The Mandate of Heaven and The Great Ming Code

Yonglin, Jiang

Published by University of Washington Press


For additional information about this book
https://muse.jhu.edu/book/852

For content related to this chapter
https://muse.jhu.edu/related_content?type=book&id=3176712
Notes

1 Zhu Yuanzhang was posthumously known as Ming Taizu (Grand Progenitor of the Ming). A comprehensive treatment of him in Chinese is Wu 1965. For English accounts of this emperor, see DMB, 381–92; Taylor 1975; Chan 1975; Mote 1999, 541–82.

2 For general treatments of the Ming history in English, see CHC7 and CHC8. For accounts of the Ming founding, see Farmer 1976; Dreyer 1982; Dardess 1983.

3 Up to the present, the most detailed studies of The Great Ming Code are Jiang 1997a, 1997b, and 2005. In addition, the contents and structure of the Code have briefly been mentioned in Hucker 1978, 44–45; Farmer 1993, 181–87; Farmer 1995; Langlois 1998. Huang (1977b) and Yang (1992) have studied the text of the Code.

4 As discussed below, The Great Ming Code was widely disseminated and accessible.

5 Bailey and Llobera 1981, 18. Most Western understandings of Chinese legal culture discussed below and throughout this work are closely related to theoretical paradigms such as “oriental despotism,” “Asiatic mode of production,” and “modernization.” Due to the topic and scope of this study, these will not be discussed—only a few arguments concerning Chinese law will be touched upon. For discussions on such concepts, see Anderson 1974, 462–549; Brook 1989; Rapp 1987; Rozman 1981; Said 1979; Wittfogel 1957.

Liang and Qi 1988, 26, 34, 53. These arguments can also be seen in Liang’s other works. See, e.g., Liang 1988 and 2002, 35–61.

Since the 1990s, a group of scholars has attempted to seek the value of Chinese law by studying “civil justice” in imperial China (see, e.g., Bernhardt and Huang 1994). I will critique their findings in a separate work.


The differences between Judeo-Christian and non-Judeo-Christian religions have been studied by many scholars. See, e.g., Benz 1959; Gernet 1982.

For Marxist views on religion, see Marx 1957; McKown 1975.

They have also effectively attacked the conventional “elite/folk” or “great/little traditions” bifurcation in the study of religion. Catherine Bell (1989), drawing on Natalie Davis, calls their contributions a second-stage position as opposed to the first-stage “elite/folk” dichotomy.


I prefer the term “superhuman” to “supernatural” because in Chinese cosmology, the spirit world is not perceived as a transcendent entity above nature, but rather as a realm that operates together with humans simultaneously within an all-encompassing cosmos. Consult Hall and Ames 1998, 219–52.

For more on this theme, see Benson 1960, 134–42; Rodney Taylor 1990, ix–x, 1–3; Romeyn Taylor 1990, 128; Hooper 1987, 286.

For a collection of articles on early Chinese cosmology, see Rosemont 1984.

For general descriptions of Nanjing during the Hongwu reign, see Farmer 1976, 51–57; Mote 1977. For maps of Nanjing, see Wang 1987; Mote 1977, 135; Dreyer 1988, 75; Langlois 1988, 110. Wright (1977, 66–72) points out that Peking, the capital city of the Ming since 1421, “was in closer accord with the canonical cosmology” than capitals of the Sui, Tang, and Song dynasties. In fact, according to Mote (1977, 141), Ming Peking was basically a replica of Nanjing.
Gao 1999. The practice of building the capital city in the shape of the northern and southern dippers can be traced back at least to the Han dynasty, whose capital city Chang’an was known as the “City of the Dipper” (doucheng) (Wright 1977, 44; Wheatley 1971, 442–43).

According to some treatises on astronomy (e.g., Fang 1974, 294; Wang and Wang 1988, 20–21), there are nine stars in this group, which might more accurately match the nine judicial offices that were relocated in the early Ming. But it is unclear why Zhu Yuanzhang referred to a different figure.

HMZL, 70. For the religious significance of the dynastic title “Ming,” see Wu 1965, 141–43.

On Chinese traditional thought regarding the Mandate of Heaven, see Pankenier 1995; T’ang 1962; Tateno 1983.

For a brief description of such astrological concepts, see Needham 1959, 351–57.

The emperor treasured their magical feats in assisting him in founding the dynasty so much that he personally composed a biography for Crazy Zhou and had the important court advisor Song Lian write a biography for Zhang Zhong (Chan 1973; 1975a, 701–5). In his study of the creation and transmission of the legend of Zhang Zhong, Hok-lam Chan (1975b, 102) observes a shared belief “in fate, in prognostication, and in the endowment of supernatural powers in gifted personages” in the Ming intellectual world.


On Song Lian and Liu Ji’s Neo-Confucian thought, see Hou et al. 1987, 2:55–93.

Liu 1967, 175. Here a related problem arises—is it true that “Liu vehemently denies that Heaven can warn, punish, or purposively intervene in any way in human society” (Dardess 1983, 134)? This issue can be viewed in the following two ways. First, judging from Liu’s other works as well as the two essays “On Heaven,” it seems that the term “Heaven” (tian) has different meanings. It is sometimes described by Liu as a superhuman deity in the cosmos, such as when he says “Heaven is the common father of the myriad things” (1967, 89); on other occasions it is used in a natural sense, as when he states “The substance of Heaven is material force” (ibid., 175). (This is exactly how Xunzi dealt with this term in his “Treatise on Heaven.” See Eno 1990, 131–69.) In the latter case, in Liu’s opinion, there is still a superhuman entity above the natural tian: the principle (li). (See
the argument in Hou et al. 1987, 2:78–81.) So Liu’s statement that the substance of Heaven is material force, and therefore heavenly disasters like winter thunder and summer frost are not the means heaven utilizes to warn people, is ambivalent regarding the exact meaning of “Heaven.” Second, when Liu Ji denies that thunder is a heavenly measure used to punish people, it does not mean Heaven has no authority to punish evildoers. In fact, according to Liu Ji, the heavenly pattern (tianju) is like this: Heaven engendered human beings and established the herdsman (mu) for them, and bestowed on him the power of life and death. The phrase “heavenly punishment” (tiantao) means that the ruler enacts law (xing) in accordance with the Heavenly will so as to “assist Heaven and Earth in transforming and nourishing [the masses],” rather than that Heaven carries out punishments by itself (1967, 177). To Liu Ji, the question does not lie in whether Heaven has authority, but in how to interpret the heavenly pattern: Heaven holds ultimate authority, which in turn becomes the source of imperial authority. Moreover, Liu Ji does stress the interaction between material force and human beings (Hou et al. 1987, 2:90.). In a word, Liu Ji has his own perception of the superhuman world, which is why he could, as an able astrologer, serve as Zhu’s important advisor; this also accounts for Liu Ji’s important role in making the Ming Code.

