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Insiders by Analogy:
Slaves in the Great Ming Code

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Abstract

This article seeks to reinforce arguments that a genuinely global history of slavery is possible only if we examine the nature and dynamics of chattel and bonded status in parts of the world that have been largely ignored in slavery studies. Although scholars have begun to reassess the dynamics of slavery in early-modern Asia, a comprehensive study of slaving practices in China remains to be written. A careful examination of the provisions on 'slaves' (*nubi*) included in the *Great Ming Code* (1397) provides an opportunity to better understand slave status in Ming (1368–1644) China. Despite their limits, the norms and concepts subsumed in the legislation can tell us a great deal about the relative nature of social status and changes in slave status through time. This article seeks to explain how and why slaves were conceptualized as such in the late imperial period. It distinguishes between two categories of social interaction (that which slaves had with society and that which they had with their master's family) and dissects the analogy between slaves and children in these interactions. It argues that the features that historians usually regard as distinctive of *nubi* slavery cannot be properly understood without adequate contextualization.

Keywords

Enslavement; law; Ming China; nubi 奴婢; *The Great Ming Code*;

Introduction

A careful inspection of the penal code of the Ming (1368–1644) dynasty provides an opportunity to better understand 'slave' (*nubi*) status in late imperial China. Even a superficial survey would reveal that slaves were subject to harsh legal discrimination which relegated them to the lowest reaches of the social order that the Code was designed to protect. A well-known example of this severity is revealed by provisions that commoners who struck others 'without causing 'injuries' were punished by twenty strokes, while those who struck their master were always punished by decapitation.[1]

Although scholars have begun to reassess the dynamics of slavery in imperial China, a comprehensive study of slaving practices in China remains to be written.[2] While there are limits to what legal codes can tell us about enslavement and slavery, examining how the norms and concepts subsumed in the legislation interacted with and contributed to shaping social practices can tell us a great deal about the relative nature of social status in imperial China, changes in slave status through time, and the contradictions between practice and imperial law.[3] Although often flouted in practice, legal principles were frequently reactivated in times of crisis such as during the late Ming era when unbridled slaving was perceived to be a major threat to social stability.

A close reading of the *Great Ming Code*, together with an analysis of other early Ming normative sources, reveals, for example, that enslavement was conceived as a monopoly of the judiciary, that its main function was to punish the relatives of criminals sentenced to death for serious crimes against the state, that the possession of slaves was considered a privilege granted to meritorious state servants, and that commoners were to be protected against all forms of enslavement.[4]

This article seeks to expand our understanding of slavery in China by analysing major provisions of the *Great Ming Code* and its exegeses to determine how and why slaves, together with other 'mean' people, were conceptualized as such in the late imperial period. Doing so requires us to distinguish between two categories of social interaction (that which slaves had with the wider society and that which they had with their master's family), to examine the analogy between slaves and children in these interactions, and to appreciate that the tendency to characterize slaves as 'outsiders' may need to be carefully qualified. In so doing, this article seeks to reinforce arguments that a

genuinely global history of slavery is possible only if we examine the nature and dynamics of chattel and bonded status in parts of the world that have hitherto been largely ignored in slavery studies, an exercise that must include assessing the applicability in Asia of the European and American inspired definitions of slavery that dominate slavery studies.[5]

Slaves and Wider Society

The *Great Ming Code* first mentions *nubi* in a statute (no. 3) on crimes committed by the relatives and dependents of persons entitled to the 'Eight Deliberations,' the eight categories of privileged persons such as the emperors' kin whose crimes were judged by the emperor alone.[6] Echoing concerns often expressed by the first Ming emperor (r. 1368–98), this regulation tackles 'abuses of protection,' i.e. crimes committed under the cover of the protection afforded to persons entitled to the Eight Deliberations privilege. In this statute, slaves appear less as powerless and exploited individuals and more as the clients and henchmen of powerful masters and, therefore, a potential threat to social order. This reference provides an initial illustration of the not insignificant place that slaves occupied in the society envisioned by the dynasty's founder. It also highlights the versatility of their condition (which sometimes included exercising significant power as their master's agent) and social identities (which were determined by the nature of their personal relationship with their master).

However, slaves' interactions outside their master's household were mainly regulated by a set of three statutes that can be distinguished from the legislation governing slaves within the household by their phraseology: rather than contrasting slaves (*nu*) to the household head (*jiazhang*), these statutes distinguish between the socio-legal group of 'mean' people (*jianmin*) and the 'ordinary' and 'honourable' population (*liangmin*).[7] These statutes (which dealt with marriages, affrays, and 'illicit sexual relations') were nonetheless primarily directed at slaves.

Statute on Marriages (no. 121)

The statute on 'marriages between honourable and mean people' prohibits marriages between male slaves and honourable women: 'In all cases where household heads arrange for their slaves to marry daughters of honourable families as wives, they shall be punished by 80 blows.'[8] The party held responsible for such marriages could be the

master himself who, acting as a surrogate father, had permitted a slave to marry an honourable woman, or the slave who acted without his master's permission. The penalty increased to 100 blows when the marriage resulted in 'registering an honourable woman as a slave.'[9] Such registrations were an aggravating factor since they were perceived as a hallmark of the coerced demeaning of the honourable woman.[10] The head of the bride's household also faced punishment when it could be proved that he had known of the prospective husband's status. The penalty was, however, less severe since an honourable family could only resign itself to marrying a daughter to a slave out of necessity.[11] Finally, the statute contains a clause against concealing a male or female slave's status in order to marry him or her to an honourable person. Such 'deception' compounded the dishonour inherent in such illicit unions.[12] In all such cases, the marriage between a male slave and an honourable woman was to be dissolved and the bride restored to her initial status.[13]

This statute is often singled out as the most salient expression of the legal discrimination and social denigration that are considered to be defining features of *nubi* status. It should be emphasized, however, that it prohibits only unions between male slaves and honourable women. Unless her status had been concealed, a slave woman could marry an honourable man, attesting to the fact that a woman's status was determined by that of her husband. The socio-cultural pollution in marriages between 'mean' and honourable people was unidirectional; as legal commentaries noted, 'sons of honourable people [are] not polluted by marrying slave women.'[14] This statute's relatively mild punishments (not exceeding beating) do not mean that such offences were regarded as benign.[15] Marriages between 'mean' men and honourable women were deemed to be utterly 'inappropriate' because they contravened the requirement that 'balance' (or 'equality' [*diti zhi yi*]) existed between spouses and resulted in the 'pollution of the honourable by the degraded' (*yijian wuliang*).[16]

The discrimination against slaves reflected in this statute is neither its most significant characteristic, nor its principal purpose. This statute mainly sought to preserve statuses and to safeguard commoners from social and legal degradation by marriage. The relatively mild sentences can be explained by the fact that the situations it addressed could be remedied by dissolving the marriage unless the wife had been registered as a slave or had borne a child (hence the highest penalty of 100 blows).

