreign barbarians.” And the fourth explanation holds that the term denotes both Chinese merchants who go overseas and foreign merchants who come to China (Ogyu 1966, 252). It seems likely that “maritime merchants” used in reference to foreigner is more likely. For one thing, the general spirit of the Code forbids Ming subjects from going abroad either via land passes or seaports. For another, Article 166 contrasts maritime merchants with “local merchants and brokers,” which seems to distinguish foreigners from Ming subjects. Therefore, the foreignness of the merchants defines this special article, which is designed to protect dynastic revenues, and also to “maintain strictly the distinction between China and foreign barbarians.”

The Great Ming Code also provides a specific article to punish those bringing prohibited objects across either land or maritime boundaries:

In all cases of taking horses, cattle, iron articles for military use, copper cash, satin, or silks, and, without authorization, crossing frontiers or going to sea to sell [them], the offenders shall be punished by one hundred strokes of beating with the heavy stick. For bearers or carters, the penalty shall be reduced one degree. Goods, wagons, and ships shall all be forfeit to the government. Divide all the [confiscated] property into ten portions: three portions shall be given to the accusers as a reward. For those who take persons or military equipment and cross frontiers or go to sea, they shall be punished by strangulation. If they consequently leak information, they shall be punished by decapitation. If officials in charge of detaining the offenders or those who guard [the checkpoints or fords] collude with the offenders and secretly carry the items, or know the circumstances and deliberately connive at the actions, they shall be punished by the same penalty as that for the offenders. If they are negligent
in discovering the matters, the penalty shall be reduced five degrees. The punishment shall be limited to one hundred strokes of beating with the heavy stick. For military soldiers, the penalty shall be reduced by one more degree. (Art. 246)

One cannot but notice the comprehensiveness of this article in dealing with illegal border-crossing trade. It lists contraband objects, covers both land and maritime frontiers, punishes criminal accessories as well as principal offenders, reiterates the problem of spying (leaking information to foreigners), specifies the responsibilities of civil officials and military personnel, and rewards accusers. Contraband objects are also relegated to a few important categories: persons not only as human resources but also as Ming subjects, strategic materials concerning dynastic security such as military equipment and horses, key economic elements like cattle and currency, and important trade items symbolizing both temporal and spiritual hierarchy like silk. This detailed regulation testifies to the importance of the cross-boundary flow of objects.

Various commentaries on the Ming Code articulate the purpose of this regulation. The essence of this rule, according to them, lies in protecting the boundary separating the Ming from the outside world. First, on a material level, an act is criminalized simply because the prohibited objects should be utilized by the “Central Kingdom” (Zhongguo) and should not be exported to aid “foreign countries” (JJFL, 1197). Second, in terms of frontier defense, the offenders “view barbarian countries as marketplaces and communicate with them to collect property, and confuse barbarian territories with the country of the Central Plain (Zhongyuan) and trade with them to make profit.” The profit-seeking act blurs the “distinction between barbarians and Chinese” and thus causes a collapse of defenses (XXBJ, 14.5b). Third, from a cosmological viewpoint, “although it is magnificent for the dynasty to unite all within the four seas into one family, the ‘great boundary’ (daxian) between China and barbarians marks the most significant distinction within the cosmos” (ZPZZ, 7.10b). “China and barbarians are not the same; their languages are also different. It is an immutable principle [for the outsiders to] come and pay tribute, but it is against the law to communicate with them.” The Code serves as an important weapon to maintain the distinction and “transform” the criminals (ZJQS, 7.8a–9a). The jurists of the Ming, therefore, maintained that these transgressors were guilty of blurring the boundary line demarcating insiders and outsiders.

In fact, contraband objects were not limited to those listed in the preceding article; the list could be expanded under certain situations. In the early
part of the Hongwu reign, for example, because Zhu Yuanzhang accused people from overseas of having a “crafty nature,” the Ming conducted maritime trade only with the Ryukyus, Cambodia, and Siam. Consequently, a large number of people along the coast went to sea to obtain foreign goods like incense; this allegedly lured foreigners to pillage the coastline. In 1395, in addition to reiterating the ban on maritime trade, the Ming court issued the prohibition that no one was allowed to buy or sell any foreign goods, especially foreign incense; those who still possessed the product should destroy it within three months; in praying to deities, people should only use incense made of pine, cypress, maple, or peach; and, finally, the incense produced in south China should not be brought to the east coast and the north to sell, for fear that foreign *Aquilaria agallocha* might be mixed with local products and sold (TS, 3373–74). In making the prohibition, the Ming government initiated a dynasty-wide boycott on foreign goods; again, this boycott was based on concern over the boundary.

The prohibition of tea-smuggling is another case in which the Ming government added new meaning to its borderline defense. From the Tang onward, the Chinese empire had carried out a tea and horse trade policy as a way of controlling peoples to the north and west of China (MS, 1947). The Ming inherited this tradition. Zhu Yuanzhang believed that from antiquity, “to be strict in distinguishing the Chinese and barbarians” had been a crucial way to govern the realm. In his eyes, the “barbarians” were insatiably avaricious. If they could not be controlled by certain means, they would invade and insult China and cause trouble along the frontiers. The tea and horse trade was one means of curbing foreigners (TS, 3619). Around 1397, a crisis broke out in the tea-horse markets along the southwest borders: a large quantity of tea had been smuggled out of China, causing a dramatic decrease in tea prices and an increase in horse value. When sending supplemental military forces in to tighten controls, Zhu repeatedly admonished the frontier officers: the tea-horse trade was by no means instituted for the purpose of economic profit; rather, it was a way to subdue the “barbarians” (TS, 3619, 3629–30, 3635–36). As an outcome of this crisis, a number of corrupt officials were severely punished for smuggling tea, including one of the emperor’s sons-in-law, Ouyang Lun, who was ordered to commit suicide. In the *Ming Code*, smuggling tea entailed a penalty of one hundred strokes of beating with the heavy stick and penal servitude for three years (Art. 163). When it involved frontier defense, however, capital punishment was the standard remedy.

