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Institutions of the Yüan Dynasty and Yüan Society

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[Translated by De-min Tao and Zhen-ping Wang]

THE CONTENT OF THE BOOK AND ITS COMPILATION

The *Institutions of the Yüan Dynasty* (*Yüan tien-chang*) is an abbreviated title for the *Institutions of the Sagely [i.e., Imperial] Government of Great Yüan* (*Ta-Yüan sheng-cheng kuo-ch'ao tien-chang*). An important historical record, the *Institutions of the Yüan Dynasty* is a collection of imperial edicts and legal precedents of the Yüan dynasty. This book consists of the "text" (*cheng-chi*) in sixty *chüan* (chapters) and a "new supplement" (*hsin-chi*) published as a single unit. Included in the text is a wide variety of official documents, such as imperial decrees, court principles, disciplinary guidelines of the Censorate, and official dispatches issued by the central government's "six ministries."¹ The documents cover the sixty years from 1260 to 1321, a period during which five Yüan emperors ruled China.² Titles indicating their contents are attached to these documents, most of which are extractions and quotations from official documents, which were drafted in a rigid, over-elaborate form to meet the requirements for transmission of official correspondence. The *Institutions of the Yüan Dynasty* was probably compiled and published in about 1321 in the Kiangsi district. The new supplement to the text was published during the Chih-chih reign period (1321–1323) and is therefore also known as the *Articles and General Principles of the Chih-Chih Reign* (*Chih-chih t'iao-li*). It consists of eight classes of documents: imperial edicts, court principles, and official dispatches issued by each of the six ministries. The most recent events mentioned in the documents occurred in the second year of the Chih-chih reign period (1322).

The documents are held in high regard by modern scholars as first-hand

historical records for the study of Yüan history, especially its legal history, as they are in fact government files. They contain many legal cases that reflect vividly the operation of the contemporary bureaucratic system of transmitting official documents: when incidents occurred, reports were drafted by local officials and sent to authorities at higher levels until they finally reached an office of the central government in the capital, usually the Secretariat or the Censorate. These reports were then sent to a relevant ministry for deliberation which was conducted with reference to precedents. Verdicts for important cases were subject to the approval of the emperor before they were handed down in the form of imperial edicts to local authorities. Many documents preserved in the *Institutions of the Yüan Dynasty* were addressed to the authorities of the Yüan-chou Route Command which was within the jurisdiction of the Kiangsi Branch Secretariat (Kiangsi hsing-sheng). Others were documents addressed to local governments in the Fukien area. This indicates that Yüan-chou and Fukien were closely related with the place where the work was compiled. As a matter of fact, in the archives of local governments, appropriate titles were attached to documents indicating the year in which they were received and the individual ministries that issued them. They were then stored separately, under the heading of that ministry. Systematic preservation of documents was a necessity if local authorities were to make administrative decisions and deliver verdicts because they needed to consult the precedents in these documents. It is worth noting that throughout the *Institutions of the Yüan Dynasty* documents are basically arranged under the headings of the six ministries that issued them. This is perhaps the most pragmatic way of classifying documents since it corresponds with the established central bureaucratic structure. It therefore seems safe to suggest that the compilation of the *Institutions of the Yüan Dynasty* was based on the collecting and arranging of documents accumulated in local government archives, and that its publication was sponsored either by local authorities or by bookstores in southern China.³

Similar legal works had existed before the publication of the *Institutions of the Yüan Dynasty*. One such work was the *Institutions of the Ta-te Reign* (*Ta-te tien-chang*), which was later expanded into *Institutions of the Yüan Dynasty*. Fragments of this work are preserved in other books in the form of quotations.⁴