15 Zha 1986, 1399; MS, 3777; Lu 1987, 117; Liu 1993, 72.
16 For the establishment, structure, function, and evolution of this agency in the Ming, see Ho 1969. For the instruments used and observations conducted in this agency, see Deane 1994.
18 TS, 1690; MS, 3781; Zha 1986, 1402; MTJ, 327–28; Guochu lixian lu, 124; Huang Bosheng 1991, 484; Zhang 1567, 7b–8a. The place name is recorded as “Danyang” in Zha 1986, 1402, which is followed by DMB, 935.
19 On the basis of this recommendation, Zhu Yuanzhang responded: “According to what I have heard, no one knows astrology and divination better than Liu Ji of Qingtian.” Both Liu and Song were accordingly recruited by Zhu to assist in his empire-building enterprise. See Zha 1986, 1394.
20 The metaphor “net-ropes” refers to the fundamental principles and institutions of the government. In imperial China, the whole governmental apparatus was likened to a fishnet; and its fundamental principles were viewed as the headrope of the net. The idea was that once the headrope of a fishnet is pulled up/shaken, all its meshes open—once the key link is grasped, everything falls into place.
21 Yang Yifan (1992) lists many harsh laws (including both codified documents and special statutes) of the Hongwu period. Zhang Dexin (HWYZQS, 52–65) lists more than twenty legal texts that were produced under Zhu Yuanzhang.
22 TS, 2191. The specific regulations designed to enact these principles in The Great Ming Code will be examined in detail in the following chapter of this study.
23 For a study of the history and organization of the Zheng family commune, see Dardess 1974.
24 Of the cases in the Veritable Records where crimes were pardoned, most were con-
cerned with family relations; see, for example, TS, 1652, 2347, 2445–446, 2662, 3173, 3013, 3418, 3261, 3467, 3519–520, 3588–589.

25 This might be the Taiping Prefecture at Nanjing, not the one in Guangxi.


27 Established as a separate legal text, the Great Ming Commandment provides basic rules regarding government personnel, revenue, rites, military affairs, penal matters, and public works. For its making, see Naito 1963; for its relationship to The Great Ming Code, see Jiang 2005. The text can be found in HMZS, 4:7–117, which is translated in Farmer 1995, 150–94.

28 Throughout this study, unless otherwise specified, all article numbers indicate those in The Great Ming Code. For their specific contents, refer to Jiang 2005.

29 The explanation in parentheses is the legal note provided by the early Ming law compilers. This is the same in other quotations from The Great Ming Code.

30 “Three recompenses and one sacrifice” refers to recompenses for the ruler, parents, and the people, and ritual sacrifice to spirits and ghosts. See the detailed discussion in chapter six of this study.

31 TS, 389, 2398. In these two passages, although what Zhu Yuanzhang emphasized was that the meshes of the net should not be too closely woven, the metaphor he used illustrates his understanding about the function of law.

32 Shangshu zhengyi, 135; Legge, Classics, 3:58–59. Zhu Yuanzhang quotes it in his preface to The Great Ming Commandment, see HMZS(a), 1:8.

33 See, for example, TS, 933–34, 967, 972, 1203, 1279, 1306, 1432, 1673, 1860–61, 2151, 2227, 2430, 2666, 3047, 3193–194, 3201, 3353, 3359, 3455, 3456, 3461.

34 This refers to a penal policy requiring that the death penalty be carried out only after the emperor had approved the petition for execution for three or five times.

35 Regarding “cleansers,” Kuang Fan’s Bianmin tuzuan records that in addition to regular water and soap, other materials used during the Ming period for washing off dirt and stains include herbs, ginger, beanstalk ash, pig-foot soup, plum leaf, almonds, crab gills, sesame oil, pig intestine, pine nuts, lime, salt, goose- and duck-dung ash, donkey-hide gelatin, pineapples, bananas, and the water from washing rice. I am grateful to Professor Bruce Rusk for bringing my attention to this source.


37 YZDG, 239. In The Great Ming Code, violating imperial rescripts is punished by one hundred strokes of beating with the heavy stick (Art. 64).

38 As the “constant law” (changjing) of the dynasty, the Code usually metes out lighter punishments than the Grand Pronouncements (Yang 1984).

39 Elsewhere (Jiang 1997a, 167–247), other legal principles in the Code that were established in line with cosmological meanings have been indicated, including the Five Punishments, carrying out punishments in autumn and winter, and mourning degrees.

40 The Ten Abominations first became a legal principle in the Northern Qi Dynasty.
Notes to Chapter 2 186

(550–577) under the title “ten items of heinous crimes” (zhongzui shitiao) rebellion, plotting great sedition, treason, surrender, contumacy, depravity, irreverence, lack of filial piety, unrighteousness, and incest. The Kaihuang Code (581) of the Sui dynasty (581–617) revised it into Ten Abominations, which was continued by subsequent dynasties. See Wei 1973, 706, 711; LJBY, 30; Liu 1996, 87–103; Liu 1998, 327–21; Qiao 1985, 82–100.

While the ten groups of criminal acts are all listed in Article 2, their specific punishments are stipulated in different articles of the Code.

LJBY, 30–31. This Ming commentary copies verbatim the statement in the Tang Code (Tanglü) (TLSY, 6–7). The translation is based on Wallace Johnson 1979, 63.

In Confucian classics, the “three followings” demands that the woman follow the man: “In her youth, she follows her father and elder brother; when married, she follows her husband; when her husband is dead, she follows her son” (Liji zhengyi, 1456; Yili zhushu, 1106); the “four virtues” requires the woman to be dutiful in “virtue (chastity and obedience), speech, appearance, and work” (Zhouli zhushu, 687). Ko renders the “three followings” as “Thrice Following.” For her critique of this Confucian dictum and the concept of the “inner-outer” boundaries, see Ko 1994, 6–14.

In a special regulation enacted in 1383, mothers who received honorific titles due to their sons’ official positions should not remarry; any violations would be punished in accordance with the Code (Art. 111; TS, 2405.)

Waltner 1996, 34–35. The legal note to Article 360 of the Code lists the circumstances under which the bond of righteousness is broken: “The husband is in a distant place and his wife’s parents marry her to someone else; they drive [the son-on-law] out and call in another son-in-law; or where they permit others to commit adultery with [the wife]; the husband himself strikes the wife and injures her to the extent of fracture; he forces her to commit adultery; although he is married, he deceitfully claims that he is not and thus fraudulently marries another woman; he makes his wife a concubine; he accepts consideration to sell his wife or concubine by dian [i.e., mortgage] or hire her out; or he fraudulently claims his wife or concubine as his sister and marries her to another person.”