In short, land passes and seaports institutionalized the boundary between
the Ming empire and the outside world, although the Chinese Son of Heaven claimed to be the ruler of “all under Heaven.” *The Great Ming Code* defended this demarcation line by cutting off all unofficial interactions on either side. This defensive policy not only protected the sociopolitical interests of the Ming empire, but also retained the hierarchical order of the cosmos and articulated the Ming’s ethnocentric worldview.

**Expanding “Inner Zhongguo”—Cultural China**

As noted earlier in this chapter, “cultural China” (Zhongguo, the Central Kingdom) was different from “geographical China” (the Ming empire). Cultural China was a conceptual mix of both geographic and ethnic elements. Geographically, it contained the Ming provinces in the northern Central Plain, the Jiangnan area, and the Xi River valley. Ethnically, it mostly included the empire’s Han Chinese. For the early Ming ruling elite, cultural China was the real “China,” a core area carrying the essence of Chinese civilization; thus, they considered it their mission to expand cultural China by disseminating Han Chinese values.

If the Hongwu government was primarily defensive in its border policies, it took the offensive on the frontiers between the Han Chinese and non-Han minorities within the empire. The aggressive legal policy of the Ming toward ethnic minorities is articulated in Article 36 of *The Great Ming Code*—“Committing Crimes by Persons Outside the Pale of Civilization (huawai ren)”: “In all cases where persons beyond the pale of civilization commit crimes, they shall all be judged in accordance with the *Code*.”

Central to this article is the status of “huawai ren”: who are the “persons beyond the pale of civilization”? The concept of “huawai ren” is first found in the *Tang Code*, where it is officially interpreted as “foreigners” from “barbarian countries.” Their treatment under Tang law was differentiated: those of the same nationality who commit crimes against each other would be handled according to their own customary laws, while those of different nationalities would be dealt with by Chinese law (TLSY, 133; Wallace Johnson 1979, 252). The Ming concept of “huawai ren” was never officially explained. Although some Ming jurists defined it broadly as “foreign barbarians,”66 most extant commentaries on the *Code* point out that *huawai ren* refers to two groups of people: they are either “foreign barbarians” (waiyi), such as the Mongols or *semu ren* (peoples of various ethnic backgrounds who assisted the Mongols during the Yuan in north China) who surrendered to the Ming.
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dynasty, or “barbarian bandits” (yikou) who were captured by the Ming, both of whom made their homes in the Ming empire. Hence, huawai ren were the non-Han peoples, either those from foreign countries or within the Ming empire, who had been incorporated into the Chinese political sphere. According to some commentaries, when they were treated under Chinese law, the Code was designed to achieve two goals. The first was symbolic: by submitting to Ming authority, the “barbarians” could transform their status and become Ming subjects; the Chinese Son of Heaven would then apply the law impartially to demonstrate that “the universal ruler will treat no one as an outsider” (wangzhe wuwai). The second purpose was political: for the “barbarians,” if the law were too lenient, it would be difficult to subdue their hearts; if the law were too harsh, they would not appreciate imperial grace (JS, 322). Applying The Great Ming Code—the fundamental law of the dynasty, then, was the most effective way to subjugate “political converts.”

In essence, by excluding foreigners from “huawai” (beyond the pale of civilization), the Code altered the term from a dominantly geopolitical concept (as seen in the Tang Code) to a cultural one. In defining huawai ren, geography still mattered: they were subjects of the Ming ruling house residing within the territory of the Ming empire, even though some of them might have lived outside the Ming political domain before. In addition, many of them lived in their own communities with their own administrative boundaries. Nevertheless, the most important factors in defining them had to do with ethnicity and culture. It did not matter where they lived; as long as they were ethnically non-Han and had non-Han cultural values and practices, they were “beyond the pale of civilization.” The boundaries of civilization were no longer identical to the dynastic borderline connecting foreign territories. Instead, they could exist anywhere in the Ming realm. Any household or community of huawai ren was considered a “barbarian” domain interacting with Chinese civilization. The boundary separating “barbarian” and Chinese domains was both symbolic and real, essentially ethnic and cultural in nature. Of the two elements, ethnicity and culture, the latter seems more significant. The ethnically non-Han people might expunge their “barbarian” nature by accepting Chinese cultural values and practices, thus removing their huawai ren label. Huawai ren, therefore, were those outside of “cultural China” who were targeted by the Ming court to accept Han culture. The application of The Great Ming Code to non-Han peoples reveals the central government’s intention of expanding the Han cultural sphere. By subjecting non-Han ethnic groups to Ming legal authority and judging law cases among non-Han peoples in accordance with Han Chinese cultural criteria, the Code
aimed to transform the “barbarians” into “insiders” and facilitate the outward expansion of “cultural China.”

The effort to expand “cultural China” is more vividly evinced in Article 122 of the Code, which forces Mongols and semu ren to marry Han people:

Mongols and semu people shall marry with Chinese persons. (It is essential that both parties be willing.) They shall not marry within their own race. Any violation shall be punished by eighty strokes of beating with the heavy stick, and both men and women shall be enslaved by the government. If Chinese persons do not wish to marry Qincha Hui Muslims, the latter may marry among their own race; the above prohibition shall not be applied.

The commentaries on the Code provide several reasons for enforcing interracial marriage between Mongols, semu ren, and Han Chinese. One line of argument involved dynastic security. The Collected Commentaries states that since the Yuan rule, Mongols had scattered throughout the country and would be a continuing presence. It was necessary to forbid them from marrying among their own kind in order to prevent their numbers from growing. As for the Qincha (or Qipčy) Hui Muslims (Qincha huihui), they were unattractive—with curly hair, big noses, and dark-green eyes—so the Chinese might not be willing to marry them. They were allowed to marry among their own people to keep their race from becoming extinct. This harsh, yet also lenient, law authorized “loose-rein” control over the “different races” (yilei) (JJFL, 710–11). A second explanation has to do with cultural values. He Guang’s Lüjie bianyi, for example, holds that the purpose of this rule is twofold. One is to transform the “barbarians” with “Chinese influence.” A powerful institution, interracial marriage was supposed to make the “barbarians” dress in Chinese clothing, practice filial and fraternal values, live with propriety and righteousness, and thus submit to the Kingly Way. Another intention was to prevent the “barbarians” from polluting Chinese customs: if the “barbarians” were allowed to intermarry, He Guang asserts, the Chinese might end up following their customs and running the risk of succumbing to their influence (LJBY, 105; also LFQS, 3.34b). The basic assumption was that these interracial marriages would all accord with Chinese values, customs, and rituals. Living among the Chinese, Mongols and semu ren would be gradually influenced by what they saw and heard daily in the higher civilization, and have their “evil hearts” (feixin) transformed (XSJH, 3.38a; ZPZZ, 3.54b).