Another important legal work was the *Comprehensive Institutions of the*

Great Yüan (Ta-Yüan t'ung-chih) by Po-chu-lu Ch'ung (1279–1338). It was compiled by imperial order, and published in the second year of the Chih-chih reign period under the sponsorship of the Yüan court. A voluminous work, the *Comprehensive Institutions of the Great Yüan* consists of at least eighty-eight *chüan*. Materials in this work are classified into four categories: imperial decrees, articles and codes, decided precedents, and miscellanies. The major part of the work, however, has long been lost. In the category "articles and codes" only about half the documents still exist today. These documents cover a period of more than eighty years, from 1234 to 1316, and are known as the *Code of Comprehensive Institutions (T'ung-chih t'iao-ko)*. The contents of this work are similar to those of the *Institutions of the Yüan Dynasty*, and some documents appear in both works. However, attention should be paid to the fact that although these two works are both collections of government archives, they were compiled by different people who used different criteria for selecting which official documents to include.

The Yüan court, unlike the T'ang and Ming courts, did not systematically formulate statutes and ordinances to be used as the basic legal code for the country. As a result, Yüan officials, when handling administrative affairs and delivering verdicts, had largely to depend on imperial decrees, imperial edicts, and rules contained in previously issued administrative instructions and legal precedents. This is the reason that as a general practice, the *Dynastic History of the Yüan (Yüan-shih)* does not contain a detailed record of any specific legislation. This makes the accounts concerning the Yüan legal system in the *Institutions of the Yüan Dynasty* particularly important primary sources for the study of Yüan history, even though their appearances in the work are rather sporadic.⁵ Some of the accounts will help clarify the circumstances under which government regulations were promulgated and the motives of the Yüan court in doing so. Most of these remain cloudy to us. Moreover, these accounts not only inform us of the individual regulations issued at the time, they also reveal the ways local officials adapted, and sometimes misinterpreted, the regulations, which served as the legal basis for their handling of administrative matters and legal disputes. Through these accounts we can gain some insight into the attitudes toward the legal system of contemporary people from different social strata.

Documents in the *Institutions of the Yüan Dynasty* were written in three quite different styles: (1) Some were written in literary Chinese which was

commonly used in imperial edicts and decrees. (2) Some employed a style used by Han-Chinese subofficial functionaries (*hsü-li*) in drafting official correspondence. This style is a mixture of literary expressions and colloquial terms. (3) Some were word-for-word translations of the original Mongolian document, which followed closely the syntax of the Mongolian language and replaced Mongolian words with their Chinese counterparts. This unique feature of the *Institutions of the Yüan Dynasty* has led some scholars to regard it as an unusual and difficult work to understand. In particular, they think documents written in the second and third styles are "coarse" and sometimes poorly drafted. The difficulties of reading these documents have often prevented scholars from using them at all. However, they can be of great benefit to modern scholars. These documents can help us develop a sense of personal involvement in the historical events they describe, because they faithfully reflect the nuances in the opinions of both Han-Chinese functionaries and the Mongols. In particular, the word-for-word translations of the original Mongolian documents almost allow us to "listen" to the actual words of the Mongol emperors' pronouncements and decrees as they uttered these orally.

TEXTUAL STUDIES OF THE WORK

Unfortunately, other legal works compiled during the Yüan that are mentioned in Ming bibliographies have long been lost.⁶ One such extinct Yüan legal work is the *Chih-yüan New Code* (*Chih-yüan hsün-ko*), which was the first legal work promulgated by the Yüan court. In recent years, scholars have reconstructed the entire work by collecting its individual provisions preserved in the *Institutions of the Yüan Dynasty* and the *Code of Comprehensive Institutions*.⁷ Judging from their titles, these Yüan legal works, had they survived, would have provided a rich abundance of records for the study of contemporary politics, legal systems, and society. Moreover, there is no doubt that authors of these Yüan legal works had established a tradition of compiling comprehensive collections of contemporary government regulations. In that sense, they were the forerunners of Ming and Ch'ing works on their dynasties' comprehensive institutions (*hui-tien*). Using relevant records in these works to handle legal disputes and administrative matters that could not be properly dealt with by existing laws often preceded the making of new laws. Such a situation seems to have existed during the

Yüan dynasty. Once new laws were made, however, previous regulations immediately became outdated. This seems to have made it inevitable that contemporary political and legal works containing superseded regulations would rapidly disappear in later times.