Besides, by implicitly permitting female slaves to marry honourable men, it even offered enslaved and mean women the prospect of upward social mobility and emancipation.

Statutes on 'Illicit Sexual Relations' and 'Affrays' (nos. 397 and 336)

The Code's statutes on affrays (no. 336) and illicit sexual relations (no. 397) dealt with crimes of a more serious nature since they violated the physical integrity of individuals and, more importantly, social and ritual hierarchies. Both statutes follow a similar format. They consider three situations: when the crime is perpetrated by a slave against an ordinary person (an outsider to the master's household and family); when the slave is victimized by an outsider; and when both perpetrator and victim are of slave status.

The two statutes build on a simple rule: taking as reference the tariffs set out in the general regulations on 'affrays' (no. 325) and 'illicit sexual relations' (no. 390), they increase (by one degree) the severity of the prescribed penalties for slave perpetrators and decrease it (by one degree) when slaves were the victim.[17] For instance, statute 325 prescribes that 'those who strike others with hands or feet without causing injury are punished by 20 strokes.'[18] As a consequence, slaves who struck outsiders without 'causing injuries' were punished by 30 strokes, while outsiders who struck another's slaves were punished by 10 strokes.[19] This asymmetry was justified by a difference of 'level' and 'kind' (*denglei*) and by the necessity to 'distinguish between the mean and the honourable' (*guijian zhi bie*) and between 'inferiors' (*bei*) and 'superiors' (*zun*).[20] When the victim and the perpetrator were slaves (persons of the same 'kind'), such differences did not apply.

There were nonetheless substantial variations between the two statutes. While the law on affrays concerned male and female perpetrators equally, the culprit of illicit sexual relations could only be a man. The law on affrays was also more elaborate. For beating an honourable person, a slave was punished with the penalty in the statute on ordinary affrays increased by one degree. However, for causing 'incapacitation' (*duji*)[21] or the death of an honourable person, the statute stipulated fixed sentences (death by strangulation and by decapitation, respectively). When the perpetrator was an honourable person, the automatic decrease by one degree of the corresponding penalties in the statute on affrays applied only as long as the beating did not result in the death of the slave (in which case the honourable person was punished with death by strangulation).[22]

Unlike the statute on illicit sexual relations, that on affrays between mean and honourable people also made provision for cases of violence against the slaves of one's 'relative' of the three lesser degrees of mourning.[23] However, it made no provision for the reverse situation (slaves assaulting a relative of the three lesser mourning degrees of their master). These additional clauses follow the same reasoning as the law regulating affrays inside the master's family: they extend the exemption from punishment for beating one's slave (statute no. 337, see below) to the master's relatives of the lesser three mourning degrees, and introduce additional mitigation when beating resulted in injuries and fractures (still calculated in reference to the penalties listed in the statute on ordinary affrays). The provisions of this statute are summarized in Table 1.[24]

Ming jurists often resorted to the following example to illustrate the rationale of the law: an outsider (without any mourning relation with the master) who assaulted a slave and broke one of his teeth was liable to the same penalty as for breaking the tooth of an honourable person (100 strokes) minus one degree (90 strokes) – because slaves were of a lesser 'kind.' When the offender was the master's relative of the fifth or fourth degree of mourning, the penalty was decreased by two more degrees (70 strokes). And when they were a relative of the third degree of mourning, the penalty was further decreased by one degree (60 strokes).[25] In other words, the higher the mourning obligations of the offender toward the slave's master, the lighter the penalty.

An expression of the closeness of kinship ties, the 'five degrees of mourning' determined the time period and the dress required when mourning relatives.[26] The closer the relation to the deceased, the longer the mourning period. A relative of the first degree (e.g. one's parent or husband) was to be mourned for three years while one of the fifth degree (e.g. a daughter's son) had to be mourned for only three months. Playing a central role in determining the nature of an individual's relationship with kinsmen and in-laws, the five degrees of mourning were also an essential factor governing the modulation of the severity of punishments for crimes between relatives. The punishments inflicted on slaves reflected this asymmetrical hierarchy in which the closer the family relationship, the less that an action such as assaulting the slave of one's relative was regarded as an abuse of the master's authority. Striking the slave of one's first cousin (third degree), for example, was less serious than striking the slave of a second cousin (fourth degree), and even less serious than striking the slave of an

outsider (no mourning). The ways in which the law on aff rays operated attest to the fact that the slaves' social identity was always determined by the relationship between their master and the person with whom they interacted.

Table 1. Penalties for aff rays.

Perpetrator	Crime	Victim	Punishment calculation
Between slaves			
slave	beating---killing	slave	statute 325 (no modification)
Between slaves and outsiders to their master's household and family			
slave	beating	honourable	statute 325 +1 degree
honourable		slave	statute 325 -1 degree
slave	injuries/fractures	honourable	statute 325 +1 degree
honourable		slave	statute 325 -1 degree
slave	incapacitation	honourable	strangulation [fixed]
honourable		slave	statute 325 -1 degree
slave	beating to death	honourable	decapitation [fixed]
honourable		slave	strangulation [fixed]
slave	killing deliberately	honourable	decapitation [fixed]
honourable		slave	strangulation [fixed]
slave	killing by accident	honourable	decapitation [fixed]
honourable		slave	n.s.
Assaulting slaves of distant relatives (3rd, 4th and 5th degree of mourning)			
master's parent (3rd/4th/5th degree)	beating	slave	no prosecution
master's parent (4th/5th degree)	Injuries/fractures/incapacitation	slave	statute 336 -2 degrees (statute 325 -3 degrees)
master's parent (3rd degree)		slave	statute 336 -3 degrees (statute 325 -4 degrees)
master's parent (3rd/4th/5th degree)	beating to death	slave	3 yrs. penal servitude [fixed]
master's parent (3rd/4th/5th degree)	killing deliberately	slave	strangulation [fixed]
master's parent (3rd/4th/5th degree)	killing by accident	slave	no prosecution

Sources: Da Minglü jijie fuli, 20:22a-24b; Da Minglü fuli jianshi, 20:25a.

