The Mandate of Heaven and The Great Ming Code

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To demonstrate the interconnection of law, society, and worldview in imperial China in general, and during the early Ming dynasty in particular, this case study of The Great Ming Code argues that The Great Ming Code was established on the basis of early Ming legal cosmology—the ruling elite’s understanding of the nature and role of cosmic law. To Zhu Yuanzhang and his officials, the cosmos consisted of three components: the world of spirits, the realm of human beings, and the emperor. As the cosmic mediator, the emperor received the Mandate of Heaven and served as both ruler and teacher. The Mandate of Heaven endowed the emperor with the privilege and responsibility of building a prosperous and peaceful human society, educating his subjects, and maintaining a state of harmony between the spirit world and human realm. The legal establishment was a key measure in achieving this mission.

In keeping with the cosmic order, the early Ming ruling elite defined the Mandate of Heaven in terms of “heavenly principle” and “human sentiment,” both of which constituted the foundation of law. The ruling elite’s understanding of the connection between law and cosmic order is illustrated...
in their identification of crime with the violation of “principle,” and in their view that law served to eliminate violence and wickedness, and to promote education and transformation according to cosmic principles—the “three bonds and five constant virtues.” A number of legal principles in *The Great Ming Code* specify “heavenly principle” and “human sentiment,” the cosmological foundation of law, including the “ten abominations,” “five punishments,” and “mourning degrees.” The articulation of heavenly principle and human sentiment in the *Code*, of course, does not suggest a division of cosmic principles. Rather, these principles were perceived as different manifestations of the same pattern.

*The Great Ming Code* constructs three essential components of the envisioned cosmic order: the world of spirits, the realm of human beings, and the ruling elite as intermediaries. The world of spirits is represented by the ritual regulations of the legal establishment. The different rules on official, popular, and prohibited rituals suggest that the early Ming ruling elite visualized a pantheon of deities centered on Heaven, Earth, and human ancestors. This spirit pantheon provided the ruling house with legitimacy that could not be challenged by other belief systems.

Regarding the human realm, this study focuses on the *Code*’s legalization of two Ming boundary lines that were based on cosmic principles. The law was designed to defend “geographical China,” expand “cultural China,” and purify Han beliefs and customs. This legal program articulates an elaborate cosmological scheme: based on the “demarcation system” and yin-yang theory, the law protected and expanded the superior and central part of the cosmos—Han Chinese civilization.

With respect to mediation between the spirit and human worlds, the *Code* conceptualized the cosmological role of officialdom by legislating the “three recompenses and one sacrifice.” The law thus obligated officials to obey the supreme authority of the emperor, to observe the filial principle toward parents, to care for the welfare of the masses, and to maintain a harmonious relationship with deities. This set of regulations defined the nature of officials in reference to the basic cosmic forces, making them the representatives of the Son of Heaven to mediate between the spiritual and mundane worlds and govern the human realm.

A product of legal cosmology, therefore, *The Great Ming Code* was established to balance the cosmic forces. Based on officially recognized cosmic principles, it promoted effective communications with the official pantheon, and duplicated the envisioned cosmic order within the human realm. The *Code*’s purpose, then, was to educate the people and transform
their worldview in line with officially conceived and endorsed cosmic principles.

This study questions some widely shared assumptions regarding the function and nature of legal culture in imperial China: that law was an oppressive tool for political ends designed to enforce behavioral control, and that law represented the secular Confucian tradition and had little to do with superhuman forces. These conventional viewpoints are closely interrelated: if law is secular, it will overlook the people’s inner world—if law is exclusively tyrannical, it will not be restrained by any belief in superhuman forces.

This study, however, suggests a different interpretative framework: The Great Ming Code, the fundamental form of “positive law” in Ming dynasty China, was very much concerned with educating people (in addition to asserting political control), and was replete with religious meaning. The educational function of The Great Ming Code was based on early Ming legal cosmology. For early Ming law compilers, law was a way to embody the cosmic order, as manifested in heavenly principle and human sentiment. Hence, breaking the law was violating cosmic principles; and observing the law was following heavenly instructions. One of the ruler’s key missions was precisely to reveal the cosmic order to his subjects through legal texts. Law codes, then, became moral textbooks to be used to educate people and thus transform their minds-and-hearts.

As a textbook to transform the people, The Great Ming Code transformed the abstract cosmic order into legal principles, positing three essential components of the cosmos: the world of spirits, the realm of human beings, and the ruling elite as intermediaries between the two domains. A guideline for defining crimes and meting out punishments, the law constituted a core educational program for early Ming empire-building. Regulating the belief system, social structure, and official responsibilities was not a simple bid for political control; rather, it manifested the spiritual orientation of the ruling elite.