While Ko masterfully re-depicts women’s life experience in seventeenth-century China, she seems to exaggerate the negative legal impact on women when she asserts that law codes represented “a dark age of tightening restrictions” for women in late imperial China (1994, 9). The complex legal rules on gender relations deserve more careful study.

Although “stealing the clothing or personal effects of the emperor” and “stealing or counterfeiting imperial seals” are included in “great irreverence” in the legal note to Article 2, they are both omitted in the body of the Code.

This discourse originates in the ancient thinker Xunzi’s (ca. 313–238 B.C.E.) essay on propriety (1986, 233).

Neither in the main text nor in the bibliography is Hsu Dau-lin’s work mentioned in MacCormack 1990. In an earlier essay, Hsu’s work is assessed as “a valuable dissenting view” (MacCormack 1989, 255).

By “lip-service,” MacCormack means that “statements about cosmology or about
the correspondence or interaction between man and nature are not to be understood as affirmations of a seriously held belief, but merely as a reiteration of conventional formulae” (1989, 266).


3 | The Great Ming Code and the World of Spirits

1 Zhu Yuanzhang, “Ji meng”; TS, 526–27. This narration is adapted from Taylor 1976 and Chan 1975a, 705–6.

2 Hok-lam Chan (1975a, 708) argues that the “presentation of the Taoists, not the Buddhists, in his dream investing him with the title of celestial king, indicates the strength of religious Taoism at this time and the popular belief in the agency of Taoists as transmitters of the Heavenly Mandate.” Chan is right in pointing to the significance of Daoist rituals in the imperial dream account, but it should not be inferred that the emperor preferred Daoism to Buddhism in his empire-building program. In the dream, Buddhist gods (jingang, two deities who guard Buddhist law with diamond clubs in Buddhist tradition) did play an important role (making a pronouncement). At the beginning of the imperial essay (“Ji meng,” 194–95), Zhu relates that his final decision to join the rebels was made after praying a number of times to the “celestial gods” in his Buddhist temple. In fact, Chan (1975a, 708, n. 86) also maintains that Zhu Yuanzhang’s “ideological affinity was built on the syncretic doctrine of three religions (San chiao [Sanjiao]), i.e., Confucianism, Buddhism, and Taoism.”

3 Based on ritual texts such as the Decorum and Rites (Yili) and the Kaiyuan Ritual Code of the Great Tang, the “five rituals” in the Collected Rituals of the Great Ming are labeled “auspicious rituals” (jili), “felicitation rituals” (jiali), “rituals for guests” (binli), “military rituals” (junli), and “rituals at the time of ill omen” (xiongli). They are also found in the Collected Statutes of the Great Ming (Da Ming huidian).

4 In addition to a group of articles in the fourth chapter of The Great Ming Code, “Laws concerning Rituals” (Lilü), many other articles in the Code, such as those in the sections on “marriage” and “committing fornication,” also deal with ritual matters.

5 See Article 410 of the Code: “Doing What Ought Not be Done.”

6 For instance, Article 178 quotes the Sacrificial Statutes (Sidian), Article 194 refers to the Great Ming Commandment, Article 200 cites the Collected Rituals of the Great Ming, and Article 201 consults rules in Responsibilities and Authorities of Various Offices (Zhusi zhizhang). Moreover, Article 409 prohibits any act which “violates the Commandment.”

7 In the Ming, there was no longer a distinction between “relaxed” and “intensive” abstinence. The author of the “Collected Commentaries” suspected that this stipulation in the Code merely followed the “old text” of the Classics, and was devoid of practical use (JJFL, 917).

8 The only exception is that the emperor could order such officials to return to government service by “curtailing sentiment” (duoqing) (Art. 198).
For a collection of articles on death rituals in late imperial China, see Watson and Rawski 1988.

For a case study on how popular gods were incorporated into the official pantheon in late imperial China, see Watson 1985.

See, for example, Johnson, Nathan, and Rawski 1985. For studies on Chinese popular religion, see Bell 1989 and Teiser 1995.

For some recent studies of Buddhism and Daoism in the Ming, see Yü 1998 and Berling 1998.

A model official notice expresses the fear that among those who became Buddhists or Daoists, some may have deserted from their military posts, escaped from artisan duties, evaded taxes or services, broken out of prison, or committed robbery or homicide. Without tight control, these people would cause serious problems to society. See XTFL, 2.4b–5a; LMBJ, 2.6b.

For some general studies on the Buddhist and Daoist body, see Schipper 1993; Saso 1997; Collins 1997; Williams 1997.

For general studies on Buddhism in China, see Zurcher 1959; Ch’en 1964, 1973.


Although Brook primarily discusses Buddhism in his essay, his study also sheds light upon Daoism.

Early Ming Confucianism was certainly an outcome of ongoing negotiations between different intellectual and political forces. In 1369, for example, when Zhu Yuanzhang ordered that sacrifices to Confucius could only be held at Confucius’s hometown—Qufu, Shandong, the Minister of Justice Qian Tang and his subordinate Vice Minister Cheng Xu tried to persuade the emperor to establish empirewide sacrifices. They argued that Confucian teachings had been handed down for ten thousand generations and were honored throughout the empire, and that Confucius had manifested the Way of “Three Bonds and Five Constants” of ancient sage-rulers; hence, sacrifices to Confucius were not to him as a person but to his Way. Qian Tang also contested the imperial decision that Mencius be moved out of the Confucian Temple, regardless of the imperial decree that those who remonstrated would be punished for “great irreverence,” a crime that might entail the death penalty. Although Zhu Yuanzhang did not follow their advice at that time, he eventually ordered that sacrifices to Confucius be conducted throughout the empire, and had Mencius be reinstated at the Confucian Temple (MS, 3981–82). This controversy ended in Zhu conceding to his Confucian advisors. To cite another example, for Zhu’s reform of the great sacrifices to Heaven and Earth, see Ho 1978.

In 1389, for example, Zhu Yuanzhang praised Buddhist teachings for “benefiting the world, restraining the wayward, assisting kingly principles, and establishing the Way” (Huanlun 1992, 2.244). In both the Shenming Fojiao bangce of 1391 and theBiqu tiaoli of 1394, the court encouraged teaching monks to go to people’s
homes to perform Buddhist rituals, so that they could teach people to be “filial sons and obedient paternal grandsons,” repay the kindness of the ancestors, and give compassion and love to younger generations (Ge 1980, 233, 252–53). For other examples, see Huanlun 1992, 2.18b–19a, 2.22a, 2.23b, 2.24b–25a, 2.28a.