However, as the fixed punishments inflicted on persons who assaulted and caused

a slave's death indicate, the Code's interest in protecting and preserving human life recognized, albeit implicitly, a slave's humanity. Legal commentaries noted that although 'mean' people were not of the same 'kind' as honourable subjects, they were nevertheless 'also human beings.'[27]

The introduction of clauses regulating the interaction of slaves with their master's relatives into a statute concerned with relations between slaves and household outsiders may seem surprising. Yet, these regulations were obviously designed to complete the statute on aff rays between slaves and their master's relatives (no. 337) which made provisions for cases where slaves assaulted relatives of their master but, in the reverse situation, only for cases where close relatives (of the first and second degrees of mourning) assaulted slaves. This shift toward interactions within the broader family in a statute regulating slaves' relations with wider society also demonstrates that slaves were hardly conceived as autonomous individuals whose social interactions could escape their master's vigilance and control. Besides, this association of more distant relatives with wider society unveils an important, yet implicit, distinction between the larger family sphere of a master and a narrower domestic sphere placed under his authority as the household head.

Slaves in the Domestic Sphere

Ming statutes do not contain a section which deals specifically with 'domestic law' or defines a 'domestic sphere' of activity. However, as the statute on aff rays demonstrates, the Code distinguished implicitly between the larger 'family,' the 'household,' and the 'domestic sphere.' These distinctions are essential to understanding how slaves were incorporated into their master's family.

The Domestic Sphere Defined

The distinction between 'mean' and 'honourable' persons ensured that slaves occupied a position of permanent inferiority and were subject to systematic legal discrimination. This inferiority was compounded within their master's family and household by what can be characterized as the principle of 'legitimate authority,' i.e. an implicit distinction between members of the master's family who were entitled to discipline the household's slaves and more distant relatives who were denied such rights. The domestic sphere was composed of two diff erent groups: relatives of the

three upper degrees of mourning, and members of the household, i.e. individuals living 'together' (*tongju*) in the household. The first article in the statute (no. 31) on 'mutual concealment by relatives' delineates the contours of this heterogeneous 'domestic' group:

> In all cases where people who live together […], relatives of the third degree of mourning or closer (i.e. relatives of the third degree of mourning or closer who live separately), maternal grandparents, matrilineal grandsons, the wife's parents, sons-in-law, wives of patrilineal grandsons, the husband's brothers, or brothers' wives commit a crime and mutually conceal each other's crimes, as well as in all cases where slaves or hired-labourers conceal the household head's crimes, do not prosecute.[28]

The domestic sphere was thus composed of individuals closely related either by blood, marriage, or dependency. Beside close kinsmen and in-laws, it included outsiders who were incorporated into the household and shared in and contributed to common property. This composite group extended beyond the household but did not completely encompass the larger agnatic clan or extended family.

What joined these people together were various forms of proximity and intimacy and the 'natural' reciprocal feelings (e.g. parental affection, filial piety, benevolence toward one's inferiors, or gratitude and respect for one's master/ patron) this closeness was supposed to generate. Such feelings were performed socially through ritual observance, hierarchical distance, and proper behaviour. In keeping with the tenets of Confucian ethics, they were expressed in the form of legal privileges which allowed group members to assist and protect one another. They could provide asylum and 'conceal' one another's crimes without fear of prosecution. They could also confess one another's crimes and thereby permit members who engaged in criminal acts to benefit from an exemption from punishment as though they had confessed their crimes themselves (statute no. 24).[29]

Although slaves were incorporated into their master's domestic sphere, they were nevertheless excluded from some of its privileges. For instance, slaves were required to conceal their master's crimes but did not enjoy the reciprocal privilege.[30] Examining the subtleties of Ming 'domestic law' will shed additional light on the versatility and relativity of slave status and the level of incorporation into their master's family.

Statute on Repudiation (no. 123)

Historians have hitherto paid little attention to one of the first of the Code's statutes to

mention slaves – that on 'repudiation.'[31] Enumerating the seven reasons why wives and concubines could be repudiated and specifying punishments against wives and concubines fleeing their husband, this statute also includes the following provision on runaway slaves: 'If female slaves turn their back on the household head and run away, 80 blows. (If male slaves run away, the punishment shall be the same.)[32] If they subsequently remarry, 100 blows. They shall be returned to the household head.'[33] This article is primarily concerned with female slaves (the interlinear commentary about male runaways, between parentheses, is a late Ming interpretation).[34] That female slaves were treated the same as concubines (both were liable to 80 blows for running away) reflects the closeness of these two categories of women who both belonged to the household's domestic staff and the household head's reproductive sphere.[35] There were, however, significant differences between them. A female slave who ran away to 'remarry' (*gaijia*) was liable only to 100 strokes, whereas a concubine was subject to three years of penal servitude. This difference reflected the fact that a female slave was 'more degraded than a concubine' (*bi jian yu qie*); the bond she broke by running away was not strictly a marital one (unlike for concubines for whom the household head was referred to as their 'husband',' not their 'master').[36]

This statute also sheds light on how Ming law delineated the status of people incorporated into the domestic sphere. After referring to the relationship between husbands and wives, it defines female slave status as being derived from that of the concubine whose status was derived in turn from that of the wife. This reveals the ambiguity inherent in how status was defined. A concubine was neither a wife nor a slave but shared characteristic features with both: the head of the household was a husband to her, but she also belonged to the household's female domestic staff which was ruled by the principal wife. The master was not a proper husband to a female slave, but she was assimilated to his wives and shared some of their attributes while clearly belonging to the female side of the household's domestic sphere.

The provisions on runaway slaves were included in the Code's section on households (*hu*), but most of the 'domestic law' which dealt with slaves was included in its penal (*xing*) section. Statutes in this last section illustrate the discrimination and the systematic relegation of slaves to the lowermost reaches of the household and family hierarchies that historians usually regard as central to

understanding slavery in China. However, such approaches have not appreciated that this discrimination and relegation were underpinned by a systematic analogy to the relationship between father and children, the most exacting of all Confucian social bonds. Selective reference to this relationship permitted masters, as paternal figures, to demand slaves' complete subordination without granting them any of a child's prerogatives. This analogy integrated slaves into the domestic sphere while relegating them to the periphery of the family. This dual process of exclusion was another source of ambiguity which, in rare cases, turned to the slaves' advantage.

