

Huang Ming Zhaoling 5a (p. 88ff.) dated Hongwu 5.5

Edict encouraging the elevation of rites and customs.

The emperor entrusted by Heaven¹ [with the Empire] said: I have heard that when the three emperors were established as supreme leaders of the people, they initiated laws based on timely cooking, sowing and reaping, and clothing. And the people were sheltered by them [the laws]. The five emperors' teachings of benevolence and righteousness were no more than respecting the three emperors; good models and improving the timely expediency of a time when nothing was complete. The rulers of that time showed what they had. All-under-Heaven obeyed them. The people practiced harmony and peace. There was ever more far-reaching change from Zhou down to Han, Tang, and Song [yet?] the state prospered and [and] the people received [what was] appropriate to the season. [They had] harmonious homes and lasting ease.

We, favored with the grace of Imperial Heaven and the Goddess of Earth, were ordered to unify All-under-Heaven. With the spiritual efficaciousness of Our ancestors and the blessed protection of the hundred spirits/gods (?from the Zhou Li?) We were able to get the proper position of Emperor. It is the fifth year of the era.

1. . Wu Pei-yi notes that the name in Ming of the gate now called Tian'anmen, which was burned by Li Zicheng and rebuilt and renamed by the Qing was Cheng Tian Men "entrusted by Heaven gate". Also "yun" here is used for "ming" in the better known phrase "Mandate of Heaven".

We were originally a person² of modest background

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who neglected study of the classics to overthrow the strong and cherish the obedient. For more than 20 years [I] had no fixed abode. To sum it up. [I] was uncouth, so I had not attained the moral principle (dao li) and the people were not transformed.

The towns and villages were still colored by Yuan customs. Now that All-under-Heaven has largely been pacified, how could rites and customs not be rectified? Therefore there are some items to proclaim. You officials and people: from the time this edict arrives, if any dare to disobey, they will be sentenced according to the law. Now the provisions and delimitations for property in affairs are set forth in order as follows.

ITEM. In the past, because of the great upheavals toward the end of the Yuan, [some of] the local population became slaves in the households of commoners³ -- whether it was because they returned to their native place or took refuge from disaster in another place and were alone and powerless, or because they were so poor as to be unable to support themselves. From the day this edict arrives, they are immediately emancipated and made

2. Wu Pei-yi says "shih" just means "person" by now, not knight or gentryman.

3. Paul Smith thinks that this movement into great estates was a trend that ZYZ tried desparately to stop, a trend reaching from the Song into the Qing. ON the other hand, there is the view of Prof Hymes that commercialization and other restructuring changes could bring simultaneous counter-developments, as with the enslavement of Eastern Europe in the context of English capitalism, and the enslavement of the American South in the context tof Northern industry.

"good people" .45 Absolutely do not detain them and use force to order them to be slaves. You also ought not to take them in as slaves.⁶ Those who disobey -- their crime will be settled according to the law, and in addition their family [estates?] and members will be confiscated and distributed to meritorious ministers⁷ to be employed as slaves. Meritorious ministers and

4. Note that only people who became slaves under circumstances like those listed are included, and also only if they became slaves to commoners, not officials or royalty. This is no great emancipation proclamation -- in fact later on becoming a slave is a specified punishment.

5. free men? can't use citizen? what about subject, which emphasizes their relationship to the emperor rather than to their masters, and since they seem to be "hidden" and "concealed" when they have commended themselves to rich households, according to the concerns expressed in the section of the Ming Huidian on liu min Migrants, perhaps they are really only subjects when they are available to the govt for corvee, taxes, etc. Also, when they have stopped being liang min by committing a crime, the emp no longer feels the obligation to succor them. Criminals are outside the realm of liang min. And in fact, they become objects of punishment, rather than subjects who willingly obey, contributing thus to the well-being of the kingdom. So in the emps eyes people reach subject-hood through being subjects of his. After all, he is not interested in their TRUE (Hegelian) freedom, but only in their freedom to obey HIM, rather than their masters: that is why they are freed into a state of being GOOD people. Or, could take a middle ground and translate Liang min as good subject, reserving subject for min, instead of the vaguer "people". When translating emp's documents that is, since that is his interest in them. This is taking the inherently relational quality of the word min to extremes. Is that legit? Does "people" cover the same semantic territory, or has the use of "people" for "min" obscured the various meanings of it? So that one ought to translate it differently in each type of document, depending on what one thought the implied relationship of the speaker to the masses was, as well as with in the same doc for "civilian" "commoner" "population" "farmer" etc.?

