# Legal institutions of Shang and Zhou

## Reading:

Liu, Yongping, *Origins of Chinese law*, ch. 1 (file size: 2.1 Mb), ch. 4 (file size: 2.0 Mb)

Book review (see pp. 650-653 of this file)

Select texts from Shu Jing

<u>Historical background</u>

Shu Jing, Kang Gao

Regarding the feudal state of Wei  $\square$  (which was placed under the rulership of Kang Shu), see <u>this</u>.

## 1. Human sacrifice

Yin dynasty	Wu Ding(1254-1197), about 60 years	Zu Geng — Wen Wu Ding (1206-1110), about 90 years	Di Yi — Di Xin (1121 — 1041), about 60 years
Human sacrifice	5418	1950	75
Highest number of humans killed per ceremony	1000	300	30
Number of tortoise shells where human acrifice is mentioned.	379 pieces	277 pieces	32 pieces

Huang Zhanyue, *A General Treatise on Ancient Human Sacrifice* (□□□□□□□□)

# 2. Pre-Zhou punishments (wu xing □□, etc.)

 Emperor Xun showed proper punishments. He used banishment to mitigate five punishments, used whips as

# 3. Textual evidence of Shang punishments

- Without regard to whether you are close to me or not, those who commit crime shall be executed and those who demonstrate good deeds shall be praised. If the country prospers, it is thanks to you all. If the country does not prosper, it is all due to my fault in administering the punishments (Shang Shu, Pan Geng [the speech of king Pan Geng of Shang to his people])

## 4. Shang society

- zu (□): gens? cf. Marcus Tullius Cicero, Gaius Julius Caesar, Marcus Licinius Crassus (nomen gentilicium)
- zu yi (□□)
- zu yin (□□)
- zu customary law, clan law

## 5. Shang and its neighbours

- Shang: a loose federation of numerous zu (clans) with blood ties
- Fang: neighbouring "states", with no blood tie with clans making up Shang

## 6. Zhou punishments (wu xing, continued)

- When Tatooing should be commuted, fine of 100 Huan must be applied. When cutting off the nose is commuted, the fine should be doubled. When cutting off the foot is commuted, the fine should be more than double depending on the seriousness of the offence. When castration is commuted, fine of 600 Huan must be applied. When capital punishment is commuted, fine of 1000 Huan should be applied. (Shang Shu, Lu Xing 7)
- In total, 3000 offences are subject to five punishments. □□□□□□ (Shang Shu, Lu Xing 7)

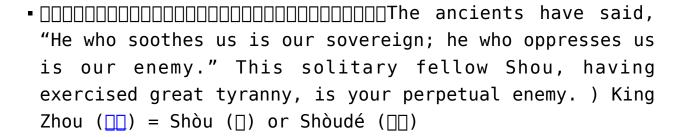
# 7. Punishments (□) and virtue (□)

Officers controlled the people with appropriate

- A noble man uses punishments in clear and prudent manner □□□□□□□ (□□, □□, □□)

## 8. *Tian Ming Mi Chang* □□□□ (□ =□)

- □□, □□ (Tang Shi) King Tang of Yin's speech (on the occasion of attacking <u>Jie □ of Xia □</u>)
- [[[[[]]]][[[[]]][[]](the sovereign of Xia is guilty, and as I fear the emperor in Heaven, I dare not but punish him.)
- □□, □□ (King Wu □□ of Zhōu□'s speech on the occasion of attacking <u>King Zhòu □□ of Yin □</u>)
- [][][][][]]'Just as Heaven showers benefits to people, the sovereign should reverently carry out Heaven's commands.
  )



#### **-** \(\Pi\), \(\Pi\)

#### 

Profound was king Wen; Oh! continuous and bright was his feeling of reverence.

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Great is the appointment of Heaven! There were the descendants of [the sovereigns] of Shang; —

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The descendants of the sovereigns of Shang, Were in number more than hundreds of thousands;

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But when the ruler in Heaven gave the command, They became subject to Zhou.

## 

They became subject to Zhou. The appointment of Heaven is not constant.

...

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The doings of high Heaven, Have neither sound nor smell.

#### 

Take your pattern from king Wen, And the myriad regions will repose confidence in you. ( = )