

Statecraft and court culture in China, Japan and Korea, 600-900

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1. Introduction

The period from 600-900 was the time when Chinese culture spread across East Asia. If one wants to see Tang dynasty architecture one has to visit Kyoto. Likewise if one wants to see the layout of the Tang dynasty capital Chang'an. What I will try to do in this lecture is to describe how Tang style government spread across the region and how it was adopted in the different societies it met.

2. The Tang Legal Code

Chinese dynasties had promulgated legal codes since the Warring States period, but until the discovery of part of the Qin code in a tomb in the early 1970s, the Tang code was the earliest that had survived intact. While it carried forward many features of the earlier Han code—as transmitted through the intervening Wei, Jin, and southern dynasties - it also made significant modifications in order to adapt to changes in the Chinese social order. From the structure of the legal code one can trace out the government's vision of the social order, although not the complete reality.

When the Tang came to power, they rejected the code of the preceding Emperor Yang of the Sui, whose putative crimes had justified their own accession to power. However, still lacking their own code they were forced to restore the legal code promulgated by the first emperor of the Sui, Emperor Wen. In 624 Gaozu, the founder of the Tang,

promulgated a new code that consisted of the old Sui code with fifty-three added clauses, and it was only in 637 that Taizong proclaimed the first systematic Tang reworking of the code. In 651 the code was revised by Gaozong and in 653 for the first time a commentary was added to the code. Each subsequent emperor, or empress, proclaimed new codes, although apparently making only minor modifications, and in 725 Xuanzong promulgated the fullest Version of the Tang code, the version which survives today.

Many of the basic principles of the code are similar to those that underlay Han penal law. The Tang code still embraced the notion of the intimate linkage of the human and natural worlds, and interpreted punishment not only as a means of punishing and intimidating the disobedient, but also a means of preserving the cosmic balance between *yin* and *yang*, with proper punishment being necessary to restore a balance disturbed by criminal actions. In the Service of maintaining this balance, anyone shown to have made a false accusation received precisely the punishment which would have befallen the falsely accused party. Moreover, if a person was proved to have been wrongly exiled, the state would make reparation to him by remitting taxes for the number of years he had wrongly suffered.

Likewise, as part of the theory of balance, repeated natural calamities could lead to general reductions in sentences, and in order to compensate for unknown injustices it was the practice to grant general amnesties on the occasion of a new emperor's accession, sometimes on the emperor's birthday, or on other auspicious occasions. There were 174 empire-wide amnesties in the course of less than 300 years of Tang history. Such frequent amnesties had also been given during the Han, and this practice sets early imperial China apart from the post-Song period.

Another aspect of continuity with the Han was the invocation of Five Phases theory through repeated use of the number five. Thus it was said that there were 500 articles in the code (actually 502), punishments were divided into five kinds—

beating with a light stick, beating with a heavy stick, penal servitude, life exile and execution by strangling or decapitation—the five degrees of relation which determined the seriousness of intra-family crimes, the five kinds of life exile, the ten abominations (the most serious crimes), and so on.

Again the Tang code followed the Han in treating with special severity any crimes against the emperor or imperial family. Only for plotting rebellion or sedition did the code invoke the full range of collective punishment - the execution of the father and sons of the criminal and the enslavement of all children under fifteen, female relatives, and male relatives for three generations in either direction. Likewise any criticism of the emperor or resisting of his officers was punishable, and an improperly filled imperial prescription or an imperial boat or chariot that broke were treated as acts of rebellion.

However, for all the continuities there were several features which set the Tang code apart from its Han counterpart. These may be classified under three headings: 1) legal recognition of Status groups, aristocratic and servile, 2) gradations of punishment based on relative Status in the family or bureaucracy, 3) detailed legal concern over the organization of Offices.