20 In 1382, for example, the emperor had the Buddhist patriarch Zongle (1318–1391) (DMB, 1319–21) preside over Empress Ma’s funeral, arranging the performance of ceremonies and the recitation of Buddhist sutras. He was also responsible for recommending a number of priests, including Daoyan (1335–1418) (DMB, 1561–65), to assist imperial princes in the ceremonies (Huanlun 1992, 2.19a-b). Daoyan later became the chief counselor of the third emperor Zhu Di (1360–1424) (DMB, 355–65), who also “had a genuine concern for the propagation of Buddhism” (DMB, 363). Buddhist services in government affairs continued in the later years of the Hongwu reign. In 1392, according to the imperial decree, Buddhists at the Tianxi Temple were organized by the Ministry of Rites to pray for rain on “clean altar ground” there. In 1394 and 1397, Zhu Yuanzhang ordered Buddhists to perform rituals at Buddhist monasteries to help the souls of military personnel who had died during military campaigns, garrison defense, and maritime transport to pass on to the next state of existence. For such services, the government provided items like rice, wheat, salt, oil, sauce, incense, paper, tablets, and utensils (Ge 1980, 241, 257–58, 260–261). Regarding Daoism, the forty-third Heavenly Master Zhang Yuchu (d. 1410) (DMB, 107–8) was ordered by the emperor to pray for rain in the Shenle Temple in 1386, and was also put in charge of authenticating Daoist charms in 1391 (Berling 1998, 955). Another Daoist specialist Qiu Xuanqing, who “was in Emperor T’ai-tsu [Taizu]’s good graces and stayed at court until his death in 1393,” (d. 1393) had been in different high positions in the government since 1385 (Seidel 1970, 486; Ren 1999, 16).

21 In 1381, for example, when Jiangshan Temple and Baogong Pagoda were relocated, the emperor employed fifty thousand imperial bodyguards and more than five thousand convicts to work on the projects. The new monastic complex, which was finished in 1382 and renamed Linggu Temple, was spacious enough to accommodate a thousand monks. The court allotted the temple more than 250 qing (3,500 acres) of land and issued ordinance certificates to one thousand monks. The emperor not only wrote an essay commemorating the temple’s construction, but also ordered the instructor of the Confucian School at Hangzhou, Xu Yikui (1318–ca. 1400) (DMB, 589–90), to compose a tablet inscription (beiwen) in 1383. When the reconstruction was over, Zhu Yuanzhang released all the convict laborers to demonstrate, as recorded by Xu, the imperial “extraordinary device” for “punishing the evil and rewarding the good”: he “employed them [the convicts] in the land of mercy; and guided them to the path of life” (Ge 1980, 342; see also Ge 1980, 206, 313–16, 338–45; Huanlun 1992, 2.17a). Even in 1398, at the end of the Hongwu reign, the aging emperor decreed that two reception temples be built at the Jiangdong and Jianghuai postal relay stations for the convenience of itinerant Buddhist priests (Ge 1980, 262).

22 From 1382 to 1384, for example, the court issued 20,945 certificates to Buddhist

Notes to Chapter 3  189
and Daoist priests. It continued to issue certificates in 1388, 1392, and 1395 (Ge 1980, 218–19, 224, 258).

23 Huanlun 1992, 2.27a; Chan 1975b, 89–90. It seems that the record in Huanlun’s Shishi jugu lüe xüji is a copy of an account in the emperor’s own essay “Yuzhi Zhoudian xianren zhuan,” which was composed in 1393 in honor of the Daoist Crazy Zhou the Immortal.

24 For example, when the bureaucratic structure was established under the Ministry of Rites according to the 1381 regulation, it was Buddhists and Daoists who filled the offices. Furthermore, the regulation endowed the Buddhist and Daoist patriarchs with the authority to handle cases where priests violated Buddhist or Daoist rules; regular government judicial offices would only judge cases where priests committed fornication or robbery involving military personnel or non-clerical civilians (Ge 1980, 206–11). For other examples of imperial decrees and cases regarding the handling of law cases by Buddhist and Daoist offices or monasteries, see Ge 1980, 215, 226, 227, 229, 242.

25 An imperial decree of 1391, for example, allowed Buddhist temples to hire peasants to farm monastic lands and to run business shops. A decree in 1392 exempted a Buddhist temple from grain taxes and corvée labor services on its hilly grounds and farm lands. The Biqu tiaoli of 1394 reaffirmed the exemption from grain taxes on imperially bestowed lands and corvée labor services on all land owned by Buddhist monasteries. And an imperial decree from the same year facilitated the collection of rent by Buddhist monasteries. See Ge 1980, 230–31, 241, 251, 256–57.

26 For example, an imperial decree in 1386 prohibited treating Buddhism with contempt, cursing Buddhists, or disturbing Buddhist affairs. In the Shenming Fojiao bangce of 1391, the court decreed that any lay person—or “dirty body” (gouhui zhi qu)—who imitated yoga practitioners to conduct Buddhist rituals should be punished. And the Biqu tiaoli of 1394 prohibited anyone from insulting itinerant monks or entering Buddhist temples to eat their food. See Ge 1980, 223, 239, 252–53, 254; Yü 1981, 151.

27 During the Yuan, for example, public monasteries were also divided into three categories: meditation, scriptural study, and discipline (YS, 4524; Yü 1998, 906); Yuan law stipulated various prohibitions against Buddhist monks (YS, 2643, 2654, 2684; TZTG, 702–73; YDZ, 1039–42, 1219–34, 1328–29).


29 It is interesting to note that the compilation of the Code of 1376 was led by the Grand Councilor Hu Weiyong, but the Code remained mostly intact after Hu was executed on the charge of plotting rebellion.

30 It seems problematic when Brook, in order to support the post-1380 suppression thesis, states that “[w]hat was in effect a ban on the private founding of monasteries or chapels after 1391 [referring to the Shenming Fojiao bangce of 1391] was incorporated as such six years later into the Great Ming Code [referring to the final version of the Code of 1397]” (1997, 168). That law article already existed in the Code of 1376 (LJBY, 84) and was carried over in the Code of 1389 (Ko and Kim 1994, 469) and 1397 (Art. 83). In addition, the prohibition on priests presenting black-paper
charms or yellow-paper prayers to worship Heaven that is stipulated in Article 180 of the Code of 1397 also originated in an imperial decree dated 1370 (Huang Jin 1991, 161).

31 John Langlois Jr. states that after Empress Ma’s death in 1382, “the emperor and the princes became more dependent on the advice of Buddhist monks” (1988, 147).

32 According to the late Qing historian Xia Xie, before Zhu Yuanzhang adopted a patronizing policy toward Buddhists and Daoists, he had employed harsh laws to restrain them. It was due to the “delusion” (huo) by Zongle and other monks that the emperor again favored these popular religions. Later, when Zhu Yuanzhang discovered unlawful acts committed by Buddhist specialists, he started regretting his order to kill the Confucian official Li Shilu in 1382 (MTJ, 397–98). It seems that in the later years of his reign, after the emperor became more aware of the unlawful activities of Buddhists and Daoists, he began using stricter regulations to reform and control them. It does not seem that the imperial court attacked their belief and ritual systems.