Statute on Theft among Relatives (no. 295)

The statute regulating theft among relatives (no. 295) provides a telling example of this dual process of inclusion through exclusion and its attendant ambiguities.[37] With regard to theft, Ming law drew a sharp distinction between persons belonging to the same household (who lived 'together' under the aegis of the head of the household and 'shared' a common property) and relatives who lived outside the household (*geju*). Slaves who stole from the household were treated more severely than anyone else, but their status as household members also permitted them to benefit from the household's 'benevolence and solidarity.'[38]

In Ming law, 'theft' (*dao*) was possible only when the victim and the thief had no family ties, and between relatives belonging to different households. In both instances, the penalty was calculated on the basis of the value of the stolen goods. Degrees of mourning were an aggravating or mitigating factor between relatives, but relatives stealing from one another were exempted from the branding to which thieves were otherwise subject.[39]

Stealing within the household was not considered to be 'theft' since all personal belongings were part of the household's collective property. 'Juniors and inferiors' (*beiyou*) who stole from a 'senior or superior' (*zunzhang*) were characterized as 'misappropriating' the household's property (statute no. 94), but similar actions by seniors/superiors were not a crime.[40] This rationale applied only selectively to slaves. As a senior/superior, a master who appropriated a slave's belongings did not commit a crime. However, unlike other juniors/inferiors, slaves who stole from household members were deemed to have committed theft rather than simply misappropriating household property. Their penalty was calculated as if they were distant relatives who 'lived separately' and had no mourning obligation toward the

aggrieved party. They incurred the same punishment as an outsider minus one degree and were exempt from branding. Although excluded from the household and its privileges, slaves were thus treated more leniently than complete outsiders, like distant relatives and hired labourers (who usually received better treatment by the law than slaves).[41]

Modern historians have emphasized that the inability to own property was a distinctive feature of slave status in late imperial China. The slaves' lack of access to property was not, however, distinctive *per se*, since it was a fundamental element in the construction of household hierarchies and in the management of a household's common property. Placed in its proper context, it epitomizes the ways in which the law *selectively* adjusted incorporation into the family and into the household to construct slave marginality. By excluding slaves from the rules that governed theft within the household, the law used their partial incorporation into the household to create context-specific distinctions between them and other members of their master's household and family. In cases of theft, the law's purpose was less to discriminate against slaves *per se* than to exclude them from the circle of household members who had access or claims to the household's assets.[42]

Ming legal commentators noted that although slaves were 'diff erent from [other] juniors and inferiors,' were 'not relatives' and had 'no access to the property,' as persons 'living together' they were 'not the same as outsiders' and therefore 'benefitted from the [household's] benevolence and solidarity.'[43] Ming law craftily played with categories (mean/honourable, family/household, inferiors/superiors, relatives/outsiders, etc.) and other factors (like access to property and household solidarity) in order to incorporate slaves into the household and, in the same movement, selectively deprive them of the prerogatives this incorporation might have entailed. This tension created a situation in which slaves were in a state of constant insecurity with regard to the categories they belonged or were assimilated to. It also led to unexpected (yet rational) situations. In cases of theft, slaves were excluded from the category of 'juniors and inferiors' as it potentially gave them access to the household assets. They were also assimilated to distant relatives – and therefore excluded from the domestic sphere – rather than being treated as non-relatives living 'together' (as they were in other circumstances). And despite their 'mean' status, they were treated more leniently than honourable outsiders because of the requirements of solidarity and reciprocity that

cemented the household.

Slaves and the Father-Children Analogy

As the preceding examples attest, the fluidity of slave identity and their ambiguous status were a constant feature of Ming domestic law. A major reference point in the construction of slave identity and status was the father–child relationship. The statute on the desecration of graves illustrates the ways in which this analogy shaped this construction and the dynamics of masterslave relationships.[44]

Statute on the Desecration of Graves (no. 299)

The statute on the desecration of graves deals with various crimes like opening graves and coffi ns, displacing and destroying corpses, and stealing funerary artifacts. Its first article consists of a general provision qualifying the diff erent crimes and enumerating the corresponding penalties: opening a grave and exposing the body of the deceased, for instance, was punished with death by strangulation.

Article 2 is concerned with cases where the perpetrator is a relative of the (deceased) victim and modifies the penalties according to the hierarchical relationship (as junior/inferior or senior/superior) and ritual proximity (expressed in mourning degrees) between the perpetrator and the deceased. Juniors and inferiors who committed a crime listed in article 1 were punished like non-relatives (because the reference punishments were already very heavy), except in one case: opening the grave and exposing the body was considered a more serious crime when committed by a junior/inferior relative and therefore punished by decapitation rather than strangulation.[45] When the crimes listed in article 1 were committed by a senior/superior relative, superiority combined with ritual proximity to mitigate the punishments. The closer the superior perpetrator to the junior victim, the higher the ritual obligations, the lesser the penalty. Yet, superior and senior relatives were still heavily sentenced due to the odious nature of desecration.[46] Opening the grave and exposing the body of one's son (second degree of mourning) was punished 'only' with 1.5 years of penal servitude.

Article 3 introduces a new charge of damaging, destroying or discarding unburied corpses. Penalties are, again, altered when the crime is committed by a relative of the deceased. Junior/inferiors were, in all cases, sentenced to death by

decapitation, while senior/superiors were sentenced to lesser penalties depending on their mourning obligations toward the deceased: destroying the corpse of one's child was, for instance punished with 'only' 80 strokes. An additional clause stipulates: '(Grand)sons who destroy or discard the corpses of paternal (grand)parents, and slaves or hired labourers who destroy or discard the corpses of the household head are punished by decapitation.'[47] Apparently unnecessary (inferior perpetrators were already punished with decapitation), this clause allowed the article to explicitly catch slaves in its nets by assimilating them to sons and grandsons.

Article 4 applies the same logic to another charge: burning buried corpses and coffins for the purpose of 'smoking out foxes.' Junior/inferiors relatives were sentenced to the standard penalties for smoking out foxes increased by one degree, while the penalties for senior/superior perpetrators were mitigated on the basis of mourning relations. Yet sons, grandsons, and slaves were punished with even heavier penalties (100 blows for smoking out foxes; death by strangulation for burning the corpse of a father, paternal grandparent, or master), which practically corresponded to increasing the penalties meted out to other junior/inferiors by another degree (see Table 2). Finally, articles 5 and 6 are concerned with related issues such as turning a graveyard into a field and trading in dead bodies.

The first lesson to be drawn from the logic of this statute is that mourning obligations were one of the many elements contributing to the construction of the relative status of one individual vis-à-vis other members of the family. Mourning helped measuring family proximity, but in defining statuses it only acted as a catalyst of pre-existing hierarchical 'distinctions' (*fen*, based on gender, age, birth order, and generation) between junior/inferior and senior/ superior. Higher mourning obligations only reinforced one's status (or 'distinction') as an inferior or as a superior.[48]

Table 2. Penalties for 'smoking out foxes' (Statute no. 299).