1) Legal recognition of Status groups. The Tang legal code did not explicitly recognize the existence of an aristocracy, but it granted legal Privileges to all officials of the fifth rank and above. Since men of high hereditary rank were automatically granted entry to officialdom at the fifth rank, along with sons of all those of the third rank and higher, this privilege encompassed the imperial aristocracy and much of the so-called provincial aristocracy. Among the privileges granted these men was immunity from torture, the need to have three witnesses to be convicted, the right to redeem punishments by surrendering rank or making cash payments, and, for officials of the third rank and above, the right to have all punishments automatically reduced and special procedures for any crime that could involve the death penalty.

At the other end of the social spectrum, a whole cluster of so-called "base people" (*jian min*) were legally defined as being below the common people (*liang min*). These servile classes were divided into those who belonged to the state and those who belonged to individuals, and they included hereditary service households, musicians, personal retainers, bondsmen, and slaves. A crime against one of these people by a commoner was punished less severely than a similar crime against a commoner, and their crimes against commoners were punished more severely. Likewise, crimes by slaves against commoners were punished more severely than those by bondsmen, and crimes against slaves less severely than those against bondsmen. Thus the Tang code, on the basis of differential punishments based on the Status of the victim and criminal, marked out a ladder of social gradations from slave, to semi-slave bondsmen, to free commoner. Particularly severe were the punishments for bondsmen or slaves who harmed their masters. A plot to kill a master was punished by decapitation, and even a plot against one of his relatives merited Strangulation. On the other hand, if a master killed a slave for some offense without government permission, he was merely beaten, and the totally unprovoked killing of a slave by his master resulted only in one year of penal servitude. Members of the different Status groups were also restricted to marriage with members of their own legal group. In addition to marking out these broad legal Status groups, the Tang code also used differential punishments to enforce rankings within the bureaucracy and family. Offenses against a bureaucratic superior were treated more severely, those against an inferior less so. Far more detailed were the differential punishments and legal stipulations regarding hierarchy within the family. The closer the degree of mourning relationship, the heavier the punishment for a junior offender and the lighter that for a senior.

Other articles of the code also defended the family hierarchy. Children were legally obliged to support their parents and paternal grandparents, and they were

subject to penal servitude if they failed to do so. Failure to perform proper mourning was punished by exile. Moreover, in deference to ancient Confucian precedent, members of families, as well as their slaves and personal retainers, were allowed to conceal each other's crimes, except for those against the state.

The final unique characteristic of the Tang code, its detailed treatment of bureaucratic ranking and organization, was a function of the features discussed above. Because a person's liability and the severity of his punishment depended heavily on his bureaucratic Status, the code had to spell out in considerable detail how the bureaucracy was to be organized and what ranking each of the different Offices possessed. The greater divisions between "inner" and the "outer" officials (policy officials versus secretarial staff) or between the pure offices and the impure (high policy officials above the fifth rank versus lower ones) as well as all the minute gradations of rank had to be written into the Tang Statutes.

"The institutions of imperial rule in the Sui-T'ang era bore, at the least, a very thick Confucian veneer. It might be argued that these Confucian principles significantly affected the way in which government was conducted in this period. [...] By the time of the T'ang Dynasty in China, law, particularly administrative law, was inseparable from a Confucian vision of the state."¹ What the Tang code envisioned was neither a purely aristocratic nor a thoroughly bureaucratic state. Impersonal testing of government officials in the burgeoning examination system was largely compatible with the preservation of a rigid status hierarchy. The Tang system was a hybrid one.

2. Chinese statecraft and its Japanese adaptation: *ritsuryō*-Confucianism in Japan

Chinese statecraft techniques were transferred to Japan in the form of legal codes, *ritsuryō* in Japanese – "laws and ordinances" –, a term that refers to the penal (*lü*,

ritsu) and administrative (ling, *ryō*) laws. The speed with which the Japanese adopted Chinese-style statecraft techniques is indicated by the fact that the first Japanese legal code was promulgated less than eighty years after the first Tang code of 624. The first Japanese legal code dates from 701. It is called the Taihō code. A second code was adopted in 718 (Yōrō code). These two codes, which took the Tang codes as their model, marked the beginning of a “rationally centralized bureaucratic government, based on the principle of universal imperial rule, land allocation, and taxation”.²