33 These religions are often termed “sectarian movements,” “secret societies,” or “secret religions” by present-day scholars (Overmyer 1976; Yu 1987). For some general features of sectarian beliefs and organizations, see Harrell and Perry 1982.

34 For a historical account of Zhu Yuanzhang’s cooperation with sectarian movements during the founding of the Ming, see Dardess 1970. For a general study of the White Lotus/Maitreya doctrine and its application to popular movements in the Ming, see Chan 1969; Wu 1961b.

35 TS, 1036–37. Wu Han (1961, 267) might be mistaken when he quotes Wang Shizhen’s (1526–1590) Records of Famous Ministers (Mingqing jiji) and states that the memorial was presented and the imperial order issued in 1368. Wang (1994b, 997) does not specify the date in his text.

36 A similar passage is found in the third compilation of the Grand Pronouncements (DGSB, 900–901). Dardess (1983, 188–89) provides a partial translation of that passage.

37 For other crimes punishable by “death by slow slicing,” see Arts. 277, 307–9, 337–38, 341–42.

38 In the Tang Code, the penalty for “inflicting captive spirits on others” and “making spells or incantations” in order to kill others is “reduced by two degrees from that for ‘plotting to kill others’” (TLSY, 340); whereas the Great Ming Code provides that the penalty shall be “the same as that for ‘plotting to kill others’” (Art. 312).

4 | The Great Ming Code and the Human Realm

1 The “bronze pillar” here might have referred to one of the bronze pillars that were allegedly erected by the Han general Ma Yuan in about 43 C.E. (Bielenstein 1986, 271). By the early Ming, while these pillars might have been long disappeared, “they delineated a border (or borders) that must have been important to people” (Kelly 2005, 5–9, 192).
Notes to Chapter 4


3 An earlier petition was presented in 1381 (the fourteenth year of the Hongwu reign). The Ming court responded by blaming Annam’s provocation and deceit and refused their tribute (TS, 2168–69). Lo Jung-pang (1970, 158) relates that, in 1378, after occupying five districts of the Ming Siming prefecture, the Annamese rejected the proposal of the Ming government to settle the border dispute. Lo’s source (Ming shi, jun 321), however, does not specify the time. What is actually recorded is that the border dispute took place between the tenth and twenty-first years of the Hongwu reign. In addition, neither the Veritable Records nor the Ming History states that the Annamese had already occupied the five districts by 1378.

4 It was not until the reign of the expansionist Yongle emperor Zhu Di (1360–1424) (DMB 355–65) that, when Le Qui-ly seized three more districts from Siming, the Ming finally launched punitive expeditions against Annam, annexing it as a province of China. See MS, 8312–16; Whitmore 1985, 77–95; Lo 1970, 166–74.

5 The Ming court, for example, sent emissaries to Korea and Annam in 1368; to Japan, Champa, Java, and Tibet in 1369; and to Cambodia, Siam, and Srivijava in 1370. See Lo Jung-pang 1970, 155; MS, 8279, 8309, 8341, 8383, 8394, 8402, 8406, 8539.

6 See, for example, TS, 827, 1574–75, 1581–82, 1936, 2017, 2125, 2169, 2187–88; MS, 8407.

7 Besides installing them in military offices such as the pacification commissions and tribal offices, some civilian positions like prefect or subprefect mentioned in the Gazetteer might have also been granted to non-Han peoples. For instance, Huang Yingyan, the chieftain of the Gelao people in Taiping, Guangxi, was appointed the aboriginal prefect in 1369. See MS, 8230. In addition, the aboriginal military offices listed in the Gazetteer might not be complete. For example, the Baojing Pacification Office (xuanwei si), which was upgraded from a pacification commission in 1368 (MS, 7995), was omitted in the record.

8 For some general treatments of the “aboriginal office” system, see Li 1993; Gong 1992, 52–109; Wiens 1967, 214–26; and Herman 1997, 50–51.

9 For a concise historical survey of the “loose-rein” policy, see Yang 1968, 31–33.


11 Lo 1970, 156. For a brief account of general features of the tribute system within the Chinese world, see Fairbank 1968b. For an example of Ming tributary relations, see Clark 1998.

12 See, for example, MS, 8407, 8592. The Japanese prince Kanenaga also referred to his relationship with the Ming emperor as “ruler-subject,” even when challenging Ming dominance. See MS, 8343–44.

13 MS, 8279–84, 8341–44. For English accounts of Ming-Korea and Ming-Japan relations, see Clark 1998 and Wang 1953.

14 The countries and kingdoms which paid tribute to the Ming were: Korea, Annam, Japan, Liuqiu, Luzon, Champa, Cambodia, Siam, Java, Srivijava, Sumudra, Brunei,
Battak, Pahang, Byzantium, Mdo Khams, Dbus Gtsang, Samarkand, Bishbalik, Nepal, Uighur, Burma, the Western Oceans [South India], Shepo (a place in Java or Sumatra), Anding, Quxian, Shazhou, Handong, Changhaxi-Yutong-Ningyuan, Dajianlu (a place in Mdo Khams), Hameili, Xitian’a’nanrongdeguo, Danba, Sari, Xiyangsuoli, Sali, Lanbang, and Mola. See MS, 19–57, 8279–8462, 8511–8627. Some of these tribute missions may have been fabricated, and tributary relations were not stable. See 1988, 258–59.

15 TS, 53. For a brief account of the Yunnan campaign, see Langlois, 1988, 143–46.

16 Under the Yongle emperor Zhu Di, China proper was further expanded, and more countries paid tribute to the Ming court more frequently. See MS, 79–91, 93–105.

17 According to Abe Takeo (1956), the idea of “all under Heaven” (tianxia) was put forward during the fifth century B.C.E. It was then realized by the Qin First Emperor (r. 246–210 B.C.E.), and expanded by Emperor Wu of the Han Dynasty (r. 140–87 B.C.E.).

18 The five zones were dianfu (royal zone), houfu (guarding zone), suifu (pacified zone), yaofu (controlled zone), and huangfu (uncultivated zone). This plan arranged the world in connection with Chinese civilization. The royal center was defended and served by the guarding zone, which was further surrounded by an area where Chinese teachings were naturally practiced. At the next level, inhabitants were forced by royal regulations to practice the Chinese way of living. The outermost zone represented totally alien cultures, where people were so different from the Chinese that they were left to live with their own customs. See Shangshu zhengyi, 153. Yü Ying-shih (1986, 379–80) finds that the five-zone theory “played an important historical role in the development of foreign relations during the Han period.”