When *The Complete Library of the Four Treasuries* (*Ssu-k'u ch'üan-shu*) was being compiled during the Ch'ien-lung reign period (1736–1795), compilers found a Yüan edition of the *Institutions of the Yüan Dynasty* housed in the Palace Treasury. They, however, considered the work merely a collection of official correspondence, the language of which was a mixture of literary expressions, dialect words, and vulgar locutions. The work was therefore judged to possess little literary value and was consequently not transcribed into *The Complete Library*. Only a brief bibliographical entry about the work, explaining the contents of the work to readers, appears in the *General Table of Contents of the Complete Library of the Four Treasuries* (*Ssu-k'u ch'üan-shu tsung-mu*).

During the Ch'ing dynasty, only a few transcripts of the *Institutions of the Yüan Dynasty* existed. Ch'ien Ta-hsin (1738–1804), a famous Ch'ing scholar, was delighted when he spotted one of them in a bookstore. Another such transcript is now held by the Wade Collection of Cambridge University. The *Institutions of the Yüan Dynasty* became widely known after Shen Chia-pen (1840–1913) in 1908 sponsored an engraving of the work. This is the so-called Shen edition, the engraving of which was based on a transcript of the *Institutions of the Yüan Dynasty* held by Ting Ping (1832–1899), a noted bibliophile of Hangchow. This edition has also been included in a collectanea, the *Sung-fen shih ts'ung-shu*.⁸ Since many omissions and misprints exist in the Shen edition, a plan for a photolithographic reproduction of a different edition of the *Institutions of the Yüan Dynasty* was conceived in the 1920s, when the committee for handling affairs of the late Ch'ing imperial house found a Yüan edition of the work in the Imperial Palace in Peking. This work was identified as a publication of the Chienyang bookstore in Fukien, and had previously been held by the Chi-ku ko, the private library of Mao Chin (1599–1659) of Ch'ang-shu. The reproduction plan, however, never materialized. But the discovery of the Yüan edition of the *Institutions of the Yüan Dynasty* made textual studies of the Shen edition possible. The major results of such studies are two books by Ch'en Yüan (1880–1971): the *Collations and Supplements to the Shen Edition of the Yüan tien-chang* (*Shen k'o Yüan tien-chang chiao-pu*) in ten volumes, and the

Editorial Notes on the Collations and Supplements to the Shen Edition of the Yüan tien-chang (*Yüan tien-chang chiao-pu shih-li*) in six volumes, published in 1931 and 1934 respectively. Although these two books are not perfect, they have provided the basis for textual studies of the *Institutions of the Yüan Dynasty*. Such studies are critical to the reading and correct understanding of the work.

In 1972, the National Palace Museum in Taiwan accomplished an undertaking long awaited by the scholarly world: the Yüan edition of the *Institutions of the Yüan Dynasty* was photolithographed in its original format and was published in sixteen volumes in four book cases. This publication allows scholars easy access to the Yüan edition, and frees them from the time-consuming textual research of the Shen edition, thus preparing the ground for further advances in the study of Yüan history.⁹ But the Shen edition and the two books by Ch'en Yüan still have their scholarly value. They contain three legal cases not found in the Yüan edition. Moreover, various transcripts of the *Institutions of the Yüan Dynasty* also have their value for the textual study of the text of the Yüan edition.