What does this article suggest about boundary-building in the early Ming?
When the Code enforced interracial marriage between Mongols, *semiu ren*, and Han Chinese, did it create or blur their boundary line? In order to create and maintain an ethnic and cultural boundary between the Mongols and Han Chinese, what the Mongol rulers—the Ming’s predecessors—had done during the Yuan dynasty was precisely to adopt a dual legal system: they applied different laws to Mongols and Chinese, respectively.\(^4\) In embracing the opposite strategy, what did the Ming have in view? It seems that the intended goal of enforced interracial marriage was not to blur, but rather to expand the boundary of “cultural China.” The key issue here is the criterion by which the boundary is established: it is the Chinese value system and lifestyle that determines the nature of the different domains. When Mongols and Han Chinese intermarried, they were supposed to observe Chinese rather than Mongol values and practices. In time, the Chinese values would supposedly prevail, while the foreign ones died out. Indeed, one model verdict on the Code puts forward historical instances to support such a position: both the Qin and Wu were “barbarian” states in ancient times; by marrying Chinese, they were eventually transformed, becoming Chinese. Although Chinese and “barbarians” were different “kinds,” the institution of marriage could achieve “great [cultural] harmony” (LMBJ, 2.65a). The Ming assumed that the powerful Chinese civilization would transform foreign customs, rather than the other way around. If, on the contrary, Mongols were allowed to marry each other, their customs would not only survive, but also influence the Chinese, just as levirate marriages, where a younger brother inherits his older brother’s widow or a son inherits his father’s secondary wives, had during the Yuan and early Ming (Holmgren 1986; Birge 2002, 201–8).

Therefore, human beings were secondary to cultural values in determining the boundary between the Mongols and Chinese. By establishing interracial unions and enforcing Chinese cultural values, the Code was designed to erase ethnic differences and make the Mongols and *semiu ren* become Chinese, thus enlarging the Chinese domain.

Here, a related issue emerges: Mongol “pollution.” Generally speaking, the Ming considered the Mongols a source of cultural pollution (TS, 401–4, 1351–54) and frequently launched military expeditions in an attempt to destroy their forces (MS, 24, 45). They banned Mongols from changing their names, fearing that they might mix themselves with the Han but still harbor malicious intentions (TS, 999–1000, 1815–16). In 1372, the year when the Ming issued the order urging Mongols and *semiu ren* to marry the Chinese,\(^5\) they also sent troops along three routes to attack the Mongols in Mongolia, and condemned the Mongols for “polluting” Chinese civilization (MS, 26–27).
Moreover, one of the crimes with which the famous general Lan Yu (DMB, 788–91) was charged was that of having sexual intercourse with and being “polluted” by a Yuan imperial consort. Hence the question: When the early Ming ruling elite endeavored to transform “barbarians” by encouraging intimate ethnic interaction, did they not fear that the Han Chinese might eventually be “polluted” by foreigners?

Multiple factors may have led to their assimilation policy. For one thing, the Ming claimed to be the rulers of the whole human race, and could incorporate the Mongols into the Ming empire—as long as they knew Chinese rituals and righteousness and were willing to subject themselves to Chinese rulership (TS, 404, 1000). In 1378, when twenty-five former Yuan officials were captured at Liangzhou garrison, Zhu Yuanzhang instructed the garrison officers:

Human nature can be taught to be good. And it is an age-old practice to use the Chinese to transform barbarians. Captured former Yuan officials and others who have surrendered should be moved inward to be immersed in the education of our Chinese sages. Gradually, they will come to follow rituals and righteousness, and abolish their old customs.51

Zhu saw in it a necessary measure to transform ethnic minorities with Chinese values and customs. He seems to have been confident that in the course of ethnic intermarriage, it was the Chinese who would change the ethnic minorities, not the other way around. With the same purpose, he ordered officials to compile the Chinese-Mongolian Dictionary (Huayi yiyu), a dictionary in which Mongolian terms were translated into Chinese and organized according to the Chinese Heaven, Earth, and human beings worldview (Huo 1993; TS, 2223–24). With this, the Chinese had an effective tool for understanding and transforming the Mongols.

A second factor concerns the perceived cultural “closeness” between the Mongols and Chinese. Although the Mongols were considered “contaminating,” as the rulers of China for about a hundred years, they were the only “barbarians” who were accepted by the Ming as “true men” (zhênren) chosen by the Mandate of Heaven (YZWJ, 21). Edward Wang (1999, 303) finds that in the early Ming version of Yuan history, “the center-periphery relation was not determined along ethnic lines, but decided by the realpolitik arrangement.” In fact, the Ming not only accepted the reality of Mongol rule and acknowledged its temporary legitimacy in Chinese history, but also believed that, after nearly a century of acculturation, the Mongols and semu ren had
become culturally closer to the Chinese than other foreigners (ZPZZ, 3.54b). Even for the Qincha Muslims who were allowed to marry among themselves under the Code, some Ming jurists maintained that these “barbarians” had lived in China for many years, so their customs had been transformed by the Chinese. If the Chinese were willing to marry them, they could do so; if they were unwilling, then the Muslims could marry endogenously (LLFJ, 6.20b). In other words, their being allowed to marry among themselves was not because of their cultural difference, but because of their “ugly” biological features. Like the Mongols and semu ren, Muslims were “qualified” to establish intimate relationships with the Chinese.