19 Jiangpu faces Nanjing across the Yangzi River.


21 Western terms are paired with Chinese names. Within each group of lunar mansions, which are presented in parentheses, the number following the first lunar mansion refers to the beginning of the degree in the said mansion; and the number following the last lunar mansion shows the last degree in that mansion that is located within the limit of the celestial region. For a list of the twenty-eight lunar mansions, see Needham 1959, 234–37.

22 According to this arrangement, one province might be grouped into several sections; however, as is evident in the list, in most cases one celestial region covered regions in more than one province.


24 It is not certain why Korea was assigned a place under the celestial region Ximu/Sagittarius. Perhaps the Ming continued a tradition of regarding north Korea as part of the Chinese empire, because this area had not only accepted tremendous Chinese cultural influence throughout history, but more importantly was the region where the kingdom known in Chinese as Chaoxian was founded in the early second century B.C.E. by Wei Man, a native of the Chinese state of Yan. In the traditional “cosmic demarcation” system, the state of Yan belonged to the
celestial region of Ximu/Sagittarius. (For more on Wei Man’s regime, see Yü 1986, 447–48.) However, in Li Xian’s Da Ming yitong zhi (5469–70), Korea is not incorporated into the Ming “cosmic demarcation” system. In addition, according to Xia Xie (1959, 515), the General Gazetteer of the Realm (Huanyu tongzhi), the Ming official geographical work that was first completed in 1394 and finalized in 1456 (Franke 1968, 237), included both Korea and Jiaozhi (Annam) in the Ming realm (this is also cited in Lo Jung-pang 1970, 164). In the Veritable Records of Ming Taizu (3423–26), however, the work, entitled Book of Thoroughfares in the Realm (Huanyu tongqu shu), did not include those two countries in the Ming empire. It is interesting to note that in 1395, eleven years after the completion of the Ming “cosmic demarcation” text and three years after the founding of the Korean Yi dynasty, the Korean court drew its own version of a “cosmic demarcation” map. See Needham 1959, 279, 281.

25 In the Guangxi Provincial Administration Commission, for instance, while Nanjing Prefecture belonged to Chunwei/Virgo, Siming prefecture, where the border disputes with Annam took place as discussed in the beginning of this chapter, did not belong to any celestial region. See Li Xian 1990, 5027, 5233.

26 Li Chunfeng’s remarks are quoted in Jiang Xiaoyuan 1992, 70.

27 For the imperial princes in the Hongwu reign and their fiefs, see Langlois 1988, 121, 171.

28 Pu ding was under the Yunnan Branch Secretariat in the Yuan Dynasty. After it was annexed to the Ming empire, its name was changed to Anshun subprefecture in 1383. Thereafter, it remained under the jurisdiction of the Sichuan Provincial Administration Commission until 1438, when it was put under the administration of the Guizhou Provincial Administration Commission. See MS, 8185.

29 TS, 2517. On other occasions, chieftains of other ethnic groups also sent young people to study at the Ming capital. See, for example, TS, 3018, 3025.

30 The emperor still wanted to keep the school in hopes of guiding the local people to “pursue good” (xiangshan) (TS, 2963). On the Ming practice of promoting “tribute students,” see Hucker 1998, 32.

31 TS, 3475–76. By the mid-fifteenth century, Confucian schools were established under all of the aboriginal officials in the southwest area (MS, 1852). Li Lung-hua (1993, 9) maintains that the Ming assimilation policy toward non-Han peoples was a success.

32 See, for example, MS, 8280, 8384. Also see Wang 1998, 305.

33 In fact, Lo Jung-pang (1970, 158) argues, Zhu Yuanzhang’s foreign policy of caution and restraint was so conservative that that it cost him “the loss of prestige in the eyes of the states bordering the East and South China Seas.”

34 Some important Ming frontier passes include the Shanhai Pass and Juyong Pass along the northern frontiers (Li 1990, 11, 96–97).

35 TS, 1246–47; MS, 902–7, 952–57; Li Xian 1990, 103–4, 424–25; Da Ming qinglei tianwen fenye zhishu, 24.1a–3b. Since the Yongle reign, more civilian and military units were established outside the northern frontier passes. For a map of northern
border garrisons and the inner and outer Great Wall, see Mote 1988a, 390.

36 Ming Chengzu Zhu Di’s Yongle reign (1403–1424) is a conspicuous exception (DMB, 355–65; Chan 1988, 205–76).

37 These foreign countries include Korea, Japan, the Great Ryukyus, the Lesser Ryukyus, Annam, Cambodia, Siam, Champa, Sumatra, the Western Ocean Country, Java, Pahang, Baihua, Srivijaya, and Brunei (Farmer 1995, 120).

38 The Code itself and the Collected Commentaries do not specify who are injured in this case. One finds an explicit reference to “those beyond the borders” in Yao 1993, 539.

39 This was even true along the northern frontiers. Thomas Barfield (1989, 232) notes that, although Zhu Yuanzhang sent expeditionary troops to attack the Mongols several times, “[t]he Hong-wu Emperor’s strategic policy in the north was primarily defensive.”

40 TS, 2107. Executing criminals in public markets was an age-old tradition, but was not explicitly specified in the final version of the Code. It is not a surprise that Zhu Yuanzhang often employed nonlegal methods like this to punish criminals.

41 See the model verdict and notice in ZJQS, 4.10b; ZPZZ, 4.12a; and XSJH, 4.38b–39a.

42 In explaining the article, the “Collected Explications” adds: “Carrying foreign goods back and depositing them in others’ houses shall be punished according to this provision.” By excluding the Chinese from the rule, this explanation implies that the article deals only with “foreigners.” See JHXZ, 4.14b.

43 LSFL, 8.10b; JS, 420. Also see Shen 2000, 361.

44 JS, 420; LSFL, 8.11a. For a brief history of the legal prohibition of maritime trade in the Ming, see Danjo 2004.

45 MS, 3664–65; TS, 3659. Langlois (1988, 179) interprets the imperial order of execution as an indication of Zhu Yuanzhang’s paranoia, since Ouyang’s crimes were “relatively minor infractions.” Langlois might have underestimated Zhu’s concern over dynastic security.

46 For instance, He Guang maintains that “huawai ren” refers to “races with barbarian customs” (husu zhi zhong). It is not limited to surrendered or captured “barbarians,” but also includes “foreign barbarians” and those residing to the east and west of Ming territory (LJBY, 56). The examples He Guang offers include Mongols and semu ren, whose marriage was regulated by the Ming Code. In the Code, however, Mongols and semu ren were clearly treated as Ming subjects rather than “foreigners.” In the Da Ming lüshu fuli (1.65b), huawei ren included not only Mongols, semu ren, and “aboriginal barbarians” who were scattered throughout Zhongguo, but also “the foreigners who come to pay court audience from all quarters and the barbarian bandits who attack the [Ming] frontiers.” Wu Yanhong (2003, 728f) points out that it seems problematic to generally take “bandits who attack the frontiers” as huawei ren, since such “bandits” could not be punished or governed by the law unless they were captured or surrendered. Wu also points out that the Da Ming lüshu fuli is the only extant source that includes “the foreigners who come to pay court audience” as huawei ren. Some present-day scholars also interpret huawei ren as “aliens” or “foreigners,” but they have not pro-
vided substantial evidence to support this stance. See, for example, Edwards 1980, 224–25; Liu 1996, 480; Yang 1975a, 68.