Research on the *Institutions of the Yüan Dynasty* by Chinese and Japanese scholars has generated a considerable volume of scholarship.¹⁰ A mimeographed index to this work was produced in limited quantities during the late 1950s and early 1960s.¹¹ Although a modern annotated and punctuated edition of the entire text of the *Institutions of the Yüan Dynasty* has yet to be compiled, annotation and punctuation for the sections dealing with the Ministry of Justice and Ministry of War have been completed.¹² To provide scholars with a research tool, I have collected quotations from the *Institutions of the Yüan Dynasty* and the *Code of Comprehensive Institutions* which appear in fourteen Yüan works on government,¹³ and arranged them in chronological order.¹⁴

Many problems related to the textual studies of the *Institutions of the Yüan Dynasty* remain unsolved. Further research remains to be done before modern scholars can claim that they have adequately used this work in their studies of Yüan history and the Yüan legal system.

THE SIGNIFICANCE OF THE *INSTITUTIONS OF THE YÜAN DYNASTY* IN THE STUDY OF CHINESE SOCIAL HISTORY

In Chinese history, the *T'ang Code* (*T'ang lü*) is regarded as a masterpiece of the legal culture developed within a state system with its center in

Ch'ang-an and Lo-yang in northern China. By the time of the Sung and Yüan periods, however, the *T'ang Code* could no longer properly reflect the changing situations in Chinese society. This was so after the Five Dynasties-Sung period, particularly after the Southern Sung dynasty, when southern China experienced profound economic and social changes. The time had gone when judges could always resort to the *T'ang Code* for solutions to any type of legal dispute or criminal conduct. However, books on the *T'ang Code* were still being published during the Southern Sung dynasty, indicating that the study of the *T'ang Code* as a type of learning remained popular. These studies were perhaps aimed at examining and explaining events arising from the contemporary society in the light of the conventional T'ang legal system.

Given the situation during the Yüan dynasty, it would have been much better for the Yüan court to have had its own system of statutes and ordinances. Although there had been discussions about and preparations for the establishment of such a system, the endeavors failed to come to fruition. The lack of a uniform system of statutes and ordinances resulted in the publication of some unique legal works, such as the *Institutions of the Yüan Dynasty* and the *Comprehensive Institutions of the Great Yüan*. These legal works, as has been discussed, best met the needs of Yüan officials for making administrative decisions and delivering verdicts, and were in fact the most desirable form of law code.

Miyazaki Ichisada has pointed out that the *Institutions of the Yüan Dynasty* was compiled when law was no longer in the exclusive possession of government, but was gradually made available to ordinary people. This happened after the Sung dynasty during the "early modern period" in Chinese history.¹⁵ If we are to answer the question "For whom was the *Institutions of the Yüan Dynasty* compiled?" it seems safe to suggest that the *Institutions of the Yüan Dynasty* was published and circulated not for local officials and functionaries but for ordinary people to read and consult.

It is a generally accepted notion that since the Yüan dynasty was established by the Mongols after their conquest of China, the Mongols received preferential treatment, whereas the Chinese, especially the southerners who had lived in the territory of the Southern Sung dynasty before the Mongol conquest, were suppressed. Emphasis is often placed on the taking of bribes and other acts of malfeasance by Chinese subofficial functionaries. But this should not blind us to the fact that these negative remarks about Mongol rule were made by Chinese intellectuals and members of the gentry

who harbored grievances against the contemporary Yüan politics and society. It is certainly true that to some extent the Mongols received preferential treatment and that the Chinese subofficial functionaries were corrupt. But I would argue that an adapted form of Chinese pragmatism also emerged in Yüan politics and its legal practices. This pragmatism is evident in the form and content of some of the official correspondence in the *Institutions of the Yüan Dynasty*. It existed in the Yüan political system from the central government down to local authorities. The Yüan court could not entrust only Mongols and miscellaneous alien collaborators (*se-mu*) with daily administration. It was therefore not exceptional, nor found awkward, for the Mongols to let Han-Chinese officials handle some administrative matters in Chinese ways. The Mongol rulers had few other choices. And this perhaps turned out to be their best choice. Following this line of argument, we can not only understand the complicated feelings of Chinese intellectuals toward the Yüan dynasty, but also be able to observe the contemporary political and social structures from a sounder historical point of view.¹⁶

When discussing heightened social mobility during the Yüan dynasty, modern scholars often point to the activities of subofficial functionaries as an example. The Yüan dynasty provided a stage for these functionaries, who under earlier Chinese dynasties had customarily been among the disadvantaged in the society, to play an active role in the "pragmatic politics." Some of them were eventually promoted to ranking officials. In the scripts of Yüan popular drama, these functionaries often appear in the role of cunning, petty evildoers.