When we think of rational bureaucracy we inadvertently think of the Weberian-style bureaucracies of modern times. We think of disinterested officials who almost mechanically apply the law in an efficient way. Or we might think of Legalism (“School of Law”), the Chinese philosophical school which held that strict adherence to codified law as well as strictly enforced rewards and punishments are the best way to govern a country. For strict application of the law ensures the efficient mobilization of the population for taxation, labour service, and military conscription. We have seen, however, that the Tang legal code was heavily influenced by Confucian thought. So were the *ritsuryō*-codices in Japan, which have been described as “a hybrid Confucian-Legalist system, in which Confucian motifs were already predominant”.³

What do we mean by “Confucianism” in this context? What are the ingredients of Confucianism as it was introduced to Japan? The Chinese emperor Zhou Wudi (r. 561-578) in the north of the divided empire, gave a concise definition: The “Six Classics are the arts Confucians use to enlarge government, and ritual [*li*], justice 義 [*i*], loyalty, and filial piety are suitable for the world. Therefore they should be preserved and upheld.”⁴ Thus, apart from a canon of texts that serves as the ideological foundation, Confucianism at this time simply means the observance of certain practices - ritual, justice, loyalty, and filial piety -, ritual (jap. *Rei*) and

justice (jap. Gi) being paramount. The “Seventeen Article Constitution” of 604, for instance, draws heavily on the Chinese *Book of Rites* (*Li ji*):

“All senior ministers and officials take the *li* as fundamental. Their source for governing the people essentially consists of *li*. If superiors do not [follow] *li*, inferiors are disorderly. If inferiors lack *li*, there must necessarily be crime. Therefore, if all ministers possess *li*, the order of precedence is not confused. If the common people possess *li*, the state governs itself.”

The legal codex of 701 mandated biannual sacrifices to Confucius.

Another of the Confucian virtues, “filial piety” (xiao, jap. kō), was also vigorously extolled by the Japanese government. In 757 AD, Empress Kōken decreed:

“The ancients, in governing the people and pacifying the country, had to use the principle of filial piety. As a source of all action, nothing takes priority over this. We should command [each] family in the empire to possess and diligently memorize a copy of the *Classic of Filial Piety* 孝經, and redouble their instruction.”

Why was filial piety important to the state? The reason why filial piety was so critical to the state was that the state was regarded as an extension of the family. In other words, ethical norms governing the relationship between father and son could be transferred to the relationship between ruler and minister. Empress Kōken herself insisted that “loyalty [...] is a transference from filial piety”.⁵ As you have learned in one of the previous lectures “Confucians viewed the socio-

political order in terms of a comprehensive hierarchical network descending from the person of the emperor at the apex, and subsuming every member of the community in a complex web of unequal relations.”⁶

How about the reality?

4. Chinese literature in Japan

Let us turn away from the legal codes and let us briefly look at Chinese literature in Japan. Literature was another source of continental influence with surprising results. Three tightly interlocking aspects demand our attention in this regard: First, the practical necessity of the use of Chinese as the *lingua franca* of traditional East Asia; secondly, the political value of Chinese language and literature as an element of statecraft employed to enhance the status of the emperor; thirdly, the impact the adoption of Chinese had on social mobility and the position of women at court.

From the very beginning, “Chinese literature came to Japan as a result of official sponsorship” (p.203). Especially in Japan’s exchanges with the Tang empire – the first formal diplomatic mission to China was sent by Prince Shōtoku in AD 600 –, but also in Japan’s relations with Korea “a working knowledge of Chinese was absolutely essential” (p.219). The composition of Chinese poetry was usually an integral part of diplomatic exchange, a rhetorical battlefield on which national prestige was won or lost through mastery, or the lack thereof, of the Chinese language and its prosodic rules. The connection between poetic achievement and national prestige may seem far-fetched to modern readers, but an episode Borgen quotes drastically illustrates the point. In 653, a Japanese monk went to study in China. Twelve years later, on his way home, he passed through Korea where he recited the following couplet in Chinese:

The Emperor's home, a thousand leagues away: 帝鄉千里隔

Here beyond the borders, wherever I gaze is autumn (p.219) 邊城四望秋

The poem was so well crafted that, according to a Japanese source, no Korean poet was able to compose a couplet that matched it. As a consequence the Korean literati, filled with jealousy, poisoned him. The significance of the episode lies in the fact that in the diplomatic hierarchy of Tang China the Japanese were ranked as barbarians behind the Korean states Parhae and Silla, which, being more sinified, i.e. culturally advanced at the time, were recognized as major vassals by the Chinese. The Japanese monk's "victory" in the poetry composition was therefore tantamount to a reversal of the diplomatic status hierarchy. It allowed the Japanese to imagine themselves superior to the humiliated Koreans whose reaction shows that they interpreted the situation in the same way.

Japanese appropriations of classical Chinese literature were not limited to the diplomatic arena, however. Imperial sponsorship of classical Chinese paved the way for a broader assimilation of Chinese civilization, which in turn "gave institutional form to government support of Chinese literature, since the [Confucian, TJ] classics included some literary works, and literature and classics were not that clearly distinguished" (p.206).

The court was the main driving force behind the enthusiasm for Chinese culture and the centre of all cultural activities connected with it. In quick succession Emperors Saga (786-842, r.809-823) and Junna (786-840) commissioned three imperial anthologies of literature in Chinese: the *Ryōunshū* 凌雲集 (814), *Bunka shūreishū* 文華秀麗集 (818), and *Keikokushū* 經國集 (827). The *Kaifūsō* (751), the earliest extant *kanshi* 漢詩 anthology, was not commissioned by the court, but likewise consisted exclusively of court poetry. In addition to sponsoring literary

anthologies, early Heian emperors also supported the court university where student numbers show a predominance of the classics (400 students) over mathematics (30 students). In 728, a professorship for literature was created and, in 821, its rank was raised above that of the classics' professor (p.211).

It was the pragmatic Chinese view of literature as "a vital force in the ordering of the state" (p.215) that resonated so well with the interest of the Japanese court community. "[W]hen the Japanese emperor summoned his ministers to compose poems, they were not simply enjoying an evening's elegant recreation. Symbolically, they were demonstrating both that they were harmoniously working together to administer the land and that at the same time their land was a civilized one in the accepted Chinese sense of the term." (p.218) To put it in other words: The early Heian court was successful in creating a self-image of being a naturalized version of the great courts of Chinese history (Zhou, Han, Tang). The re-enactment and performance of central works of the Chinese textual heritage was an essential part of that self-image.

The bloom of Chinese literature in Japan was comparatively short-lived. From the beginning of the tenth century onward, the court sponsored literature in Japanese, particularly the newly revived *waka* tradition of poetry. The "rise of the 'woman's hand' (*onna-de* 女手) – a reference to the Japanese script in contrast to Chinese characters, the "male hand" (*otoko-de* 男手) – as well as the fact that this was also the age when women writers flourished has led to a strong emphasis on gender divide in Japanese literary history. The twofold argument is a) that since the use of Chinese was restricted among educated men, women were excluded from power and b) that because men suffered under the burden to imitate foreign literary models, their literary works do not match those of the best women writers. Although he does neither deny the literary achievements of

women nor their limited access to political power, Borgen nevertheless challenges both of these propositions, arguing that “the divide between men’s and women’s literary worlds was not so great as some have suggested” (p.229). Women, so his argument, were not completely barred from learning Chinese, even though “Chinese was not included among feminine accomplishments” (p.228). “[I]f they were oppressed, it was not by the Chinese language.” (p.229) By the same token, Borgen argues that, when looking at poetry in Japanese, men “were deeply involved in literary activities. To be sure, some of the greatest poets of the Heian period were women, but more of them were men” (p.225). With regards to Japanese prose writing Borgen notes: “Men did produce literature in their native language, but unfortunately they were not so good at writing prose as were the best women writers” (p.226). Even if these remarks may not force us to rewrite whole chapters of literary history, they present a more nuanced and perhaps more realistic picture of the Heian literary world.