6. Or adopt them , but of course they would be bogus adoptions, so it doesn't matter.

7. Those who assisted in the building of the empire.

families that have an official are not included in this stricture.

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ITEM. In the cities and villages, if there are old or young people, or men or women in the prime of life, who because their families are poor or they are disabled or sick have no alternative but to beg, then the ~~Community~~^{Village} Head of that ~~Community~~^{Neighborhood} ~~Village~~^{Community} ~~type~~^{type} ~~system~~^{system} and the upper and middle people and households of the same Community [should] assist them materially, [so that] those who are artisans or merchants can follow their artisanal or mercantile [pursuits] and those who are farmers are allowed their farming and cultivating. When they are fully re-invigorated and established, then they can return the goods with which the people and households aided them. The authorities should constantly add their supervision, and not let anyone lose his means [of livelihood]. This is, then, the ancient principle of the neighborhood security [group] mutual aid: rescue one another in disaster, support one another in illness. If you people can respect and carry out [this principle], some other day if your sons or grandsons are in want, the same Community will definitely help them with loans in their turn. If there are upper and middle people and households of the same Community who see people begging and don't act to assist them, [the authorities should] investigate their families' holdings of grain and provisions. If what [would] remain [after helping the indigent] is sufficient

for their use, [the authorities should] confiscate the surplus to help those in need. If it happens that there is drought or flooding and starvation, and people (ren min) come pouring in, that situation is not covered by this provision. If the village of Community actually has rich and noble families that willingly assist [their neighbors], the authorities should memorialize all the particulars.

ITEM. The solitary, disabled, or ill who can't make a living may enter a hostel for the lone and old [where] officials will take care of them according to the regulations. If some have gone outside [their native place] to beg, the people of the village or town are allowed to use [their] extra goods to help them keep alive. If there dare to be any that beat them, the authorities should charge them with assault and battery.

[Beggars] who make false accusations [of assault] should be punished in the same degree. If someone of this class of disabled or sick person recovers and can leave and become a "subject" (min) and return to his registration, he is allowed to follow his convenience, and the authorities may not detain him.

ITEM. In the villages, the order of precedence by age is what has been respected since antiquity. From today onwards, among the people (min) -- gentlemen, farmers, artisans, and merchants -- both in ordinary face-to-face meetings and in the

various festivals the etiquette of bowing shall be that the younger bows first.

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[As to] seating order, the older occupies the higher seat. When a tenant meets his landlord, regardless of their age order, he [the tenant] should follow the etiquette of the junior serving the senior [bow first, sit lower, etc.]. If they are relatives [however] [they should] not adhere to landlord/tenant etiquette, but just carry out the appropriate kin etiquette.⁸

ITEM. The village wine-drinking ceremony has been neglected for a long time. It is ordered that the Secretariat detail orderly forms to be promulgate and respected. Let the people in the various festivals practice the ritual and read the law. In the hope that the laws of the court will be made clearer and that [they will] repeat the regulations on ranking by age.

ITEM. Ancient marriage ceremonies united the well-being of two surnames, to exalt [give weight to?] (zhong) human relations. Recently, people talk only of betrothal money. Practices have

B. This point is very interesting to Wu pei-yi and he gives the example of a Han? guy who, abandoned by his father as a child, rose to be an important general. His father, a minor official, came to see him, approaching his tent on his knees from afar off. The son went out to meet him, raised him and knelt to him, but the point is that in the later dynasties, the father would never have approached him in that way. Here we see a hierarchy of considerations: generational kin relations, status relations, and age. Any hints available on what was actually done at this time? And did it change in the more commercialized, but more heavily bond-servanted later Ming?

become extravagant. It is ordered that the Secretariat collectively discuss [the matter] and set laws to be promulgated. The importance lies in elevating frugality and economy to purify customs. Those who disobey will be sentenced according to the law.

ITEM. The funeral ceremonies of old took mourning as the fundamental thing. The trappings of the funeral were commensurate with the family's resources.