Thirdly, the threat of danger played a role in promoting exogenous marriage. The promotion of mandatory interracial marriage hints that it was considered dangerous to let “barbarians” marry within their own groups. But what was the danger? According to the abovementioned commentaries on the Code, the danger was twofold. First, if they were allowed to marry among themselves, the foreign population might grow (JJFL, 711). Second, within endogenous marriages, foreigners would continue to practice their own values and customs; in which case, “China may end up imitating the barbarian Mongols’ evil customs” (LFQS, 3.34b). The Ming, therefore, did fear being polluted by foreigners, but the perceived danger came from ethnic separation rather than from ethnic interaction. The solution to this problem was to let the Chinese and “barbarians” mingle, which would change the latter’s biological features and erase their ethnocultural identity. Once surrendered “barbarians” were transformed, both the boundary and frontiers of “cultural China” would be relocated: the Ming would have moved outward to meet new challenges and to conquer new territories.

In brief, the Ming Code indicates an active program for shifting the boundary of “cultural China.” This suggests that within the Ming realm, two cultural domains—those of the “barbarians” and “China” (the Central Kingdom)—were competing to gain ground (JJFL, 710; LFQS, 3.34b; ZPZZ, 3.54b). By subjecting foreigners to Chinese legal authority and forcing them to marry Han Chinese, the Code’s goal was to erase the “barbarian” cultural identity and make Chinese culture prevail. Like the American concept of “melting pot” that developed centuries later, what was expected to emerge out of this interaction was a geographically greater and culturally purer “Central Kingdom.”

Nevertheless, while the Code adopted an aggressive strategy to expand “cultural China,” it fell short of formulating a comprehensive plan to transform “barbarians.” Articles 36 and 122 of the Code support this conclusion.
First, in Article 36, an issue concerning the huawai ren outlines which crimes were punishable. Many commentaries on the Code state that all crimes committed by huawai ren were to be regulated under Chinese law. He Guang’s Lüjie bianyi, however, records a slightly different interpretation: only crimes committed among people of different ethnic groups should be punished under the Ming Code. He explains that because different ethnic groups have different customs and laws, their crimes should be decided by Chinese instead of “barbarian” laws (LJBY, 56).

He Guang’s interpretation seems plausible for several reasons. First, it is supported by a special imperial commandment (ling). On December 2, 1384, officials at the Yunnan Provincial Administration Commission memorialized to the throne petitioning that a regulation on crimes by “aboriginal officials” be made, since no articles in The Great Ming Code dealt with such matters. The emperor ordered officials from the six ministries to deliberate on the issue. They finally made the following decision:

In all cases where the appointed aboriginal officials commit crimes, they shall be punished the same as ranked officials (liuguan) according to the Code. If hereditary [aboriginal officials commit crimes], the government offices shall not interrogate without authorization. First, depend on witnesses to obtain the facts, and then deliberate on the matter and memorialize to the throne. [For crimes punishable by] beating with the heavy stick or lighter, [the offenders shall have their offences] recorded and continue to perform services. [For crimes punishable by] penal servitude or life exile, [the offenders shall] be banished to Beiping. (TS, 2559–60)

Apparently, this legislation was made because Article 36 of the Code provided no legal basis for judging crimes committed by aboriginal officials. Even with this commandment, crimes committed by aboriginal officials would not necessarily be punished, since the law provided no specific rules—everything depended on imperial ruling. In addition, this commandment did not regulate the acts of ordinary aborigines, the majority of residents of ethnic minority communities. Finally, the imperial court did recognize the power of non-Han communities: relocating the offenders out of their community boundaries was considered a harsh penalty.

Second, He Guang’s interpretation is also consistent with the imperial court’s overall policy toward non-Han peoples. During the Hongwu reign, the imperial court generally discouraged close contact between the Han and other ethnic groups. In 1382, for instance, an aboriginal Maozhou subprefect (Sichuan) named Yang Zheqi was secretly colluding with local “crude bar-
barians” (shèngfàn) to capture Maozhou City. When the plot came to light, Yang Zheqi was beheaded, and the Qiang people in the city were relocated to outside settlements (TS, 2285). In 1394, some eight hundred minority people in the Xining area petitioned to be allowed to move to the heartland of the empire (neifǔ). Zhu Yuanzhang replied that, although “barbarian hearts inclining to transformation” should be encouraged, the essential way to govern them gracefully was to make them not lose their original nature (bènxíng). He thus ordered them to live in their native place (TS, 3412). It seems that the Ming court saw those ethnic groups as a threat to the Han people, and, in order to prevent future danger, preferred to separate those ethnic minority communities from Chinese society. As long as local ethnic minorities did not challenge imperial authority, they would enjoy a considerable degree of political autonomy in their own communities under their own chieftains.

Third, the stance of nonintervention was often seen in early Ming law enforcement. In 1392, for example, the Siming prefect Huang Guangping killed Siming subprefect Men Sangui upon learning that Men was plotting to murder him. Huang falsely memorialized to the Ming court that Men had died of illness. Later, when Huang was brought to Nanjing to be interrogated, Zhu Yuanzhang decided: "It is due to their original nature that barbarian bandits kill each other. Guangping shall only be punished by law for not memorializing true matters. We may pardon him today and make him correct his transgression.”54 The emperor only handled the matter involving central-local relations (a false memorial), leaving the local people’s crime (homicide) untouched; furthermore, the crime of disloyalty was also exempted from punishment for political considerations. The Ming, of course, would not tolerate armed revolt against the dynasty. But after having suppressed the revolt of an ethnic minority, the court would usually only have the leaders executed, releasing the other members of the gang without prosecution.55 In 1395, the aboriginal Si’en subprefect (Guangxi) named Cen Yongchang56 was charged with evading taxation and using the seals of the former Yuan dynasty. Zhu Yuanzhang first ordered a punitive force sent against the aboriginal office for “disobeying court decree,” but eventually gave up pursuit because their location was “wild and distant” (MS, 8239).