Another example of social mobility during the Yüan is the activities of local elite families (*hao-min*). During the Sung-Yüan transition period the upstart local elite families extended the scope of their economic and political activities. The *Institutions of the Yüan Dynasty* often mentions them, together with local officials and the influential, as "*kuan-hao shih-yao*." This term indicates that they had formed close ties with local officials. The power they held in their regions was the basis for their participation in local politics. A few of them held high-ranking posts, such as ministers of branch secretariats (*hsing-sheng*) and pacification commissioners (*hsüan-wei shih*). Some were appointed head officials of route commands (*lu*), prefectures (*chou*), and counties (*hsien*), and some served local authorities as minor subofficial functionaries. Generally speaking, the Yüan policy toward southern

China was relatively moderate in tax collection and the levy of corvée labor. This policy was instrumental to the growth of local elite families. Some among the Yüan officials and functionaries sought to further private interests through illegal activities, but this phenomenon was not merely an indication of corruption in Yüan government and politics. It was also a sign of increasing mobility and vitality in Chinese society. The *Institutions of the Yüan Dynasty* is therefore a rich mine of primary sources about local elite families.¹⁷

The *Institutions of the Yüan Dynasty* is also important for understanding the role that Yüan law played in the transition from the *T'ang Code* to the *Ming Code*. During the Yüan, the lower reaches of the Yangtze River in central China served as the base area in which the Ming came to power. Since the *Ming Code* was drafted during the early years of the Ming dynasty, its compilers must have given due consideration to the situations during the Yüan dynasty and Yüan officials' experiences in handling legal cases.

The basic method of classification in the *Institutions of the Yüan Dynasty* is to arrange official correspondence in accordance with the six ministries that issued them. The *Ming Code* also adopted this method. Although in Chinese institutional history, it was the Ming court that took the unprecedented step of subjecting the six ministries to the direct control of the emperor, the idea of considering the six ministries the basic units for central administration had already appeared in Yüan legal works.

The influence of the *Institutions of the Yüan Dynasty* on Ming legal thought is also seen in the way Ming officials handled crimes committed by members of local elite families. The *T'ang Code* does not discuss punishment for economic misconduct by the wealthy and the influential at all since the code was designed primarily to deal with dereliction of duty by "persons holding office" (*chien-lin chih-kuan*). Compilers of the *T'ang Code* certainly did not feel the need to formulate any regulations to deal with economic misconduct by the wealthy, because such misconduct was considered a purely economic matter. Should an official abuse his power and engage in illegal activity, administrative regulations in the *T'ang Code* would determine the punishment for him. In contrast, in the *Ming Code*, besides "persons holding office," terms such as "the wealthy" and "the influential,"¹⁸ which had begun to appear frequently in the *Institutions of the Yüan Dynasty*, are also used as legal terms to prohibit these people from engaging in illegal activities. Legal cases and regulations involving the misconduct of the wealthy

and the influential also appear in the *Institutions of the Yüan Dynasty*. This indicates that "persons holding office" as a T'ang legal concept had already grown outdated and was insufficient to curb crimes in Yüan society. To solve this problem, the *Ming Code* not only made government officials its target, it also meant to regulate the behavior of all people. The *Ming Code* had become a means for the government to observe and judge a wide variety of human activities throughout the society. This new feature of the *Ming Code* is seen in its new regulations of punishment for economic crimes and its compilation principles, according to which all the homicide cases are classified in the category of "human life" (*jen-ming*).