47 JHXZ, 1.121b; JJFL, 3.47; JS, 3.22; LFQS, 1.50a; LLFJ, 1.95b; LMBJ, shoujuan xia.64b; TSPZ, 1.53b; XSJH, 1.68a; XTFL, Mingli fujian, 51b; XXBJ, 1.48a; ZJQS, 1.47b. This interpretation is also adopted by the Great Qing Code (Shen 2000, 102).

48 JS, 322. “Wangzhe wuwai” derives from the Confucian classic Chunqiu Gongyang zhuang, and denotes the idea that “the ruler takes all under Heaven as his home” (Chunqiu Gongyang zhuang zhushu, 2199). This idea is related to an earlier Confucian classic, the Book of Poetry, which claims that “Under the wide heaven, all is the king’s land. Within the sea-boundaries of the land, all are the king’s servants” (Mao Shi zhengyi, 463; Legge 1960 [vol. 4, The She King], 360).

49 For general treatments of the dual legal system under the Yuan, see Paul Ch’en, 1979; Han 1999.

50 LSFL, 6.17a-b. Yang 1975b, 80.

51 TS, 1912–13. These former Yuan officials were moved to Pingliang prefecture in Shaanxi.

52 JJFL, 3.47. Also see XXBJ, 1.48a; LLFJ, 1.95b; LFQS, 1.50a; and XSJH, 1.68a.

53 Note that this commandment was established in December of 1384, and He Guang’s Lüjie bianyi was written in 1385. We can infer that Article 36 on huawai ren must already have been included in the Code.

54 MS, 8234. The Huang family belonged to the Zhuang nationality (Gong 1992, 1123–26). So far, Men’s nationality has not been identified.

55 See, for example, TS, 2531–32, 2550, 3246; MS, 7982.

56 The Cen family belonged to the Zhuang nationality (Gong 1992, 1086).

57 YZDG, 205. I have slightly modified the translation from that of Dardess 1983, 228.

58 For a few examples of such remarks, see TS, 182, 925, 1449, 1471, 2687; HMZX, 387; YZDG, 749.

59 The practice of making lavish betrothal gifts was prohibited by an imperial proclamation made in 1372 (TS, 1351–54; MS, 27), although it is not clear what specific legal remedies were used as punishment. In 1385, an official at the Ministry of Rites pointed to the continued popularity of the custom, and submitted a request to the throne for the enactment of more detailed ritual regulations (TS, 2624).

60 The “seven grounds” for divorce are no sons, lewdness, not serving parents-in-law, talking too much, theft, jealousy, and incurable disease. The “three restrictions” on divorce are the wife having done three years’ mourning, the husband married poor but become rich, or the wife no longer having a family to return to (Farmer 1995, 160).

61 For a brief account of Yuan legislation, see Ratchnevsky 1995; for a general study of Yuan law, see Paul Ch’en 1979; for a study of marriage law in the Yuan, see Birge 2002, 200–282.

62 See Art. 108 vs. TZTG, 193–94, YDZ, 2052–55, and YS, 2641; Art. 109 vs. TZTG, 163 and YDZ, 713; Art. 110 vs. YS, 2643; Art. 114 and Chen Peng 1990, 409–10; Art. 118 vs. YS, 2640, and YS, 4076, 4078, 4204, 4367; Art. 119 vs. TZTG, 155–56, YDZ, 719–20, and YS, 2643; and Art. 120 vs. YDZ, 1224, 1230–31; and YS, 2463.

196 Notes to Chapter 4
63 See Art. 122 vs. TZTG, 143.
64 See Art. 115 vs. TZTG, 149–52; YDZ, 701–11, and YS, 2643–44.
65 Even the term “take in” (shou) used in defining the crime of levirate marriage had also been borrowed from Yuan law.
66 Not only did the ruling elite in the early Ming keep silent on the issue, but also no jurist in the late Ming ever pointed to it in their expositions on and annotations to the Ming Code. It was not until the late Qing that the jurist Xue Yunsheng (1820–1901) finally compared and contrasted the legal stipulations of the Ming Code and Yuan law (Xue 1999).

5 | The Great Ming Code and Officialdom

1 Li Qi, Prime Minister Li Shanchang’s eldest son, was married to the eldest imperial princess Lin’an Gongzhu in 1376. Because of his special status as both the first imperial son-in-law and son of a meritorious official, Li Qi was often appointed by the emperor to aid victims of natural calamities. See MS, 39, 41, 3662–63.
2 For collections of Zhu Yuanzhang’s remarks on officials, see BX, esp. 470–79, 539–43.
3 A large number of articles in The Great Ming Code regulate both official and nonofficial offenders. For instance, “committing fornication with consent” (Art. 390) either by officials or commoners would be punished by eighty strokes of beating with the heavy stick. This study, however, is primarily occupied with regulations that specifically target officials.
4 Other reward clauses are stipulated in Arts. 52, 149, 165–66, 170, 184, 194, 220, 246, 277–78, 311–12, 319, 321–22, 356, and 381–83.
5 Other offers range from ten to two hundred and fifty liang of silver. The Code stipulates two exceptions: one rewards the accusers with all of the criminals’ property (Arts. 60, 277–78); the other sets the reward at 30 percent of the confiscated property (Arts. 165, 246).
6 Another, in Art. 277, concerns the most serious crime—“plotting rebellion and great sedition.”
7 As late as September 1392, the Marquise of Jingning Ye Sheng was accused of involvement with Hu Weiyong and executed. See TS, 3227–28.
8 This translation follows that by Wallace Johnson 1979, 62–64.
9 These images derive from the cosmological symbols in the Book of Changes (Zhouyi), such as the trigrams and hexagrams of “li” (symbolizing water), “kan” (fire), and “zhen” (thunder). The Zhouyi portrays the danger of these phenomena. See Zhouyi zhengyi, 42–43, 61–62. In expounding the “Five Phases” (Wuxing), the Han scholar Ban Gu (32–92) explains why fire and water can kill people: “Water contains qi; therefore if humans enter it, they will be killed. Fire has yin inside; therefore it kills humans more powerfully than water” (Ban 1962, 24; Som 1973).
10 According to the History of the Han Dynasty (Hanshu), after a filial daughter-in-law was falsely accused of murdering her mother-in-law and was wrongly executed by the prefect, the whole prefecture suffered from drought for three years. As
soon as the verdict was reversed and the victim honored, it rained heavily (Ban 1962, 3041–42; Ch’ü 1961, 213–14).