If He Guang’s interpretation of the scope of Article 36 is accepted, then the Ming Code is mainly concerned with disputes between different ethnic groups, and basically leaves legal affairs within an ethnic group unregulated. For legal, ideological, political, and geographical reasons, to a great extent, the Ming adopted a noninterventionist legal policy toward non-Han peoples.
Article 122 also makes concessions regarding the transformation of non-Han peoples. First, although it enforced marriage between Mongols, *semu ren*, and Chinese, it left Muslims out of the picture. Second, even for compulsory interracial marriage, it stipulated a proviso: “It is essential that both parties be willing.” In other words, if either Mongols or Chinese were unwilling, they need not intermarry. In expounding the entire article, Yu Yuan’s *Standard Forms of Judgments for the Great Ming Code* (Zhaopan zhengzong) proposes a hypothetical case: A Chinese man engages his daughter to a Mongol but then regrets and breaks off the engagement; he is supposed to be punished according to Article 122 of the *Code* (ZPZZ, 3.52b–54b). This example reveals ethnic tension: peoples of different ethnic backgrounds might still feel uncomfortable over their union in spite of the law. Indeed, even though the law could punish those who broke off an engagement or dissolved their marriage, it did not punish those who were unwilling to make such an arrangement. The *Code* itself created a dilemma: if Mongols, *semu ren*, or Chinese were not willing, the *Code* allowed them to refrain from entering such marriages; at the same time, however, it prohibited Mongols and *semu ren* from marrying among themselves. How could such a rule be enforced? Obviously, if this rule were enforced, it might result in two scenarios: either some parties might be unwilling, or some Mongols or *semu ren* might end up staying unmarried throughout their lives. No commentary on the *Ming Code* ever discusses this problem. Perhaps this inherently contradictory rule could not realistically be enforced, which would leave marriage among Mongols and *semu ren* unregulated. After all, the Ming could not possibly make Mongols and *semu ren* remain celibate due to reciprocal unwillingness to intermarry.

The *Code* is also silent about marriage among non-Han peoples other than Mongols and *semu ren*. No articles in the *Code* require compulsory marriage between them and the Han. This nonintervention again leaves the matter in the hands of those ethnic minorities. Such special treatment might be attributable to several factors. For one thing, the Ming perceived that, compared with the Mongols and *semu ren*, other “barbarians” were more distant from Chinese civilization. For another, there was no political necessity to force them to marry Han Chinese—it was not perceived as dangerous to let them marry among themselves. Furthermore, due to the remote locations of non-Han communities, it was simply impractical to enforce such a law. For whatever reasons, the silence on marriage between the Han Chinese and other ethnic minorities presents a striking contrast to the injunction in Article 122 of the *Code*. It pointedly demonstrates the dynasty’s nonintervention stance toward the affairs of non-Han peoples.
These concessions, silences, and coercions suggest an effort in the Code to negotiate a compromise between the Ming government and local societies. While the law was enthusiastic about expanding the boundary of “cultural China” in terms of Chinese values and practices, it still recognized the power of non-Han cultures. The result was a mixed, fluctuating system allowing for dynamic interaction between different cultural forces. C. Pat Giersch (2001), in expounding social change in southwest China’s frontier region during the Qing, uses the historian Richard White’s model of “middle ground,” and finds that frontier Yunnan was a place of diverse cultural interactions. Borrowing their concept, it can be argued that efforts to expand “cultural China” also resulted in a “legal middle ground” occurring in the Ming cultural frontiers. Ming law attempted to impose Chinese values and customs upon ethnic minorities, hoping to erase their ethnic identity, remove a source of cultural pollution, and make the realm more Chinese. However, it also conceded to the cultural values and practices of those ethnic minorities. The Code, therefore, constructed a diverse legal domain outside of “cultural China.”

Purifying “Zhongguo”

In organizing an ideal human realm, the early Ming ruling elite encountered an unprecedented problem in Chinese history: the alien Mongols ruling the whole of China. To Zhu Yuanzhang and his officials, Mongol rule was a major cause of the corruption of Chinese civilization. In November of 1367, Song Lian drafted an imperial proclamation denouncing the Mongol “barbarians” for causing the “net-ropes” of government to become lax. According to reports, at the Yuan court, the elder was set aside and the younger was put on the throne; the emperor was killed by ministers; the elder brother was poisoned to death by the younger brother; and younger brothers took elder brothers’ wives and sons and committed incest with their father’s concubines. Thus, the fundamental relationships of father-son, ruler-subject, husband-wife, and senior-junior had been desecrated and tossed away (TS 401–4).

The foreign Mongols were also blamed for the defilement of Chinese social customs and organization. In 1372, Zhu Yuanzhang issued a proclamation lamenting the moral degeneration of the times and calling for the rectification of rituals and customs. In this programmatic document, Zhu listed twelve major social rituals and customs that required transformation.
These social rituals and customs involved issues of slavery, eunuchs, community mutual aid, support of the elderly and disabled, community greeting rituals, community wine-drinking, marriages, funerals, stabilizing vagrants, dress, Buddhist and Daoist rituals, and castration. The emperor believed that a time of peace and prosperity would not be achieved until “barbarian”-polluted customs were transformed by Chinese civilization (TS, 1351–54). On other occasions, he also criticized that the classical Chinese institutions—rituals, music, and schools—had been completely abolished under Mongol domination (TS, 924–25, 1245–46); it was under the Mongol government that peasants had become lazy in farming the land, scholars had ceased cultivating virtue, and artisans and merchants had started idling about (DGXB, 257; TS, 2687–88). The denunciation of Mongol government indicates that the early Ming ruling elite realized the vulnerability of Chinese values in the face of alien cultures. It seemed imperative that foreign customs be eliminated and Chinese culture restored (Dardess 1978).

While attributing the loss of Chinese values and social dysfunction to the Yuan government can be understood as a bid for Ming dynastic legitimacy, it is also true that the early Ming ruling elite saw social purification as an urgent mission. Just as Zhu Yuanzhang lamented in the Grand Pronouncements:

It was formerly the case in our China that when a dynasty fell, the teachings of the former sages and worthies remained, so that Heaven would appoint men of virtue and the new dynasty could rely on the elders, and so bring about a rapid restoration of good rule. But the ninety-three-year rule of the barbarian Yuan caused the empire’s customs to change and things were run by men who lacked resolve, so that despite all my words and efforts I cannot bring about a transformation. Alas, how difficult!57

Indeed, the early Ming ruling elite perceived these cultural changes as so profound that they designated them as “pollution.” In the imperial proclamation above drafted by Song Lian, Zhu Yuanzhang lamented that the Chinese in the Central Plain had been “polluted by the smell of mutton for such a long time” (jiuwu xingshan). He announced that the Chinese people should be governed by Chinese, and “barbarians” had no right to rule (TS, 401–4). The term “smell of mutton” points to the Mongolian nomadic lifestyle based on herding animals. The derogatory expression evinces tension between the pastoral nomads and a sedentary agricultural society, besides their different ruling groups. And the tension was so deep that the term was frequently repeated in the early Ming ruling elite’s political remarks. One day in 1370...
when the Ming court was informed that the desert beyond the Great Wall had been pacified, Zhu asked his ministers why the Yuan had perished. Liu Ji responded: It was because Heaven disliked foreign “customs with the stinking smell of mutton” (TS, 1045–46). Zhu also frequently instructed his officials to restore the school system and establish legal institutions so that “polluted customs” (wuran zhi xi) would be eliminated and society purified. Pollution and purity was a constant cultural theme in early Ming world-saving projects, and The Great Ming Code was employed as an instrument to purify polluted Zhongguo, the Central Kingdom.