In the twelfth month of 1367, Emperor T'ai-tsu (r. 1368–1398) ordered the publication of the *Straightforward Explanations of the Ming Laws and Ordinances* (*Ming-lü chih-chieh*). This work was to explain law to ordinary people. Upon its completion, Emperor T'ai-tsu pointed out:

In previous times, the enforcement of law was carried out in accordance with the *Code of Comprehensive Institutions*. Although its regulations were well conceived, the work had never been widely circulated. This not only encouraged lawless officials to misinterpret law for their own use, the very fact that ordinary people seldom had access to this work also made them blind and deaf to government regulations, and led them to violate the law without knowing it. Now I have ordered that the *Straightforward Explanations of the Ming Laws and Ordinances* be widely distributed. If everybody understands the law, the number of offenders will certainly decrease.¹⁹

Emperor T'ai-tsu's remark clearly indicates that the Yüan government publication *Code of Comprehensive Institutions* was not available to contemporary people. We may further argue that rulers of ancient time deliberately kept ordinary people ignorant of the law. They believed that if ordinary people learned the law, they would try to find loopholes in it. And this would undermine the honest and unsophisticated mood of the society. During the Ming dynasty, however, not only did ordinary people gradually gain access to legal works, the government also took the initiative to change its policy and educate people so that they would thoroughly understand the law. But it is worth noting that it was during the Yüan dynasty that ground was prepared for the emergence of this new tendency in Ming society. And

important clues to this new social phenomenon are to be found in the *Institutions of the Yüan Dynasty*.

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NOTES

1. That is, the ministries of Personnel, Revenue, Rites, War, Justice, and Works.
2. That is, Shih-tsu (r. 1260–1294), Ch'eng-tsung (r. 1295–1307), Wu-tsung (r. 1308–1311), Jen-tsung (r. 1312–1320), and Ying-tsung (1321–1323).
3. Miyazaki Ichisada, "Sō Gen jidai no hōsei to saiban kikō," *Tōhō gakuho* 24 (1954), pp. 115–226. See also his *Ajia-shi kenkyū*, vol. 4 (Tokyo: Dōhōsha, 1964), pp. 170–305.
4. Niida Noboru, "Gen tenshō no seiritsu to Daitoku tenshō," *Shigaku zasshi* 51:9 (1940), pp. 266–283. Ōta Yaichirō, "Eiraku taiten maki 19424 tan, jamachi 9 shoin no Genchō tenshō ni tsuite: Gen tenshō to Daitoku tenshō no kankei ni kakawatte," *Shūkan Tōyōgaku* 27 (1972), pp. 115–129.
5. Uematsu Tadashi, "Gendai jōkaku kō (1–8)," *Kagawa daigaku kyōiku gakubu kenkyū hōkoku* (1) 45 (1978), pp. 35–73; 46 (1979), pp. 75–104; 47 (1979), pp. 103–137; 48 (1980), pp. 47–79; 49 (1980), pp. 173–224; 50 (1980), pp. 1–28; 51 (1981), pp. 39–76; 58 (1983), pp. 1–18.
6. For example, the *Chih-cheng t'iao-ko*, the *Ch'eng-hsien kang-yao*, the *Feng-hsien hung-kang*, the *Sheng-pu cheng-tien chü-yao*, the *Yü-min cheng-yao*, the *Hui-tien ko-li*, the *Hsing-t'ung i-lan*, and the *Cheng-hsing lei-yao*. For a detailed study, see Kurada Junnosuke, "Gen tenshō no ryūden," *Tōhō gakuho* (1954), pp. 443–460.
7. Uematsu Tadashi, "Ishū Shigen shin-kaku narabini kaisetsu," *Tōyōshi kenkyū* 30:4 (1972), pp. 1–12. This article has been translated into Chinese by Cheng Liang-sheng. See his "Hui-chi Chih-yüan hsin-ko chi chieh-shuo," *Shih-huo* 5:7 (1975), pp. 340–356. See also Paul Heng-chao Ch'en, *Chinese Legal Tradition under the Mongols: The Code of 1291 as Reconstructed* (Princeton: Princeton University Press, 1979), pp. 159–166. Huang Shih-chien, ed., *Yüan-tai fa-lü tzu-liao chi-ts'un* (*Yüan-tai shih-liao ts'ung-k'an* edn.; Hangchow: Chekiang ku-chi ch'u-pan-she, 1988).
8. This collectanea was reproduced in facsimile in 1964 by a Taiwan publisher, the Wen-hai ch'u-pan-she.
9. Two handy versions of the Yüan edition have also been published in Taiwan, one in two volumes by the Kuo-feng ch'u-pan-she (1974), another in three volumes by Kuo-li ku-kung po-wu yüan (1976).
10. For example, Shen Chia-pen discussed the *Institutions of the Yüan Dynasty* in "Li-tai hsien-fa k'ao." See his

