

## ***Selections from The Great Tang Code: Article 6, “The Ten Abominations” by Zhangsun Wuji***

### **Introduction**

Law, in the sense of pronouncements from a ruler describing offensive behavior and prescribing punishments for such behavior, dates back to the edicts of the kings of the Western Zhou dynasty (1046–771 BCE). Later, in the sixth century BCE (during the Warring States period), rulers of some of the many constituent states of the Zhou feudal kingdom issued their own penal laws and cast them on bronze vessels. Subsequent dynastic governments, while subscribing to Confucian political and moral philosophy, also followed the practical “Legalist” expedient of having codified laws. *The Great Tang Code* thus grew out of a long tradition of law-making which included the laws of Qin, Han, and Sui. The *Tang Code* is, however, the earliest Chinese legal code that we have in its complete form. The *Tang Code* served as a model for all subsequent dynastic codes of law, including those of the Song, Ming, and Qing dynasties.

The *Tang Code* is organized into two main parts: general principles and specific offenses. In the section of specific offenses, each offense is named, and the appropriate punishment is prescribed. Over the years, the *Tang Code* was supplemented with commentaries and subcommentaries which assisted county magistrates and their superiors at the provincial and imperial levels of government in applying the code to individual offenses. The text of the code itself is attributed to Zhangsun Wuji (d. 659 CE), a high-ranking official and brother-in-law of Emperor Tang Taizong (r. 627–650 CE). The portion below describes the “Ten Abominations”—the ten most serious offenses a person could commit. The penalties for “plotting rebellion,” “plotting great sedition,” and “plotting treason” called for punishment not only of the individual incriminated in the plot, but also of that person’s entire family—parents, children, brothers, and sisters—who were liable for penalties up to and including execution.

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*Subcommentary:* The ten abominations (*shie*) are the most serious of those offenses that come within the five punishments. They injure traditional norms and destroy ceremony. They are specially placed near the head of this chapter in order to serve as a

clear warning. The number of extreme abominations being classified as ten is the reason why they are called the ten abominations....

*Article:* The first is called plotting rebellion (*moufan*).

*Subcommentary:* The *Gongyang Commentary* states: “The ruler or parent has no harborers [of plots]. If he does have such harborers, he must put them to death.” This means that if there are those who harbor rebellious hearts that would harm the ruler or father, he must then put them to death. The *Zuo Commentary (Zuozhuan)* states: “When the seasons of Heaven are reversed, we have calamities ... when the virtues of men are reversed, we have disorders.”

The king occupies the most honorable position and receives Heaven’s precious decrees. Like Heaven and Earth, he acts to shelter and support, thus serving as the father and mother of the masses. As his children, as his subjects, they must be loyal and filial. Should they dare to cherish wickedness and have rebellious hearts, however, they will run counter to Heaven’s constancy and violate human principle. Therefore this is called plotting rebellion.

*Commentary:* Plotting rebellion means to plot to endanger the Altars of Soil and Grain [*sheji*, that is, the ruler and the state that he rules].

*Subcommentary:* *She* is the spirit of the five colors of soil [corresponding to the Five Phases]. *Ji* is the regulator of the fields, which uses the spirits’ earthly virtue to control the harvest. The ruler is the lord of these spirits of agriculture. The food that they ensure is as Heaven to the people. When their lord is in peace, these spirits are at rest. When the spirits are in repose, the seasons give a plentiful harvest.

However, ministers and subjects may plot and scheme to rebel against traditional norms and have minds that would discard their ruler. If the ruler’s position is endangered, what will the spirits rely upon? Not daring to make direct allusion to the honored name of the ruler, we therefore use the phrase “Altars of Soil and Grain” to designate him. The *Rites of Zhou* states: “On the left the Temple of the Ancestors, on the right the Altar of the Soil.” These are what the ruler honors.

*Article:* The second is called plotting great sedition (*mou dan*).

*Subcommentary:* This type of person breaks laws and destroys order, is against traditional norms, and goes contrary to virtue. There can be no greater sedition. Therefore it is called great sedition.