While The Great Ming Code addresses a variety of issues, such as the ones mentioned in the imperial proclamations above, this study cannot include a full narration and interpretation of all the early Ming social purification programs. Instead, one representative issue will be discussed here—marriage customs.

Marriage customs had long been viewed as a touchstone in judging degrees of cultural purity in Chinese history. In the early Ming, the new Han government explicitly identified four specific “barbarian”-influenced marriage practices: lavish betrothal gifts (TS, 1353, 2624), same-surname marriage, cousin marriage, and levirate marriage (YZDG, 214–15). In fact, except for levirate marriage, all of the other three practices had existed in Han communities for centuries (Chen 1990, 129–43, 398–402, 406–10). However, the Ming ruling elite claimed that it was during the Mongol Yuan that these practices, including levirate marriage, had become widespread among Han Chinese (TS, 1353, 2575–76, 2624).

The Great Ming Code dealt with the last three practices. Same-surname marriage was punished by sixty strokes of beating with the heavy stick (Art. 113). According to the Collected Commentaries on the Code, “marriage” in this respect refers to taking either a wife or a concubine. Such marriages were prohibited because they violated the classical ritual code of “emphasizing distinction” (houbie) and “damaged human moral principles” (dulun). Thus, not only would such marriages be annulled, but the wedding gifts would also be forfeit to the government (JJFL 668). In 1383, the Shandong regional military commissioner Wang De petitioned the throne to bestow a title of honor on his wife née Wang. Zhu Yuanzhang rejected the request because their same-surname marriage violated ritual codes of the past (TS 2415). It is interesting to note that, in making his decision, the emperor did not invoke legal rulings. Furthermore, the record does not suggest that the military officer was punished or the marriage annulled. It seems that although occasionally a same-surname marriage would cause trouble, as in this imperial
rejection of a special request, the practice was tolerated by the new regime to a great extent. What caused the lenient treatment of the couple in this case could be that the two Wangs had married before 1368, and hence would be accepted by the new dynasty; it might also be possible that the practice was so widespread that the government was reluctant to enforce the law.

Cousin marriage caused a more serious problem for the early Ming. In the Code, if one married a cousin, including daughters of one’s own father’s sisters or daughters of one’s mother’s brothers or sisters, both the man and woman would be punished. In addition, the marriage would be annulled, the females returned to their own lineage, with all wedding gifts forfeit to the government (Art. 114). Since cousin marriage takes place among relatives of the same generation, it was punished less severely than marriage between relatives of different generations, which would be punished by either one hundred strokes of beating with the heavy stick and penal servitude for three years, or only by one hundred strokes of beating with the heavy stick (Art. 114). The relatively light punishment for marriage between cousins—who are within the fifth degree of mourning relationship—was based on the fact that the couples were from the same generation and thus did not violate “proper status” (mingfén) (JJFL, 675–76). Although the cousin marriage injunction aimed to “guard strictly against illicit unions” (JJFL, 676), its enforcement caused some social anxiety. In early 1385, a Hanlin official named Zhu Shan memorialized that he had seen a number of litigations occurring among the people, with most of the lawsuits concerning cousin marriage. While many practiced this custom, their enemies could take advantage of the legal injunction and bring suits against them. This caused tremendous chaos among the people: many who had been engaged broke up; many who had been married divorced; and many who had already had children were forced to give them up. Thus, the law code was utilized by some people to disturb society and defile customs. In his memorial, Zhu Shan did not see cousin marriage as a problem, because it did not violate Chinese tradition. However, he claimed that implementation of the law did not produce harmony; on the contrary, it resulted in numerous litigations and made bribery popular, which eventually caused social customs to become decadent. Therefore, Zhu Shan petitioned the emperor to allow court officials to deliberate his proposal and eliminate the legal prohibition so that “law cases would be fewer and social customs honest.” Zhu Yuanzhang “agreed to his remarks” (TS, 2575–76).

Zhu Shan’s memorial brought up a number of issues, including the relationship between litigation and customs, and the extent to which law was enforced among the people. But the popularity of cousin marriage at the
time is striking. It was almost twenty years into Zhu Yuanzhang’s reign, but a large number of people were still practicing this custom despite legal injunctions.

But how do we understand Zhu’s “agreement” (ran) to Zhu Shan’s memorial? Did Zhu agree to concede to popular custom by deleting the stipulation from the law code? The prohibition seems to have existed throughout the Ming, so the answer is negative. Then what does it really mean? Huang Chang-chien (1977c, 249) asserts that the record quoted above was a dishonest report by Ming imperial historians. But an imperial order in the Grand Pronouncements contradicts Huang’s assertion.

The Grand Pronouncements was promulgated in late 1385 (Yang 1988, 7), the same year that Zhu Shan presented this memorial. In one of the sections in this imperial ruling, Zhu Yuanzhang stated his policy regarding the prohibition of Mongol marriage practices: While foreign marriage practices should be eliminated, those who had married in the foreign way before the founding of the dynasty should not be prosecuted. Thus, his law was not retroactive. He then went on to blame “crafty persons” who took advantage of the legal prohibition and colluded with corrupt officials to prosecute those who had married during the Yuan. Because Mongol customs involved too many people, Zhu explained, a retroactive law would cause widespread chaos. Therefore, those who prosecuted others for Mongol marriages made prior to the Ming should be severely punished. Zhu Yuanzhang’s proclamation indicates that he did agree with Zhu Shan’s petition, but not completely—he only acceded to the policy that pre-Ming marriages should not be judged retrospectively. With regard to social customs in his dynasty, he was steadfast in his stand: “From now on, if there is anyone who violates the teachings of previous [sage-] kings, even death cannot atone for his crime” (YZDG, 214–15). At any rate, the cousin marriage controversy indicates the depth of the impact of Mongol rule, and accounts for the establishment of new legal regulations.