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Recently, the wealthy are extravagant and excessive, overstepping their station. Those whose resources don't reach that far borrow money and goods to make a show of the interment and are deluded by fengshui [experts] into holding on to the coffin and corpse for a year without giving it a peaceful burial. It is ordered that the Secretariat collectively discuss the forms to be set and promulgate them to be respected. Those who disobey will be sentenced according to the law.

ITEM. From today onwards, Mongols and various foreign people who are living in my territory are permitted to form marriage ties with Chinese people, and are not allowed to make mutual arrangements to marry with their own kind. In cases of

9. Worried about ghosts again?

10. An Weitz (Feb 18, 1994) suggests that this may mirror and reverse a Mongol statute forbidding inter-racial marriage. Issue of what race meant. Check out Yuan Huidian.

disobedience, both families will be enslaved and their property confiscated. If there is someone with whom Chinese people are unwilling to marry, he is allowed [to marry] another foreigner.¹¹ The mutually arranged marriages of the Qincha¹² are not included in this stricture.

ITEM. Since armies arose, the local people have abandoned production and fled to other places. Now the Empire is stable and they are returning to their native villages. Among them if some have little adult-male labor power and their old fields were many, they may not occupy [land] according to the way it was. They may only take as many qing and mou as their own land as they can cultivate using all their labor-power. If there are those who in past times had few adult males but upon returning have many, and their old properties were few, they are allowed [to plant] in neighboring unclaimed fields. The officials are to verify that their adult-male labor power tallies with the [amount of land] cultivated. If there dares to be any who occupies excess based on his old property, he shall be sentenced according to the law.

11. Marriage being an important part of becoming established and settling down to be a good subject.

12. CHECK on this: Wu Pei-yi says one of the khanates that became Russia. He may mean people in the Khanate, or people from there living in China. He may not be quite clear exactly what region he is referring to.

ITEM. Previously, because Chinese clothes had been perverted to Mongol custom, [We] already completed stipulated clothing according to rank for officials and legitimate wives and gentry and commoners. This has been thoroughly carried out in the capital and the provinces. Each [group] has its own regulations. Only the jewelry and clothing of the women among the commoners still follow the old [ie Mongol] style. It is ordered that the Secretariat to collectively discuss the stipulated for clothing and caps to promulgated and respected. We must go back to old institutions/statues to correct recent custom.

ITEM. Buddhists' and Taoists' establishments were originally to entice people into being good. In recent times there have been occurrences when Buddhists and Taoists arrange Buddhist services for funeral ceremonies among the people, that "men and women mingle indiscriminately" "drinking wine and eating meat."¹³ This is deeply improper. It is ordered that the authorities more strictly forbid it. Those who disobey will be punished.

ITEM. In Fujian and Liangguang, there are many estates of powerful households. They recruit other people's sons whom they drive into being eunuchs. They [the eunuchs] are called fiery¹⁴

13. Of course these are set phrases used to criticize lay Buddhists, etc. See White Lotus book.

14. See Mark Elvin's quote in the Manorialism without Feudalism chapter. People burning the corpses of their relatives murdered at the behest of powerful families. Related?

ones. If they dare to criminally disobey by castrating (people), they will atone for their crime by confiscation and atonement.¹⁵

Alas! Customs have fallen into ruins and Mongol rites have adhered to in their place. To set in order again the eternal relationships, we must respect the laws of former kings. To sympathize with and remember the alone and orphaned is truly the priority in good government. Considering that our virtue is slight, [Our] abounding grace is not yet [fully] trusted. The granaries and coffers are not yet overflowing. The six armies and four frontiers are still plotting. [I] have not yet gladdened the people's hearts below. I am afraid of bringing down high Heaven's wrath. Morning and evening [We] are in respectful fear as if crossing thin ice or approaching a deep chasm.

Alas! You ministers and commoners, understand my deep feelings.¹⁶ [I] hope to attain the universalization of the rites and righteousness, and always rest in the transformed rulership of peace. And therefore [you should] be perfectly acquainted with this edict; think about it properly and get it by heart.

15. Wu Pei-yi thinks this may have been originally an Arab practice. Since these are coastal areas, they may have known black eunuch slaves and imitated the practice.

16. Yu, translated by Mathews as I, seems to have the sense of "my words" or "my feelings".