- Shen Chi-i hsien-shen i-shu chia-pien* (Taipei: Wen-hai ch'u-pan-she, 1964, pp. 358-490. K'o Shao-min (1848-1933) quoted part of its section on criminal law and punishment in his *Hsin Yüan-shih* (T'ui-keng t'ang edn.; Tientsin, 1922). Ts'ai Mei-piao has made efforts to collect stele inscriptions that use the style of word-for-word translation of the original Mongolian text. These inscriptions have been collected in his *Yüan-tai pai-hua pei chi-lu* (Peking: K'o-hsüeh ch'u-pan-she, 1955). I lin-chen also discussed this unique writing style in his article "Yüan-tai ying-i kung-tu wen-t'i," *Yüan-shih lun-ts'ung* 1 (1982), pp. 164-178. As for the Japanese scholarship, Professor Abe Takeo of Kyoto University organized a *Yüan tien-chang* workshop. Members of the workshop have concentrated their efforts on linguistic studies, such as the writing style, the syntax, and the particular format of official documents in the *Yüan tien-chang*. They have produced the following major articles: Yoshikawa Kōjirō, "Gen tenshō ni mieta Kanbun ritoku no buntai," *Tōhō gaku* 24 (1954), pp. 367-396; Abe Takeo, "Doku Gen tenshō sakki sansoku," in *Ishihama sensei koki kinen Tōyōgaku ronsō*, ed. Kansai daigaku bungakubu Tōyōshi kenkyūshitsu Ishihama sensei koki kinen kai (Kyoto: Taihō insatsu kabushiki kaisha, 1958), pp. 1-17; Tanaka Kenji, "Gen tenshō ni okeru mōbun chokuyakutai no bunshō," *Tōhō gaku* 32 (1962), pp. 187-224; see also his "Gen tenshō monjo no kōsei," *Tōyōshi kenkyū* 23:4 (1965), pp. 92-117.
11. This index was compiled by the Kyoto daigaku jinbun kagaku kenkyū sho *Gen tenshō* kenkyūhan in four separate parts. The first part was published in 1955, the second in 1957, the third in 1959, and the fourth in 1961.
12. See Iwamura Shinobu and Tanaka Kenji, eds., *Kōteibon Gen tenshō keibu*, vols. 1 and 2 (Kyoto: Kyoto daigaku jinbun kagaku kenkyūsho, 1964, 1972). Yoshikawa Kōjirō's "Gen tenshō ni mieta Kanbun ritoku no buntai" and Tanaka Kenji's "Gen tenshō ni okeru mōbun chokuyakutai no bunshō" have been included in vol. 1 as its appendix under the title "Gen tenshō no buntai." See also Terada Takanobu et al., eds., "Kōtei Gen tenshō heibu," in *Tōhoku daigaku Tōyōshi ronshū* 2 (1986), pp. 173-208; 3 (1988), pp. 116-187; 3 (1990), pp. 121-196.
13. As for the study of the *T'ung-chih t'iao-ko*, a three-volume annotation and translation of the work has been published in Japanese. See Kobayashi Takashirō and Okamoto Keiji, *Tsūsei jōkaku no kenkyū yakuchū*, vol. 1 (1964), vol. 2 (1975), vol. 3 (1976). Volumes two and three were completed by Okamoto himself, and all three volumes were published in Tokyo by Kokusho Kankōkai. Volume three contains an index, which is very helpful for reading the *Yüan tien-chang*. A punctuated and annotated edition of the *T'ung-chih t'iao-ko* by Huang Shih-chien (Hangchow: Chekiang ku-chi ch'u-pan-she, 1986) has been published as part of a series of Yüan primary sources, the *Yüan-tai shih-liao ts'ung-k'an*.
14. *Gen tenshō nendai sakuin* (Kyoto: Dōhōsha, 1970).
15. Miyazaki Ichisada, "Sō Gen jidai no

