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Legal Cosmology and The Great Ming Code

While the majority of studies tend to perceive Chinese divine justice and human legal practice as two worlds co-existing side by side, with relatively few inter-linking, scholars have recently remarked on the significance of religion in Chinese legal culture.[1] The newer scholarship arguably extends the scope of the analysis in both ideological and practical dimensions, exploring how mundane and divine worlds mimicked, shaped, and interacted with each other. Borrowing Paul Katz's terms, in Chinese society religion and law were not separate spheres, as judicial ritual and various elements of legal culture of divine justice had reverberated with one another, mutually shaping a wide judicial continuum that contained different options for achieving legitimization and dispute resolution.[2] However, while the new approaches and newly discovered primary sources ranging from religious texts to private writing and local archives enrich our understanding of divine justice in local governance and people's everyday lives, little is known about how the ruling elite envisioned cosmic order in the formulation of legal establishments, including the core texts such as the imperial code and court cases. In this respect, Jiang Yonglin's work provides a welcome addition to the field. He reassesses the significant role of the Great Ming Code in the promulgation of cosmic and religious beliefs, particularly through the lens of the concept of the Mandate of Heaven, which has been extensively discussed in studies of Chinese political thought.

The starting points of Jiang's work derive from his

dissatisfaction with some prevailing assumptions about Chinese law. Most scholars, according to Jiang, perceive law in imperial China as a secular instrument for exercising naked power (p. 5). This thesis, which goes hand in hand with those viewing Chinese law as despotic and bureaucratic, attributes China's non-development to the negative nature of law and political institutions (pp. 5-6). Many scholars further argue that such oppressive and power-oriented law was secular and failed to develop a higher universal and divine law as Western civilizations did. To challenge these theses, particularly those from Western perspectives, Jiang looks for the cosmological foundation and educational purpose of Chinese law. Using the case of the Mandate of Heaven and its manifestation in the Great Ming Code, Jiang argues that the early Ming ruling elite endowed the code with religious meaning and viewed law as a concrete embodiment of the cosmic order (p. 4). The Ming Code thus represented a powerful religious worldview and carried a significant educational function, serving as a cosmological instrument to transform human beings (p. 5). Moreover, as Jiang asserts, the fundamental element that he calls legal cosmology—the ruling elite's understanding of the nature and role of law in the cosmos—was not only a Ming product but also the philosophical foundation of legal culture throughout imperial Chinese history (pp. 17, 20).

The book is divided into four thematic chapters, each of which explores the Great Ming Code from a specific as-

pect. In chapter 2, Jiang examines how dynastic founder Zhu Yuanzhang and his law compilers understood law and elaborated the role of punishment within their legal cosmology. Similar to previous rulers, Zhu constantly built an image of himself as sage-king. He claimed his role was not only to rule but also to teach and purify people's minds so that they could achieve spiritual transformation (p. 28). While the Way of Heaven played a significant role in guiding a ruler and his subjects, Zhu saw that human law also carried the functions of medicine and cleanse because it was expected to cure and wash away people's wrongs and stains. Key to Zhu's understanding of law was to maintain a happy medium in achieving cosmic harmony, in which heavenly principles (*tian li*), human sentiment (*ren qing*), and law code (*fa*) co-existed and operated as an indivisible whole (p. 38). His theories were certainly not new, but he tirelessly exhorted his officials to pay attention to cosmic harmony and heavenly rules. He further adopted ancient cosmic and geomantic ideologies in the restructuring of judicial institutions, including the naming of the central judicial complex as String City (*guancheng*, meaning city of the string of stars) and the symbolic use of Heavenly Jail (*tianlao*).

In order to show Zhu's sincere concern about the correlation between principle, sentiment, and law, Jiang explores some judicial cases where Zhu intended to bend the law or stick to the law to better fit specific contexts. He also persuasively examines how crimes were perceived as violations of both human and cosmological order, and how the Ten Abominations—the ten most heinous crimes viewed as disrupting the cosmic order—were embedded and elaborated in the legal code. Whereas many scholars label Zhu's harsh laws as despotism, Jiang argues that Zhu's harsh approach was to make sure that the penalties fit the crimes (p. 38) and that Zhu seems to have sincerely believed that he inflicted harsh penalties and executed a number of people in accordance with the Mandate of Heaven in order to save the world (p. 69).

In chapters 3 to 5, Jiang examines how the Great Ming Code replicated the cosmic order, through the cases of three major cosmic entities: the world of spirits, the realm of human beings, and officialdom. Chapter 3 focuses on the world of spirits, centering on how Ming law developed varied treatments for different categories of rituals. According to Jiang, the Ming Code regulated the rituals for communicating with deities, spirits, and ancestors because the ruling elites intended to promote official rituals. The Ming Code is not the first legal