The “eight handles” refers to the eight measures the ruler uses to control his officials, as described in the ancient Confucian classic the *Rites of Zhou* (Zhouli). They include noble rank, emoluments, bestowing, appointments, nourishment, confiscation, banishment, and execution. See *Zhouli zhushu*, 646.

In addition to these special regulations, of course, officials were regulated in the Code by a large number of general articles regarding parent-child relationships, such as Arts. 111–12 and 307.

The only source Kutcher cites is the *Collected Institutes of the Great Ming* (11.2a), but he fails to mention the term “duosang” (depriving of the mourning) in the text. Besides, the statement in the introductory entry of the section “Mourning for Parents” (dingyou) is rather vague. It starts with “at the start of the dynasty it was ordered that when the various officials hear of a parent’s death, they do not wait for written permission but immediately leave their official positions” (trans. Kutcher 1999, 42); it then states that “later . . . there were prohibitions on mourning deprivation, shortened mourning, and concealment of mourning, which became stricter than before” (MHD, 68). This passage begins with the legal reform that took place in 1375 (as shown above) and thus omits the original practice that was changed in that year. And it does not clarify the time period to which the word “later” (hou) refers. Does it refer to later years during the Hongwu reign (1368–1398), or other reign periods after the Hongwu era? While ample evidence indicates imperial injunctions on “curtailing sentiment” in post-Hongwu times (MHY, 302–4), there seems to be no record of the prohibition during the Hongwu reign.

The “six types of illicit goods” first appeared in the *Tang Code* of 653; they included forcible robbery (Art. 281), theft (Art. 282), accepting property and subverting the law (Art. 138), accepting property without subverting the law (Art. 138), accepting property from those in the area under one’s jurisdiction (Art. 140), and illicit goods obtained through malfeasance (Art. 389). See TLSY, 88, 479; Johnson 1979, 184; 1997, 456. In *The Great Ming Code*, the “six types of illicit goods” were altered to supervisors or custodians stealing (Art. 287), ordinary persons stealing money or grain from granaries or treasuries (Art. 288), accepting property and subverting the law (Art. 367), accepting property without subverting the law (Art. 367), theft (Art. 292), and committing crimes involving illicit goods obtained through malfeasance (Art. 368). Each of the six articles features a sentencing scale guiding judgments on relevant crimes.

On this practice, Shen Defu’s *Wanli yehuo bian* records a slightly different version: When Taizu founded the dynasty, he issued an order to skin corrupt officials and then stuff the skin with straw; the straw-stuffed skin, which would form a human
figure, was kept at the office to warn successors. Shen heard that such items were still stored in some prefectural or district treasuries. He also pointed out that if eunuch officials married women, they would receive the same penalty (Shen 1959, 457). The practice of “stuffing skin with straw” is described in a little more detail in Wang Qi’s *A Collection of Unofficial Histories* (Baishi huibian) published during the Wanli reign [1573–1619]: if corrupt officials received bribes worth sixty *liang* of silver or more, they would be beheaded and skinned. The penalty would be imposed on grounds in front of the local temple of the god of soil, which was therefore called the “skinning-ground temple” (*pichang miao*). The straw-stuffed skin would be placed by the official’s seat in the office as a warning (quoted in Wang 1997, 158). This account is copied almost verbatim by the Qing historian Zhao Yi (1727–1814; ECCP 75–76) in his *Nian’er shi zhaoji* (Zhao 1987, 480–81). Shimizu Taiji suggests that “skinning venal officials” was never officially used, and was at most an extralegal expression of revenge against the officials by people who had suffered under them (cited in Watt 1972, 277n.9). Wang Shihua also argues that Zhu Yuanzhang never practiced “skinning officials and stuffing the skin with straw.” He speculates that Zhao Yi copied Wang Qi’s account without careful investigation; Wang Qi’s account must have originated from less serious private histories or collected notes (Wang 1997). But Wang Shihua fails to discuss records in the works of He Qiaoyuan and Shen Defu. Since Zhao Yi and Shen Defu also point to the penalty of “skinning” during the Yuan and mid-Ming, it seems a little rash to exclude the possibility that Zhu once used such a penalty.

19 See Articles 81, 86–87, 92, 95, 97, 100, 103, 116, 127, 231, 371, 372, and 395.
20 TS, 3387–88. The Code’s penalty for such a crime ranged from eighty to one hundred strokes of beating with the heavy stick. See Art. 97.
21 TS, 1859. In this case, capital punishment was probably meted out due to the death toll during the disaster.
22 ZSTX, 1455–56. The text is translated by Edward Farmer and Jiang Yonglin.
24 At the end of chapter two in this work, a review of Hsu Dau-lin’s essay on crime and cosmic order criticizing Derk Bodde and Clarence Morris’s exposition about the close connection of these two elements is questioned. However, there is value in Hsu’s argument that, in Chinese thought, the unjust punishment of crimes disturbed cosmic harmony (Hsu 1970, 115). This argument is valuable only in terms of the cosmological status of officialdom: “unjust punishment of crimes” is in fact a crime pertaining to officials. Hence, Hsu’s statement can be revised as “it is the officials’ crime of misjudgment that disturbed cosmic order.” But in that way, Hsu would have changed his contention and agreed with Bodde and Morris.
25 In the late Ming magistrate Zhang Kentang’s law enforcement, it seems that *The Great Ming Code* was used by the magistrate as almost his sole legal criterion in judging law cases. See Jiang 2000. For a detailed study of the relationship between *The Great Ming Code* and other legal establishments during the Hongwu reign, see Jiang 2005, lxxvii–lxxxviii.
26 TS, 3477–78. This passage also appears in HMZX (389), which specifies the pun-
ishment for the officials as “sentenced to death by slow slicing and executing his whole family.” This passage is translated in Farmer 1995, 118. It has been slightly modified in this quotation.

27 By this time, Zhu Yuanzhang had ordered his officials to “look up articles in the Grand Pronouncements and select the most important ones to append to the Code” (TS, 3647–48). In the final version of The Imperially Approved Code and Pronouncements (Qin ding Lü Gao), only thirty-six article titles are listed to indicate “true capital crimes” (zhēnfān sizui) that cannot be redeemed and “miscellaneous capital crimes” (zāfān sizui) that can be redeemed. See Huang 1977a, 163–66.

Conclusion

1 For a historical study of the religious foundation of Western law, see Berman 1983. For some general studies of the interaction of law and religion, see Berman 1974, 1993, and Ellul 1960.