Perpetrator	Deceased	Punishment	Sentence calculation
Punishments when no damage is caused			
direct heir, slave	direct ascendant, household head	100 blows	fixed
Punishments for causing damage			
outsider	outsider	2 yrs. penal servitude	reference

		+ 80 blows	
inferior/junior	superior/senior	2.5 yrs. penal servitude +90 blows	+1 degree
superior/senior	inferior/superior 5th degree relative	1.5 yrs. penal servitude +70 blows	-1 degree
superior/senior	inferior/superior 4th degree relative	1 yr. penal servitude +60 blows	-2 degrees
superior/senior	inferior/superior 3rd degree relative	100 blows	-3 degrees
superior/senior	inferior/superior 2nd degree relative	90 blows	-4 degrees
direct heir, slave	direct ascendant, household head	3 yrs. penal servitude + 100 blows	fixed
Punishments for burning corpses			
outsider	outsider	3 yrs. penal servitude + 100 blows	reference
inferior/junior	superior/senior	banishment to 3,000 *li* + 100 blows	+1 degree
superior/senior	inferior/superior 5th degree relative	2.5 yrs. penal servitude +90 blows	-1 degree
superior/senior	inferior/superior 4th degree relative	2 yrs. penal servitude +80 blows	-2 degrees
superior/senior	inferior/superior 3rd degree relative	1.5 yrs. penal servitude +70 blows	-3 degrees
superior/senior	inferior/superior 2nd degree relative	1 yr. penal servitude +60 blows	-4 degrees
direct heir, slave	direct ascendant, household head	strangulation	fixed

Source: Da Minglü fuli jianshi, 18:47a-b.

Another lesson is that relations between direct ascendants and descendants ([grand]parents-[grand]children) had singular features and occupied a special place among the relationships between 'junior/inferiors and senior/superiors of the five degrees of mourning.'[49] Table 2 summarizes the punishments for 'smoking out foxes' based on the explanations of the legal specialist Wang Kentang (1549–1613).

As Table 2 indicates, the specificities of the relationship between direct ascendants and descendants were reflected in clauses which increased the privileges accorded ascendant criminals and decreased those of descendant criminals; to the extent that (grand)children were the only ones to face the death penalty for 'smoking out foxes,' and that only they could be accused of a specific charge not faced by other criminals ('smoking out foxes' on their ascendant's graves without damaging their coffins). According to the legal specialist Ying Jia (1494–1554), this increased severity, which also applied to slaves, reflected the fact that the relationship between seniors/ superiors and (grand)children or slaves differed from other senior-junior

relations.[50]

The article on 'smoking out foxes' also demonstrates that slaves were assimilated to their master's children. This analogy does not mean that they were socially equal with children, but it imposed on them the specificities of this most unequal hierarchical relation. It ensured the highest possible degree of diff erentiation (*fen*) between master and slave and made possible to demand the greatest degree of subordination.[51] In essence, the master-slave relation borrowed the extremely unequal character of the parent–child relation (not the full attributes of a blood relation) to place slaves at the bottom of the domestic hierarchy. Like the assimilation of female slaves to concubines, the father–child analogy permitted to integrate slaves into the family while still excluding them from privileges and prerogatives of kinship.

Since the discriminations suff ered by slaves were similar to those suff ered by children, taking legal discrimination as a distinctive feature of slave status appears irrelevant. The specificity of slave status rather lies in the fact that they were placed in a position of *absolute* inferiority through a selective set of context-specific analogies with kinship and family relations deprived of their original substance, prerogatives, and potentialities. Unlike children, who one day would inherit and become household senior/superiors, slaves could never cross the barrier that separated junior/inferiors from senior/ superiors. As permanent juniors and inferiors with no access to family property or involvement in family rituals, they were perpetual legal minors.

Laws with a Specific Focus on Slaves

The Code's penal section contains another set of three statutes to punish off ences committed by slaves (and hired labourers) against the head of the household and his close relatives. These statutes, which dealt with insults, fornication, and assaults, shed additional light on the analogy that existed between slaves and children and on its limitations.

Statute no. 350 ('Slaves cursing the household head') punished slaves who insulted their master with strangulation.[52] It also modified the penalties for slaves insulting their master's relatives depending on the mourning relationship between the victim and the slave's master. It did not, however, consider the reverse situations

since household seniors/superiors could not be incriminated for having cursed juniors/inferiors.

The provisions in statute 394 ('Slaves or hired labourers committing fornication with the household head's wives') follow the same principle.[53] Slaves who fornicated with their household heads' wives or daughters suff ered decapitation, while the penalties were lessened depending on the mourning relationship between the master and female relative (or her husband) involved. When the woman was a concubine, the slave's punishment was decreased by one degree. In addition, slaves who forced themselves on their master's female relative were always punished with decapitation. Legal commentaries on sexual relations between male slaves and their master's female relatives are redolent with the vocabulary of incest which reflected deep concern about 'lineage pollution' (*luanzong*) and the purity of the agnatic descent line.[54]

Like the statute on cursing, that on fornication makes no provision for reciprocal situations, i.e. when the master or a male relative had sexual relations with a female slave. This is explained not only by the fact that female slaves belonged within their master's legitimate reproductive sphere, but also because the criminalization of such relations (albeit improper) was perceived to be a dangerous source of domestic disruption, since it could lead slaves to contest their master's authority.[55] As 'serving persons' (*fuyi zhi ren*), female slaves had to submit to the authority of their master and his close relatives. For these women, 'disobeying orders and instructions' (*weifan jiaoling*) constituted a major crime, while masters or their male relatives barely 'demeaned' (*zijian*) and 'lowered' (*zibei*) themselves because of such a legally inconsequential sexual relationship.[56]

The statute on assaults (no. 337) is even more central to the legislation on slaves.[57] According to late Ming legal commentator Feng Zi: 'This article specifically addresses aff rays between masters and slaves. It keeps the world running by distinguishing between statuses and by correcting denominations.'[58] The statute treated slaves who assaulted their master mercilessly. Ming legal specialists argued that such treatment was necessary to protect the head of the household's power and the proper functioning of society which rested on each constituent abiding with the roles and obligations incumbent upon juniors and seniors, inferiors and superiors, and the mean and the honourable:

> The difference between slave and master is not only a difference between honourable and mean kinds (*lei*), but also one between senior and inferior degrees (*deng*). Bonds of obligations cannot be transgressed. When they are, how could one not want to strongly contain this? A slave who insults the master is like a shoe used in place of a cap. It cannot be allowed to continue.[59]

Even the slightest act of physical aggression was accordingly punished by decapitation of the principal aggressor *and* of every associate slave. Assaults resulting in the death of the master were punished by 'death by a thousand cuts' (*lingchi*) while causing 'accidental death' (*guoshi sha*) was punished with perpetual banishment. As in the statutes on cursing and fornication, the severity of punishments depended not only on the guilty party's status but also on the mourning relationship between the slave's master and the victim. Since slaves who simply assaulted their master were already liable to death by decapitation, there was no room for differentiating between assaulting, causing injuries, and intentional killing of one's master. But when the victim was a relative of the master, such differentiations, as well as distinctions between principal and associates, were reestablished.