The strongest Mongol influence on marriage customs is seen in the practice of levirate marriage, i.e., marriage between a man and his deceased brother’s widow, his deceased uncle’s widow, or his deceased father’s secondary wives (nonbiological mothers) (Holmgren 1986; Birge 1995). A common practice in steppe societies, it “illustrated the concept that rights over the woman’s body and labor belonged now to her husband’s family, in perpetuity” (Birge 1995, 115). The Han Chinese, however, abhorred this practice, calling it incest. In 1385, Zhu Yuanzhang offered an example in the Grand Pronouncements. In levirate marriage, a woman “serves” a man and gives birth to a child; after
the man (the child’s father) dies, the woman (as a concubine) again “serves”
the man’s principal wife’s son and gives birth to another child. That was how
“husband and wife were not separated and fundamental principles were
greatly damaged” during the Yuan. In order to eliminate the practice, the
emperor invoked the death penalty (YZDG, 215). In 1394, toward the end of
his reign, Zhu again blamed the Mongols for polluting China with levirate
marriage and lamented that a great number of people, ignoring the prohibi-
tions stipulated in the Code and the Grand Pronouncements, continued to fol-
low the “barbarian” practice. He ordered officials at the Ministry of Rites to
proclaim again the Code’s injunction in order to “restore the teachings of the
previous sage-kings and rectify social relationships” (TS, 3391–92).

The Ming Code severely punished levirate marriages, stating that if some-
one “takes in” (shou) his father’s or paternal grandfather’s concubines or
father’s brothers’ wives, he would be punished by decapitation; if someone
“takes in” his elder or younger brother’s wives after the said brother’s death,
he would be punished by strangulation (Art. 115). Two points are worth not-
ing in this rule. First, decapitation and strangulation were the harshest pen-
alties the Code imposed upon marriages between relatives. Second, levirate
marriage was considered the severest form of “incest” and hence could not
be termed “marrying” (qu); instead, it fell under the category of “taking in,”
stressing the illegitimacy of the act (JJFL, 679). The severe penalties and
disapproving appellation convey a strong message—this alien custom would
not be tolerated by the government and must be eradicated in order to “cor-
rect social customs” (JJFL, 683).

For their marriage purification program, the early Ming ruling elite
applied two legal strategies. First, while they blamed the Mongols for pol-
luting Chinese civilization, they deemphasized or even kept silent on the
fact that the Yuan government had also outlawed the abovementioned mar-
riage customs among Han Chinese. Indeed, in order to rule the vast plural-
istic empire effectively, the Yuan adopted a dual legal system (Ratchnevsky
1993, 161) in which Mongols and Han Chinese were regulated differently.
In terms of marriage customs, while Mongols and Central Asians contin-
ued to practice customs such as levirate marriage and multiple wives, the
Han Chinese were forbidden marital relationships that were out of keeping
with Chinese tradition. For marriage ceremonies, for instance, the Yuan law
adopted the Family Rituals of Master Zhu [Xi] (Zhuzi jiali). For engagements,
the law required a written agreement and limited the amount of betrothal
gifts. For divorce, the law emphasized the traditional “seven grounds” (qichu)
and “three restrictions” (sanbuqu), and annulled marriages on the grounds of

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“breach of the bond of righteousness” (yijue). The Yuan law prohibited marrying those with the same surnames, having more than one wife, and marrying relatives (Han 1999, 641–85). Most of these regulations can be found in both the classic Tang Code and the later Ming Code. Yuan law particularly punished levirate marriages among Han Chinese. Although the Mongol government forced the Chinese to practice levirate marriage for a short period of time during the early Yuan, it soon changed its position and outlawed the practice, instead calling for the cultivation of widow chastity (Birge 1995). In fact, the Yuan not only enforced fundamental Chinese laws on marital relationships, but also transformed such Chinese traditions to accord more closely with the patrilineal ideals advocated by the Song Neo-Confucian school of Zhu Xi (1130–1200). It would not be an exaggeration to say that for the Han Chinese, the Yuan government adopted a more Confucian legal policy over marriage institutions than had previous Chinese regimes. If the Chinese did practice foreign marriage customs during the Yuan, it was voluntarily rather than due to Mongol coercion. But Zhu Yuanzhang and his officials blamed the Mongols for the social problem.

Another legal strategy used by the early Ming ruling elite to purify marriage customs was borrowing laws directly from the Yuan dynasty. The classic “Chinese” Tang Code of 653 had served as a legal model for Chinese governments throughout the second half of the imperial age. This was particularly true in the process of codifying social norms in the early Ming, a time during which the ruling elite endeavored to restore Han values and seek the roots of Chinese identity. However, while the Ming Code to a large extent modeled itself on its Tang ancestor, it also created many new regulations to meet new social needs (Farmer 1995, 78–79). In terms of marital relationships, compared to the Tang Code, the Ming Code contains nine sets of new regulations in the section on marriage, with six entirely new articles and three new rules included within old articles. Undoubtedly, Ming law enriched the Chinese legal tradition. But how did the Ming create these new regulations? Did they make them on the basis of their own experience, or did they borrow them from somewhere else? A comparative study of the Ming Code and Yuan law reveals that, generally speaking, the “new” regulations on marital relationships in the Ming Code (i.e., those not appearing in the Tang Code) had all existed under Yuan law. The major difference concerned regulations on Mongol marriages. For a number of reasons, the Ming outlawed marriage between Mongols and semu people (see the discussion in the preceding section of this chapter). Under Yuan law, however, to preserve Mongol identity, Mongols were exempt from the legal rulings made for other
ethnic groups. Another difference appears in regulations on levirate marriage, for which the Yuan established more elaborate rules than the Ming to punish Chinese who engaged in such a practice—in spite of the fact that Mongol laws underwent several changes regarding this issue. Of these nine sets of regulations, eight are similar in the Ming and Yuan legal systems (although the Ming naturally did not follow Yuan examples when dealing with Mongols). Hence, the Ming government borrowed extensively from Yuan marriage institutions in formulating their purification program. In fact, this borrowing went beyond the Code. In The Great Ming Commandment, for instance, both the requirements on uxorilocal marriages (zhaoxu) and the injunction on the practice of pointing to the belly and cutting the front of the woman’s garment (zhifu geshanjin) (Farmer 1995, 160, 163) derived from Yuan law (TZTG, 176–77, 166). The “barbarian” Mongol legal legacy, therefore, became an essential component of the “Chinese” anti-“barbarian” discourse in the Ming.