*Commentary:* Plotting great sedition means to plot to destroy the ancestral temples, tombs, or palaces of the reigning house.

*Subcommentary:* There are persons who “offend against Heaven,” “who do not know where to stop,” and who secretly think of letting loose their hatred. Planning recklessness, they conceive evil thoughts and plot destruction of the ancestral temples, tombs, or palaces of the reigning house....

*Article:* The third is called plotting treason (*mou pan*).

*Subcommentary:* The kindness of father and mother is like “great Heaven, illimitable.” “Entering into the inheritance of our ancestors,” we may not be frivolous. Let one’s heart be like the *xiao* bird or the *jing* beast,<sup>1</sup> and then love and respect both cease. Those whose relationship is within the five degrees of mourning are the closest of kin. For them to kill each other is the extreme abomination and the utmost in rebellion, destroying and casting aside human principles. Therefore this is called contumacy.

*Commentary:* Contumacy means to beat or plot to kill [without actually killing] one’s paternal grandparents or parents; or to kill one’s paternal uncles or their wives, or one’s elder brothers or sisters, or one’s maternal grandparents, or one’s husband, or one’s husband’s paternal grandparents, or his parents....

*Article:* The fifth is called depravity (*budao*).

*Subcommentary:* This article describes those who are cruel and malicious and who turn their backs on morality. Therefore it is called depravity.

*Commentary:* Depravity means to kill three members of a single household (*jia*) who have not committed a capital crime, or to dismember someone....

*Commentary:* The offense also includes the making or keeping of poison (*gu*) or sorcery.

*Subcommentary:* This means to prepare the poison oneself, or to keep it, or to give it to others in order to harm people. But if the preparation of the poison has not yet been completed, this offense does not come under the ten abominations. As to sorcery, there are a great many methods, not all of which can be described. All, however, comprise evil customs and secret practices that are illegal and whose intent is to cause the victim pain and death.

*Article:* The sixth is called great irreverence (*da bujing*).

*Subcommentary:* Rites are the root of reverence; reverence is the expression of rites. Therefore, “The Evolution of Rites” [chapter of the *Record of Rites*] states: “Rites are the great instrument of the ruler. It is by them that he resolves what is doubtful

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<sup>1</sup> The earliest Chinese dictionary, the *Shouwen jiezi*, describes the *xiao* as an unfilial bird that eats its mother, coupling it with the *jing*, an unfilial beast that eats its father.

and brings to light what is abstruse ... examines institutions and regulations, and distinguishes humaneness and rightness.” The responsibility of those who offend against ritual is great and their hearts lack reverence and respect. Therefore it is called great irreverence....

*Commentary:* Great irreverence means to steal the objects of the great sacrifices to the spirits or the carriage or possessions of the emperor.

*Article:* The seventh is called lack of filiality (*buxiao*).

*Subcommentary:* Serving one’s parents well is called filiality. Disobeying them is called lack of filiality.

*Commentary:* This has reference to accusing to the court or cursing one’s paternal grandparents or parents....

*Article:* The ninth is called what is not right (*buyi*).

*Subcommentary:* Rites (ritual decorum) honor rightness. This section originally did not include blood relatives because, basically, rightness is exercised only toward associates. It is concerned with turning one’s back on rightness and violating humaneness.... Therefore it is called “what is not right.

*Commentary:* [This] means to kill one’s department head, prefect, or magistrate, or the teacher from whom one has received one’s education....

*Article:* The tenth is called incest (*neiluan*).

*Subcommentary:* The *Zuo Commentary* (*Zuozhuan*) states: “The woman has her husband’s house; the man has his wife’s chamber; and there must be no defilement on either side.” If this is changed, then there is incest. If one behaves like the birds and beasts<sup>2</sup> and introduces licentious associates into one’s family, the rules of morality are confused. Therefore this is called incest.

*Commentary:* This section includes having illicit sexual intercourse (*jian*) with relatives who are of the fourth degree of mourning or closer....

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<sup>2</sup> This refers to the passage in “The Rules of Propriety” (“Qu li”), *Record of Rites*, where it is stated that animals have no morality; the stag and his male offspring both couple with the same doe.