Unlike the laws on insults and fornication, statute 337 also addresses instances when slaves were the victims of an assault. Not unsurprisingly, the legal treatment is nonetheless asymmetric: only assaults by the master and his relatives of the first two degrees of mourning are addressed, and the array of incriminations is limited to distinguishing between 'legitimate' and 'illegitimate' beatings which caused a slave's death. The 'accidental death' (*xiehou zhisi*) of a slave while being 'legitimately disciplined' (*yifa juefa*), for example, was not liable to prosecution.[60] Instances where a beating resulted in a 'guilty' (*youzui*) slave's death were always punished by 100 strokes since such an act arrogated the state's right to kill.[61] The 'arbitrary' (*feili*) beating and killing of an innocent slave was always punished by a year of penal servitude accompanied by the emancipation and restoration to commoner status of the deceased slave's family.[62]

While the severity of slaves' treatment served both a social and cosmic function by ensuring that individuals maintained their place and role in society, it would be a mistake to take the law's violence against slaves as a distinctive feature of slave status. The master-slave relationship existed with the framework of a complex economy of obligations in which gender, age, birth rank, and generation discriminated against individuals in the same way that the distinctions between superiority/inferiority and honourability/meanness did. Comparing the punishments

inflicted on slaves and children in cases of assault and homicide (Table 3) illustrates that the Code made only minor distinctions between the two.

Table 3. Punishments of (grand)children and slaves who assaulted their (grand)parents, masters, and more distant relatives.

Perpetrator	Crime	Victim	Punishment
For assaulting one's (grand)parents and one's master (statutes nos. 337 and 342)			
(grand)child	striking	(grand)parent	decapitation
slave	striking	household head	decapitation
(grand)child	causing death	(grand)parent	death by slow slicing
slave	causing death	household head	death by slow slicing
(grand)child	killing intentionally	(grand)parent	death by slow slicing
slave	killing intentionally	household head	death by slow slicing
(grand)child	killing 'by mistake'	(grand)parent	banishment to 3,000 *li*
slave	killing 'by mistake'	household head	strangulation
(grand)child	injuring 'by mistake'	(grand)parent	3 yrs. penal servitude
slave	injuring 'by mistake'	household head	banishment to 3,000 *li*
For assaulting senior/superior relative (2nd degree of mourning) and master's relative (2nd degree of mourning) (statutes nos. 337 and 341)			
Perpetrator	**Crime**	**Victim**	**Punishment**
junior/inferior relative	striking	relative of 2nd mourning degree	2.5 yrs. penal servitude
slave	striking	master's relative (2nd mourning d.)	strangulation
junior/inferior relative	injuring	relative of 2nd mourning degree	3 yrs. penal servitude
slave	injuring	master's relative (2nd mourning d.)	decapitation
junior/inferior relative	causing fractures	relative of 2nd mourning degree	banishment to 3,000 *li*
slave	causing fractures	master's relative (2nd mourning d.)	*n.s. (decapitation)*
junior/inferior relative	causing death	relative of 2nd mourning degree	decapitation
slave	causing death	master's relative (2nd mourning d.)	*n.s. (decapitation)*

junior/inferior relative	killing intentionally	relative of 2nd mourning degree	death by slow slicing
slave	killing intentionally	master's relative (2nd mourning d.)	death by slow slicing
junior/inferior relative	killing 'by mistake'	relative of 2nd mourning degree	3 yrs. penal servitude (=killing -2 degrees)
slave	killing 'by mistake'	master's relative (2nd mourning d.)	3 yrs. penal servitude (=homicide -2 degrees)
junior/inferior relative	injuring 'by mistake'	relative of 2nd mourning degree	2-3 yrs. penal servitude (=striking -2 degrees)
slave	injuring 'by mistake'	master's relative (2nd mourning d.)	2.5 yrs. penal servitude (=homicide -3 degrees)

Source: *Minglü jijie fuli*, 20:25a-29a, 35b-40b.

The one exception to the rule that those who attacked or murdered their master or parents were to suffer the same punishment was that children who injured or killed their parents 'by mistake' faced less severe penalties than slaves. Ming legal commentators explained this exception on the basis of the difference in nature inherent in the master-slave and parent–child bond, arguing that children were naturally inclined to be 'respectful and cautious.' Because they were informed by reciprocal feelings and affection, they could be treated with more clemency than slaves who, being of a different 'kind' (*lei*), were 'neglectful' by nature.[63] Slaves were subject to a double set of constraints: they were not only hierarchical inferiors, but also of another 'kind.'

The parent–child analogy, however, clearly loosens as soon as we move away from the direct master-slave relation. Children who killed *one of their relatives* of the second degree of mourning were liable to the same punishment as slaves who killed *their master's relative* of the second degree of mourning. However, in cases of strokes and injuries, children were always liable to lesser penalties than slaves. In the same manner, killing the child of a relative was usually punished more severely than killing the slave of a relative. This difference highlights a defining feature of slave status: the uniquely individual and personal nature of the master-slave bond. Unlike children, whose hierarchical position and identity changed over time and depending on their direct relation to others in the family, slaves had one immutable identity defined by their relationship with their master. While they were viewed in one sense as similar to their master's children, all other interpersonal relationships were always indirect and mediated through the (father-like) figure of their master.

The parent–child analogy was therefore a utilitarian and imperfect fiction that sought to extend the father's power over his children to cover slaves by restricting them to a single identity and exclusive relationship with their master. This process made slaves permanently into inferiors who answered only to the head of the household whose power over them was exclusive (as was sometimes said, 'a slave only has one master').[64] While morally a master had obligations and duties toward his slaves, his legal power over them was similar to the Roman *patria potestas*, i.e. absolute except for a requirement to preserve human life and an obligation to abide by the law.[65] Although exclusive, a master's power was shared in part with close senior and superior relatives (sometimes called 'half-masters' [*banzhu*]) that formed the core of the domestic sphere delineated earlier (the master's maternal grandparents and relatives of the second degree of mourning, i.e. his paternal ascendants, uncles and aunts, wife, brothers and sisters, children, grandchildren, nephews and nieces).[66] Although they could not take the place of the master, their social proximity to and bonds of affection with the master made them shareholders in his 'bond of obligation' (*fenyi*) and power to 'govern' (*zhiyu*).[67]

Conclusion

A careful examination of the *Great Ming Code* and commentaries demonstrates that the Code was an instrument designed to safeguard the worldview of the dynasty's founder. However, the discriminatory provisions embedded in the Code did not produce social 'status.' They reflected pre-existing, commonly accepted social distinctions.