Marriage legislation in the early Ming, as reflected in the Ming Code, illustrates the general social program to purify “Zhongguo,” the core area of the Ming empire. The ruling elite identified particular problems in Chinese society and attributed them to Mongol “barbarian pollution.” They consequently created legal rulings to facilitate the reconstruction of the social order and purify their subjects’ minds. However, they confused Mongol influence with voluntary lifestyle choices made by Han Chinese. To be sure, Mongol influence was strong, leading to the widespread adoption of Mongol customs by Han Chinese; but the popularity of alien customs appears to have been more the result of Chinese choice than of Mongol governance. In fact, the Yuan dynasty had outlawed all of the social practices among the Chinese which were later viewed as “polluting” by the early Ming ruling elite. Furthermore, the Mongol government enacted more elaborate rules than previous Chinese regimes to guide the Chinese according to Confucian social ideals as interpreted by Song Neo-Confucians, which were inherited by the early Ming. The Mongol legislation and its impact on the Ming, however, never existed in the legal and social discourse of the Ming regime. Zhu Yuanzhang and his officials intentionally ignored the Mongol efforts to promote Confucianism among the Han Chinese, silently borrowing legal rulings from the Mongol legacy. Both strategies facilitated the early Ming social purification programs.

The early Ming ruling elite envisioned two boundaries in their realm. The first was located on the edges of the empire, symbolized and institutionalized...
by frontier land passes and seaports. Although often fluctuating and vague, this outer borderline marked the geopolitical domain of the “Ming,” or “geographical China,” and functioned to defend dynastic security and resist “foreign pollution” in Chinese civilization. The second boundary lay primarily along the edges of Han communities (the so-called “China proper”), but could also exist within larger Chinese communities in the form of ethnic minority subcommunities or even individuals. More symbolic and cultural in nature, this inner borderline was perceived to separate the Han Chinese from other ethnic groups, and defined the sphere of “Zhongguo,” or “cultural China.” For the Ming government, its main function was to guard against the “inner barbarian pollution” of Chinese civilization, and to interact with and thus transform “barbarian” cultures. The two boundaries differentiated the two Chinese spheres—the Ming and the “Central Kingdom”—and represented three political strategies of the imperial court. Along the first boundary, the Ming utilized a defensive strategy; for the second, the Ming adopted an offensive strategy to enlarge the domain of “cultural China”; and within the second sphere, the Ming endeavored to eliminate foreign “pollution” and purify Zhongguo.

This multilayered spatial arrangement was supported by early Ming cosmology. According to an ethnocentric worldview partially based on their “demarcation system,” the Ming empire and the Chinese people were considered a yang aspect of the cosmos—the superior, positive force—while territories beyond the Ming empire and non-Han ethnic peoples were considered yin—the inferior, negative element. The yang force ought to be promoted, manifested, and expanded; whereas the yin sphere should be repressed, subdued, and reduced. Since the yin element tended to erode or even destroy the yang (TS, 1811–16), the Ming ruling elite saw it as their mission to uphold the yang force in every way, including through the legal apparatus. The Great Ming Code played a significant role in creating and maintaining the dual boundaries of the Ming. It safeguarded the outer boundaries by controlling the flow of personnel, goods, and information through land and sea frontiers. To prevent danger along the frontiers, it provided harsher penalties for going outside the Ming territories. Strictly maintaining the “distinction between barbarians and Chinese” constituted the cornerstone of their legal policy. Regarding inner boundaries, the Code imposed Chinese values and practices upon ethnic minorities by subjecting their mutual offences to Han Chinese legal institutions and enforcing interracial marriages. Its goal was to eliminate sources of “barbarian cultural pollution,” erase the “barbarian” ethnic identity, and thus expand the sphere of “cultural China.” At the
same time, however, it acknowledged the cultural presence of ethnic minorities. As a result, the dynastic law code produced a cultural middle ground between the two boundaries. For “Zhongguo,” the cultural core area of the empire located within the inner boundary, the Code aimed to erase foreign influence and restore Han values and practices. To achieve such goals, the early Ming ruling elite incorporated legal institutions of the Yuan into the Code. Therefore, the reestablished Chinese values and practices in Zhongguo combined both Chinese and foreign cultural elements.

In discussing rituals concerning “external boundaries” in primitive societies, Mary Douglas points out four kinds of “social pollution,” two of which are worth mentioning here. One is “danger pressing on external boundaries,” and the other, “danger in the margins of the lines” (Douglas 1966, 114–28, esp. 122–23). For the purpose of this study, the former can be understood as a reason for the early Ming to create and defend a geographical line against foreigners; the latter was cause for constructing a cultural line against the minorities under their control. The basic assumption of the Ming toward all of these aliens is summed up by Douglas: “all margins are dangerous” (ibid., 121). Insofar as the marginal peoples were not “our kind,” as a Ming official memorialized to the emperor, “their” hearts must be different from “ours,” and they must cherish hidden “evil intentions” and hatred. Hence, they might pollute and desecrate Chinese civilization (TS, 1916). By distinguishing themselves from alien peoples, the Ming shaped a world order in their own terms. And by creating and maintaining legal boundaries for different cosmological spheres, The Great Ming Code, to borrow Romeyn Taylor’s (1997, 93) words, turned the empire into a “vehicle of universal salvation, where salvation is understood as social harmony, and as harmony between human society and the ever-unfolding cosmos.”