code to regulate rituals. Some early legal codes (such as the Tang Code) already contained sacrificial statutes and regulations on mortuary rituals. However, Jiang's analysis indicates that the early Ming period witnessed a growth in imperial authority over the interpretation of items and procedures for spirit sacrifices (p. 80). He further states that the Ming state had systematically established regulations to control popular rituals and prohibit heretical rituals in order to defend official rituals and purify people's intellectual world. Due to his focus on the ruling elite, Jiang's classifications of rituals/religions are primarily based on the authority's perspective. He defines popular religion as those neither promoted nor prohibited, but rather regulated by the government—primarily Buddhism and Daoism (p. 81). His term heretical rituals, on the other hand, refers to religions prohibited by the government, especially sectarian rituals. While these definitions and the subsequent analyses brilliantly demonstrate the visions of Ming ruling elites, the labeling has to a great extent disregarded what C. K. Yang calls the highly eclectic nature of Chinese religion, through which diffused religion (which to Yang primarily refers to popular religion) and institutional religion (mainly Confucianism, Buddhism, and Daoism) had mutually shaped and extracted resources from each other.[3] In his discussion of heretical rituals, Jiang notes that sectarian groups were banned and severely punished despite their Buddhist beliefs (p. 93). He also asserts that the imperial laws targeted individuals rather than their beliefs and ritual systems. However, in order to make sense of his three categories, Jiang insists that the law was to regulate rather than suppress popular religions—even after 1380 when the state apparently increased its control over religions and the strict control was to protect popular religions while the rules intended to strengthen the spiritual leadership role of the imperial court (pp. 89–90). Here, Jiang is apparently stuck in his strict classification of religions. He claims that belief and practice were equally important and should be taken as a whole (this, to him, also applies to Zhu Yuanzhang's mind; e.g., p. 90), but he also notices the separate treatment of belief and practice and the overlap and interconnections between the religions he categorizes.

Chapter 4 discusses how the Ming Code created boundaries for human beings and how legal cosmology reinforced the prohibitions against the transgression of these boundaries. Borrowing Mary Douglas's concept of social pollution, Jiang argues that the imperial law delineated boundaries between Han and non-Han and

intended to purify *Zhongguo* by guarding against the non-Han polluting sources. The Ming ruling elite's worldview could be divided into three regions: *Zhongguo* (the Central Kingdom), the Ming Empire, and the whole world. Jiang argues that Zhu Yuanzhang and his officials not only demarcated the boundary between cultural China and inner/outer barbarians, they were also eager to transform non-Han people into cultural Chinese. In contrast to his central argument that Chinese law should not be taken as a social control instrument, Jiang asserts here that the imperial law served as an essential instrument for furthering imperial policies on these boundaries (p. 112). The cosmology, which seems to be relatively less explored in this chapter, also had a place in the demarcation system as the early Ming officials believed that the Lord of Resplendent Heaven had chosen the Chinese emperor as his representative to govern all human beings (p. 106). To Jiang, all these boundaries were created and reinforced by the cosmic demarcation (*fenye*) theory (p. 107). Such a cosmic and ethnocentric worldview placed the Ming Empire and Chinese people as the yang aspect of the cosmos, the superior and positive force while perceiving non-Han people as the inferior and negative side of yin (p. 140).

The fifth chapter explores the realm of officialdom in early Ming cosmology. To Zhu Yuanzhang, officials' role in cosmic order was no less significant than that of the emperor. Any disorder from the officials may harm the cosmic harmony and come to no good end (p. 146). As a result, he required all officials to cultivate their virtue and fulfill their cosmic duties. In his instructions, Zhu stated that officials received aids and forces from four major sources: the emperor offered them their post; parents gave them cultural meanings; the people provided them material necessities; and the deities oversaw the performance of their duties. He imposed three recompenses and one sacrifice on officials: to recompense the ruler, parents, and the people, and to sacrifice to the deities (p. 146). Unfortunately, such high-standard expectations eventually led to cruel purges of a large number of officials. Here, Jiang argues that Zhu's harsh laws were due more to his intention to eliminate vildoes than to his personal paranoia. Zhu aimed to achieve cosmic harmony and he severely punished those who failed to implement his world-saving plans (p. 173). All in all, in imperial visions, officials and emperor served as a cosmic unit mediating between the spiritual and human

realms. Jiang apparently views the relationship between ruler and officials as characterized by oneness and cosmic harmony (p. 145) rather than tension and political struggles, as previous studies suggest.

Jiang's monograph offers a fresh look at the cosmological foundation of imperial Chinese law. He persuasively challenges the conventional view that downplays the role of religion in Chinese law. He also demonstrates that education and transformation were among the expressed missions of Chinese law from the perspective of the Ming ruling elites. Some issues that may need further consideration include Jiang's central argument, namely that Chinese law should not be regarded as a tool of social and political control. It is certainly problematic to perceive Chinese law as merely cruel, despotic, and barbarian. Yet it may result in new problems if we simply regard Chinese law as not oppressive and attribute the ruler's harsh laws and punishments to his cosmic and moral agenda. The goal of Chinese law, though it sounds like a cliché, was multifaceted throughout the long history of China. There were always interest games involved in imperial policies, and the legislation and adjudication process could hardly stay aloof from social and political contexts, even if cosmological factors had played a significant role in the imperial legal system.

Another aspect in this work that could be strengthened is the correlation between law and religion, which if we put aside Jiang's definitions of law and religion and his overuse of secular and the opposite is primarily depicted in this work as a one-way communication rather than two ways or more. As Jiang asserts, the Ming law replicated supernatural laws and stipulated a number of regulations in order to protect cosmic order. Such an approach differs significantly from a dynamic one, which examines how elements of legal culture reverberated with each other and how belief and ritual systems imitated the bureaucratic hierarchy and political order.[4] How, if we take a broader view of legal cosmology, did the imperial legal system shape popular religions and their practice? How did the notion of the Mandate of Heaven construct folk beliefs in divine justice if we take local practice into account? Due to its focus on the Ming ruling elite, Jiang's monograph does not observe the dimensions stated above. However, it provides an excellent starting point for future inquiries and makes a significant contribution to the discussion of Chinese law and religion.

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