Although the Code reveals little *per se* about the life experiences of the men, women, and children trapped in bondage, it provides us with important insights into the nature and dynamics of slavery in Ming society and with crucial information about the normative context within which slaving practices were shaped and implemented in the rapidly changing socio-economic environment of late Ming China. Understanding, for example, that in the ideal agrarian society envisioned by the dynasty's founder enslavement was conceived as a legal punishment helps to explain why the private contracts by which individuals enslaved themselves and their children often resembled marriage and adoption contracts and emphasized poverty's role in legitimizing

otherwise questionable slaving practices.[68]

Ming legal and normative sources do not explicitly define what constituted 'slavery.' To the law, slaves were basically criminals, a notion consistent with the societal belief that slaves were individuals whose degradation was justified by their having committed a major social transgression.[69] However, slaves were excluded neither from society nor from the realm of human beings. Rather, they were 'extruded' from the community of 'good' or 'honourable' people, a condition made manifest by a series of impediments such as being prohibited from marrying honourable women and being subject to systematic legal discrimination.[70] However, this extrusion also resulted in their being integrated, albeit artificially, into their master's domestic sphere where they were subject to the direct and almost exclusive authority of the household's head.

This process of integration subjected slaves to new constraints by the application of selective and modified analogies with fundamental and 'natural' social relationships, especially that between father and child. As noted earlier, the legal discrimination against slaves did not differ greatly from that against children. However, if the status of slaves mimicked that of children, it was also subject to particular modalities of use and application. While they remained subject to the direct authority of the father-like figure of the household head, to whom they owed the highest degree of obedience, slaves were excluded from their master's kinship (e.g. they had no mourning relationship with any member of the household or the family). While incorporated into their master's domestic sphere as persons living 'together,' they were barred from accessing household property. Although inferior and junior members of the household, they were deprived of all of the prerogatives that came with family and household solidarity (e.g. they were required to conceal their master's crimes but were not offered reciprocal legal protection). Moreover, unlike children, who assumed various social identities during their lifetime depending upon who they interacted with, slaves were confined to only a single direct interpersonal relationship since every interaction they had with their master's relatives was *always* mediated through the person of their master.

The relative identities of slaves vis-à-vis others were therefore severely limited and devoid of the potential diversity otherwise characteristic of honourable status. Their unique identity (as slaves of their master) and their submission to one single and almost absolute power enabled their masters to use them for almost any purpose. This in turn explains the wide diversity of observable slave 'conditions' in Ming times, which has

precluded historians to recognize the Chinese '*nubi* system' (*nubi zhidu*), as it is often labelled, as a modality of slavery.

Notes

1. Gao Ju, *Minglü jijie fuli* (Beijing: Xiuding falüguan, 1908 [1610]), 20:1a, 20:25a. For a reliable translation, see: Jiang Yonglin, *The Great Ming Code, Da Ming lü* (Seattle: University of Washington Press, 2005), 177, 183.
2. E.g., Robin Yates, 'Slavery in Early China: A Socio-Cultural Approach,' *Journal of East Asian Archaeology* 3, nos.1-2 (2002): 283–331; L.J. Newby, 'Bondage on Qing China's Northwestern Frontier,' *Modern Asian Studies* 47, no. 3 (2013): 968–94; Pamela Kyle Crossley, 'Slavery in Early Modern China,' in David Eltis and Stanley L. Engerman, eds., *The Cambridge World History of Slavery*, vol. 3, *AD 1420–AD 1804* (Cambridge: Cambridge University Press, 2011), 186–213.
3. Claude Chevaleyre, 'Acting as Master and Bondservant,' in Alessandro Stanziani, ed., *Labour, Coercion and Economic Growth in Eurasia, 17th-20th Centuries* (Leiden: Brill, 2013), 241–69.
4. Claude Chevaleyre, 'Asservir pour punir. La nature pénale du statut d'esclave dans la Chine des Ming (1368-1644),' *Extrême-Orient, Extrême-Occident* 41 (2017): 93–117.
5. Gwyn Campbell and Suzanne Miers in Gwyn Campbell, ed., *The Structure of Slavery in Indian Ocean Africa and Asia* (London: Frank Cass, 2004), viix–xxii, 1–16; Joseph C. Miller, *The Problem of Slavery as History: A Global Approach* (New Haven, CT: Yale University Press, 2012).
6. Gao, *Minglü jijie fuli*, 1:6a-10b. The numbering of Ming statutes follows Jiang, *The Great Ming Code*.
7. Anders Hansson, *Chinese Outcasts. Discrimination and Emancipation in Late Imperial China* (Leiden: Brill, 1996).
8. Gao, *Minglü jijie fuli*, 6:33b; Jiang, *The Great Ming Code*, 87.
9. Gao, *Minglü jijie fuli*, 6:34a.
10. Gao, *Minglü jijie fuli*, 6:35a; Feng Zi, *Da Minglü jishuo fuli* (Tōyō bunka: Niida collection [pref. 1592]), 4:69a; Wang Kentang, *Da Minglü fuli jianshi* (pref. 1612), 6:15b.
11. Feng, *Da Minglü jishuo fuli*, 4:68b.
12. Gao, *Minglü jijie fuli*, 6:35a; Feng, *Da Minglü jishuo fuli*, 4:69a.
13. Feng, *Da Minglü jishuo fuli*, 4:69b.
14. *Ibidem*. Marriage between honourable men and slave women were usually acknowledged by tribunals, although mean women were more likely to become concubines. Wang Xueping, *16–18 shiji binü shengcun zhuangtai yanjiu* (Harbin: Heilongjiang daxue chubanshe, 2008), 136–38.
15. The 'five [regular] punishments' were, by order of severity: Beating with the light stick (5 degrees: from 10 to 50 blows); Beating with the heavy stick (5 degrees:

from 60 to 100 blows); Penal servitude (5 degrees: 1, 1.5, 2, 2.5, and 3 years); Banishment (3 degrees: 2,000 *li*, 2,500 *li*, and 3,000 *li*); and Death (2 degrees: death by strangulation or by decapitation). Together, they formed a scale comprising 20 degrees. The Code also included 'supplemental punishments,' like death by 'slow slicing.' Jiang, *The Great Ming Code*, lxix-lxx.

16. Feng, *Da Minglü jishuo fuli*, 4:68b-69a.

17. Gao, *Minglü jijie fuli*, 20:1a-6a, 25:1a-3a.

18. Jiang, *The Great Ming Code*, 177.

19. Increasing beating by 'one degree' meant adding 10 blows to the reference punishments. See: Jiang, *The Great Ming Code*, lxx-lxxi.

20. Gao, *Minglü jijie fuli*, 20:22a.

21. *Duji* refers to extreme incapacitations (e.g., disability of more than one limb) which were distinguished from lesser incapacitations (*feiji*). Gao, *Minglü jijie fuli*, 1:55a, 20:1b-2a.