In order to educate people through The Great Ming Code, the early Ming government took a number of measures to publicize its contents; these included promulgating annotated versions like The Code and Commandment Directly Explicated, having its contents and legal cases engraved on the walls of exhibition pavilions, ordering readings at community wine-drinking ceremonies, and offering courses on the Code at government schools. The early Ming ruling elite, particularly the founding emperor Zhu Yuanzhang, intended to transform people’s minds-and-hearts with The Great Ming Code, thus fulfilling the cosmological role of the sage-emperor as the people’s teacher and ruler.
The cosmological foundation of *The Great Ming Code* points to the essential religiosity of the legal establishment. By articulating the envisioned cosmic order and specifying cosmic principles, the *Code* was compiled to promote cosmic harmony and replicate cosmic structure. Based on early Ming legal cosmology, the law was closely associated with superhuman forces and was designed to ensure smooth communication and harmonious relations between humans and deities. Due in part to its religious nature, it served as an integral component of the early Ming educational project to transform the people’s beliefs.

Although a 2002 article by Randall Peerenboom denies the role of religion in the “whole area of positive law” in imperial China, the basic tenets underlying Ming legal philosophy and institutions echo the basic principles of Huang-Lao thought, which, according to Peerenboom, represented the true “religious law” in imperial China. For instance, as Peerenboom states, “Huang-Lao clearly advocates a natural law system in which the legitimacy of the legal system as a whole as well as the legitimacy of specific institutions, laws and practices are grounded in a transcendent normative natural order” (Peerenboom 2002, 97). As for relations between the Way, the ruler, and the law, Peerenboom also observes that in Huang-Lao, “it is the sage-ruler in particular that is supposed to know the Way, and on the basis of the direct apprehension of the Way, put the state in order by promulgating and ensuring the correct application of laws. . . . The Way is the ultimate authority; thus, the ruler, like all others, must abide by the law. Accordingly, Huang-Lao law is not merely a political tool to be used by the ruler to further his own ends. The ruler cannot change the law at will” (ibid., 97–98). By replacing the concepts “transcendence” and “natural law” with the phrase “superhuman forces,” it could be argued that the basic Huang-Lao legal philosophy was shared by the Ming ruling elite. The early Ming witnessed a unity of theoretical articulation and institutional legislation in religious laws for the spiritual transformation of the people. Whether or not those religious rules were practiced cannot change their fundamental orientation.

The debate over the educational function and religious nature of *The Great Ming Code* is not confined to contrastive terminologies, and its significance extends beyond *The Great Ming Code* per se. In line with the thesis of a “China-centered Chinese history,” a new epistemology for examining Chinese imperial history in general and legal culture in particular is considered here. The heart of the disputation is the question of how to understand Chinese legal and religious history: should it be viewed from an ancient Chinese or a modern perspective? In other words, should present-day Western legal
philosophy and institutions be brought to bear on Ming law; should Judeo-Christian conceptual frameworks be used for judging Chinese religion and its relation to Chinese imperial law?

Recounting the efforts of the early Ming official Wei Guan to revive the age-old “community wine-drinking ceremony” (xiang yinjiu li), F. W. Mote makes an explicitly historicist statement:

Could such ceremonies really transform a society, teach it to be courteous and orderly, improve morality and refine popular customs? If it is easy for us to be cynical about it, it was equally easy for a Chinese of the fourteenth century, reared in the Confucian tradition, to be sincere about it. Such were the ideal institutions of his world. They were ideals that could be realized, and institutions that appeared to be operative. In the face of the historical facts, it is difficult to say that they were not. (Mote 1962, 217)

Mote’s work, published over forty years ago, still offers illuminating insights on Chinese history. Following his argument, it seems clear that while interpretations of historical events are often shaped by the worldview of historians, those events would have been understood differently by the people who lived through them. Only by looking at individuals and institutions in the context of their own values and practices can rigorous historical scholarship be established. This study of the cosmological foundation of The Great Ming Code utilizes a holistic approach for understanding Chinese imperial law and religion. From the perspective of the early Ming ruling elite, the cosmos was an integrated unit; law, religion, and political authority were not differentiated, nor were the tasks of political control and spiritual transformation separated. This holistic approach is remarkably different from the modern compartmentalized worldview. Utilizing this holistic framework, the present study supports the conclusion that The Great Ming Code was a cosmological instrument to manifest the Mandate of Heaven and transform “all under Heaven.”

The paradigm of “China-centered Chinese history” supports the present argument for the cosmological foundation of The Great Ming Code. Based on this interpretative framework, a general assessment of the religiosity of Chinese imperial law can be ventured. Indeed, envisioning a close connection between law and superhuman forces was not exclusively a Ming ideology. Although certain ideas changed over time, there is still a discernable pattern in Chinese legal cosmology. That is, law was founded on the envisioned support of various superhuman forces; it was designed to achieve officially
endorsed cosmic harmony. The conclusion drawn here is that Chinese official cosmology served as the philosophical foundation of legal culture in imperial Chinese history. An expression of cosmic principles, the legal apparatus endorsed, implemented, and protected the official interpretation of the cosmic order. Law in pre-Republican China, therefore, was not secular; rather, it represented a powerful religious worldview.

Indeed, Chinese imperial law was profoundly interrelated with religion on both philosophical and practical levels. It not only served as a punitive tool for social control, but, more importantly, was envisioned as a schema to carry out the Mandate of Heaven and transform human beings. In imperial China, as in many other societies, legal culture would not have been considered justified without the intercession of superhuman forces. Chinese imperial law codes were utilized as cosmological instruments for carrying out the Mandate of Heaven and as spiritual textbooks to deliver the human race from evil. And this was a religious mission.