- hōsei to saiban kikō," pp. 115-226.
16. Uematsu Tadashi, "Gendai jōkaku kō (1)," pp. 35-73.
17. Uematsu Tadashi, "Gendai kōnan chihōkan ninyō ni tsuite," *Hōseishi kenkyū* 38 (1988), pp. 1-42.
18. Other Chinese terms describing social relations, introduced into the *Ming* Code, are "hao-ch'iang," "shih-yao," "kuan-hao shih-yao," "ch'üan-shih chih-jen," and "hao-shih chih-jen"; all refer to persons who misused status and wealth.
19. *Ming T'ai-tsu shih-lu* (Taipei: Chung-yang yen-chiu-yüan Li-shih yü-yen yen-chiu-so, 1966), 28a, p. 6.

GLOSSARY

- Ch'ang-an 長安
- Ch'ang-shu 常熟
- Ch'en Yüan 陳垣
- cheng-chi 正集
- Ch'ien Ta-hsin 錢大昕
- chien-lin chih-kuan 監臨之官
- Ch'ien-lung 乾隆
- Chien-yang 建陽
- Chih-chih 至治
- Chih-chih t'iao-li* 至治條例
- Chih-yüan hsün-ko* 至元新格
- Chi-ku ko 汲古閣
- chou 州
- Fukien 福建
- Hangchow 杭州
- hao-min 豪民
- hsien 縣
- hsün-chi 新集
- hsing-sheng 行省
- hsüan-wei shih 宣慰使
- hsü-li 胥吏
- hui-tien 會典
- jen-ming 人命
- Kiangsi 江西
- Kiangsi hsing-sheng 江西行省
- kuan-hao shih-yao 官豪勢要
- Lo-yang 洛陽
- lu 路
- Mao Chin 毛晉
- Ming-lü chih-chieh* 明律直解
- Po-chu-lu Ch'ung 字學魯翀
- se-mu 色目
- Shen 沈
- Shen Chia-pen 沈家本
- Shen k'o Yüan tien-chang chiao-pu* 沈刻元典章校補
- Ssu-k'ü ch'üan-shu* 四庫全書
- Ssu-k'ü ch'üan-shu tsung-mu* 四庫全書總目
- Sung-fen shih ts'ung-shu* 誦芬室叢書
- T'ai-tsu 太祖
- T'ang lü 唐律
- Ta-te tien-chang* 大德典章
- Ta-Yüan sheng-cheng kuo-ch'ao tien-chang* 大元聖政國朝典章
- Ta-Yüan t'ung-chih* 大元通制
- Ting Ping 丁丙
- T'ung-chih t'iao-ko* 通制條格
- Yüan tien-chang* 元典章
- Yüan tien-chang chiao-pu shih-li* 元典章校補釋例
- Yüan-chou 袁州
- Yüan-shih 元史