22. Despite being fixed by the law, these sentences were congruent with the logic of increasing by one degree the penalties stipulated in the law on ordinary aff rays. Feng, *Da Minglü jishuo fuli*, 8:19a.

23. Wang, *Da Minglü fuli jianshi*, 20:25a.

24. Gao, *Minglü jijie fuli*, 20:22b.

25. Feng, *Da Minglü jishuo fuli*, 8:19b.

26. Jiang, *The Great Ming Code*, lxxii–lxxiii.

27. Feng, *Da Minglü jishuo fuli*, 8:18b.

28. Parenthesis in the translation refer to interlinear legal commentaries that were part of the Code itself. Gao, *Minglü jijie fuli*, 1:76b-77a. Translation based on Jiang, *The Great Ming Code*, 41.

29. Gao, *Minglü jijie fuli*, 1:64b. 30. *Ibid.*, 18:1b, 1:64b.

30. *Ibid.*, 6:37b-43a.

32. The seven causes of repudiation are defined in the *Great Ming Commandments. Da Mingling* [1368], in Zhang Lu, *Huang Ming zhishu* (1579), in *Xuxiu siku quanshu* (Shanghai: Shanghai guji chubanshe, 1996–2002), vol. 788, 1:7b.

33. Gao, *Minglü jijie fuli*, 6:37b-38a; Jiang, *The Great Ming Code*, 88–89.

34. This late addition to a statute concerned with the illicit breaking of marriage reflects the gradual shift of slaving practices from the penal and public sphere, where enslavement was considered to be a punishment and fuelled by judicial condemnations, to the domestic and private sphere, where enslavement was an agreement between buyer and seller.

35. Chevaleyre, 'Asservir pour punir,' 97. Gao, *Minglü jijie fuli*, 6:40b-41a. 37. *Ibid.*, 18:42b-46a.

38. *Ibid.*, 18:44ab; Feng, *Da Minglü jishuo fuli*, 7:44b, 46a.

39. As legal commentators frequently stated, 'kinship is more important than theft.' Feng, *Da Minglü jishuo fuli*, 7:33b.

40. Gao, *Minglü jijie fuli*, 4:26b-27b. 'Senior/superior' and 'junior/inferior' refer to superiors and inferiors in age and generation. Alongside gender and degrees of mourning, these categories were central elements in the construction of hierarchical positions and reciprocal obligations among relatives.

41. Claude Chevaleyre, 'Serving and Working for Others: Negotiating Legal Status and Social Relations of Household Laborers in Late Imperial China,' *Journal of Global Slavery* 5, no. 2 (2020): 170–203.

42. Feng, *Da Minglü jishuo fuli*, 7:45b.

43. Gao, *Minglü jijie fuli*, 18:44ab; Feng, *Da Minglü jishuo fuli*, 7:44b, 46a.

44. Gao, *Minglü jijie fuli*, 18:61b-63b; Jiang, *The Great Ming Code*, 165–67.

45. Feng, *Da Minglü jishuo fuli*, 7:48b; Ying Jia, *Da Minglü shiyi* (1552), in *Xuxiu siku quanshu*, vol. 863, 18:28a.

46. This statute derived from ancient ritual considerations about 'disturbing the dead.' Feng, *Da Minglü jishuo fuli*, 7:47a, 51b; Ying, *Da Minglü shiyi*, 18:27b; Gong Ju, *Da Ming longtou biandu pangxun lüfa quanshu* (late Ming) (Tōyō bunka: Niida collection), 6:25a, 27b.

47. Gao, *Minglü jijie fuli*, 18:62a-b. Based on Jiang, *The Great Ming Code*, 166.

48. Feng, *Da Minglü jishuo fuli*, 7:48b-49a, 7:50b.

49. Wang, *Da Minglü fuli jianshi*, 18:46a-b.

50. Ying Jia, *Da Minglü shiyi*, 18:29b.

51. Gong, *Da Ming longtou biandu pangxun lüfa quanshu*, 6:25b-26a. The murder of one's parents was the most hideous form of murder since it jeopardized the sanctity of the 'three cardinal bonds' (ruler guides subject, father guides son, and husband guides wife) and 'five constant virtues' (benevolence, righteousness, propriety, wisdom and fidelity).

52. Gao, *Minglü jijie* fuli, 21:3b-4a; Jiang, *The Great Ming Code*, 191.

53. Gao, *Minglü jijie fuli*, 25:8b-9b; Jiang, *The Great Ming Code*, 216.

54. Feng, *Da Minglü jishuo fuli*, 9:8a.

55. *Ibid.*, 9:9b.

56. Gong, *Da Ming longtou biandu pangxun lüfa quanshu*, 7:40a; Feng, *Da Minglü jishuo fuli*, 9:9b.

57. Gao, *Minglü jijie fuli*, 20:25a-29a.

58. Feng, *Da Minglü jishuo fuli*, 8:24a. 59. *Ibid.*, 8:47b (also 8:21b-22a).

60. 'Legitimate disciplining' means chastising unruly slaves according to the law, i.e., beating on the buttocks. Gao, *Minglü jijie fuli*, 20:28b.

61. Feng, *Da Minglü jishuo fuli*, 8:23b. According to Feng Zi (*Da Minglü jishuo fuli*, 20:25a), 'guilty' meant that the slave had committed a crime punishable under the law.

62. Gao, *Minglü jijie fuli*, 20:28a.

63. Feng, *Da Minglü jishuo fuli*, 8:25a; Wang, *Da Minglü fuli jianshi*, 20:17a.

64. Feng, *Da Minglü jishuo fuli*, 8:21b-22a.

65. Beating a slave was legitimate and excusable since it was inflicted on the mean by the honourable. However, in a case of homicide this distinction was superseded by the seriousness of the act of taking a human life. See: Lei Menglin, *Dulü suoyan*, (Beijing: Falü chubanshe, 2000 [1563]), 381.

66. Wang, *Da Minglü fuli jianshi*, 25:8a.

67. Which explains why all these persons were liable to the same penalties when they killed a slave of the household. Ying, *Da Minglü shiyi*, 20:15b; Feng, *Da Minglü jishuo fuli*, 9:9a.

68. On concealing enslavement behind 'adoptions,' see: Wang Qingyuan, 'Mingdai Huizhou yinan kaolun,' *Zhongguo shehui jingji shi yanjiu* 1 (2004): 100–106.

69. This is also illustrated by the ways in which clan regulations dealt with the enslavement of clan members. Claude Chevaleyre, 'Domestic Law and Slavery in Late Imperial China. Glimpses from Lineage Registers,' *Harvard Journal of Asiatic Studies* 81 (forthcoming 2022).

70. The term is borrowed from Orlando Patterson, *Slavery and Social Death. A Comparative Study* (Cambridge (Mass.): Harvard University Press, 1982), 41.

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