5. Tang influence on Silla’s elite culture

Let us briefly look at Korea. As I have described in the last lecture and above, the Tang ruling elite was a mixture of an aristocracy and a bureaucracy. Bureaucratic elements such as the examination system or the legal code went hand in hand with the inherited privileges of the ruling class. What is striking regarding the experiences of China and Korea is the fact that in China the aristocratic element slowly faded so that by the time of the Song dynasty we have a fully developed bureaucratic system. How the aristocracy was finally destroyed and replaced by the bureaucracy of the Song is a story my colleague Dr McDermott will tell you. In Korea, by contrast, this balance between an aristocracy and the bureaucracy remained intact up until the twentieth century, during the entire Chosŏn 朝鮮

dynasty (1392-1910). It remained intact despite the rise of Confucian thought in Korea with all its institutional accoutrements, such as the examination system, the public and private schools, the adoption of Confucian canonical texts, and the use of Confucian rites in daily life.

- 520 AD: Chinese-style codes of penal and administrative law issued in Silla
- 649/50: a Korean monk who had travelled to Tang proposed to adopt the clothing and reign periods of the Chinese
- 682 AD: Silla created a national Confucian college to train young men in the Confucian classics⁷
- 788 AD: Silla established a Confucian civil service examination system parallel to that of Tang

The *Samguk yusa*, an early Korean history, describes the relation between the Silla kings and the Tang empire as follows:

[The Silla kings, TJ] served the Middle Kingdom with the utmost sincerity. Embassies scaling [the mountains] and navigating [the seas] to pay court were without interruption. They constantly sent their children to serve in the [Chinese] court's Imperial Bodyguard, and enter the academy to learn [the Chinese classics] by recitation, whereby they might inherit the example of the Sages, change the local customs of their vast wasteland, and become a country of *li* and *yi*.⁸

Confucianism could work in two directions: The moral emphasis on filial piety and loyalty could be used to subordinate the individual and the family to the state or it might be used to protect the family from the intrusion of state power

(mention debates). The examination system can lead to the formation of a class of bureaucrats absolutely loyal to the ruler and thus weaken the aristocracy. Or, in the case that the aristocracy is able to monopolize the examination system, it can also lead to a confirmation and solidification of the aristocracy's status quo. So even if we can say that Confucianism, like Buddhism, spread over the whole of East Asia, we again have to be aware that its spread led to quite different results. In other words, there was no inevitability in Korea's or Japan's historical development.

What are the main reasons why the aristocracy survived in Korea for so long? In very general terms one can say that:

- central state power did not grow to the same extent in Korea as it did in China

Why did state power remain weaker in Korea? Because two phenomena that were important in China were less important in Korea:

- Foreign invasion
- the expansion of commercial activity which would have devalued private property in land to the benefit of movable property.

Korea was not threatened by foreign invasion to the same degree as China was. There was thus no need to maintain a standing army. It is fair to say that the examination system "had introduced an element of achievement and merit into the recruitment process but time proved that family status, marriage relations, inherited status and wealth tipped the scales in favour of established [...] clans."⁹

Parhae, ruled primarily by Koreans but populated largely by Malgal tribes of Manchuria. The Korean rulers adopted Chinese-style bureaucracy to better control the Malgal subjects.¹⁰

¹ Holcombe, *"Ritsuryō Confucianism"*, p. 550.

² Holcombe, *"Ritsuryō Confucianism"*, p. 544.

³ Holcombe, *"Ritsuryō Confucianism"*, p. 545.

⁴ Holcombe, *"Ritsuryō Confucianism"*, p. 551.

⁵ Holcombe, *"Ritsuryō Confucianism"*, p. 562.

⁶ Holcombe, *"Ritsuryō Confucianism"*, p. 562.

⁷ Cohen, *East Asia at the Centre*, p. 83.

⁸ Holcombe, *The Genesis of East Asia*, pp. 180-81.

⁹ Palais, *"Confucianism and the Aristocratic/Bureaucratic Balance in Korea"*, p. 456.

¹⁰ Cohen, *East Asia at the Centre*, p. 83-84.