Heresy and orthodoxy in Song dynasty China (960-1279 C.E.)

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Abstract

This thesis considers the question of heresy as it relates to the context of Song dynasty China (960-1279 C.E.). It analyzes the ways in which the Song Imperial authorities constructed a religious orthodoxy and defended it through the legal system. It will deal with how heresy is defined in a multi-religious polity without a unified church, such as the Catholic Church of the medieval West. This thesis will argue that a definition of heresy derived from western heresiology is a valid analytical model and that Song China had a religious orthodoxy constructed around the person of the Emperor.

La présente thèse prend comme sujet la question d'hérésie dans le contexte de la dynastie des Song en Chine (960-1279 C.E.). Elle analyse les méthodes donc les autorités impériales des Song ont construits l'orthodoxie religieuse et comment ils l'avaient défendu en utilisant leur système légal. Elle considère aussi la question de comment peut-on définir l'hérésie dans une société multi-religieuses sans avoir une église unifié, comme l'église Catholique en Europe du moyenne âge. On suggère que la définition et modèle d'hérésie qu'on a prit des héréseologistes dans l'Ouest reste valide quand il est appliqué en ce contexte et que la Chine des Song avaient une orthodoxie religieuse construit autour du personnage de l'Empereur.

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Chapter 1 – Introduction

The persecution of heterodox ideas and sects in China has a long history, one that is at least as old as the Chinese empire itself. From the earliest periods of Chinese Imperial history heterodox religious sects and philosophical schools, their writings, and their adherents were persecuted and attacked by Imperial authorities. [1] In one famous incident from the Qin period in 213 BCE, Confucian[2] writings and other philosophical texts were burned, and their adherents and scholars were executed by the First Emperor of China.[3] In other cases, attempts were made to correct heterodox ideologies or religious beliefs and practices, bringing them into line with the norm as defined by the dominant authorities.[4]

This thesis will argue that during the Song dynasty the suppression of heterodoxy, and in particular of heresy and heretic cults, by the application of the law underlines the conflict between a more open religious marketplace of ideas and forms that developed along with economic, social and political shifts of the Song period[5] and the tendency of the Song Imperial authorities to desire greater centralization of authority and power in reaction to the many social, political and religious problems that stemmed from the chaos of the demise of

[1] Derk Bodde, *China's First Unifier: A Study of the Ch'in Dynasty as seen in the Life of Li Ssu, 280-208B.C.* (Hong Kong: Hong Kong University Press, 1967): 81-84, 162-163. Bodde refers not only to the burning of books under the Qin but also to earlier episodes of noted by Mencius and Han Feizi.
[2] The term "Confucians" is used in the generic sense, and does not necessarily reflect the type of ideologies specifically espoused by those who were subject to the attacks of Qinshi Huangdi at this time.
[3] For more information on precisely what was burned, and why see: Jens Østergård Petersen, "Which Books *Did* the First Emperor of Ch'in Burn? On the Meaning of *Pai Chia* in Early Chinese Sources," *Monumenta Serica* **43** (1995): 1-52; Derke Bodde (1967).
[4] The literature on these dissenting sects is vast, from Red Eyebrows/Yellow Turbans to the Boxers in the Qing. Some examples include Richard Hon-Chun Shek and Liu Kwang-Ching, eds., *Heterodoxy in Late Imperial China* (Honolulu: University of Hawai'i Press, 2004) and Von Glahn (2004), discussed in more detail below, as well as Overmyer on popular religious sects.
[5] Edward L. Davis, *Society and the Supernatural in China* (Honolulu: University of Hawai'i Press, 2001), discusses this in great detail, particularly with respect to the expansion of unaffiliated or unlicensed religious practitioners known as *fashi* 法士 and *fangshi* 方士 (magicians), Davis (2001): 34.

the end of the Tang.[6] Power here refers to the ability to determine orthodoxy, and the ability to enforce it, in both the political and religious spheres. The struggle for control over orthodoxy, political and religious, was crucial in this struggle for centralization, and ultimately in the struggle to control and direct the power of the divine or supernatural realm.

Furthermore, it will argue that while there is no direct analogue for the term heresy in the language of the time, there were certain types of religious activity which fall under the definition of heresy as it applies in a broader context. A heretic being defined in this paper as someone who is perceived by the orthodoxy as having deviated from the natural conception of the world, defined by the orthodoxy, and who is also recognized as having previously belonged to the group to which the orthodoxy identifies itself.[7] How heresy was and is defined, heretic cults identified, heresy prosecuted, and the role of the competing trends mentioned above is central to this thesis. In addition, the thesis will necessarily have to address the problems associated with the terms "heresy" and "religion," both as they apply to Song conditions in particular, and as they apply within a broader cross-cultural context. Moreover, the thesis will argue that the approaches taken to heresy by the Song authorities were similar in their methods and conceptions to those taken by Western authorities during the high tide of heresy of the Medieval period.

The following is an outline of the structure of the paper, and the themes that will be addressed in each section. In this first chapter, a general introduction to Song China and a review of the relevant secondary literature on religion and heresy in this period is presented. The problems associated with defining orthodoxy, heterodoxy, and heresy will be addressed

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[6] Peter K. Bol, *"This Culture of Ours:" Intellectual Transitions in T'ang and Sung China* (Stanford: Stanford University Press, 1992). He makes this argument in this excellent and exhaustively researched history of the development of the *shidafu* 士大夫 (literati) into China's elite class during this period.

[7] This will be discussed in much more detail in the following chapter, and derives from Jacques Berlinerbrau, "Towards a Sociology of Heresy, Orthodoxy, and Doxa," *History of Religions* **40**.4 (2001): 327-351.

in chapter 2. In particular, the application of Western models of heresiology to the Chinese context will be examined, and the definition of heresy stated above stems from an examination of the work of Western historians of European heresy. The third chapter will deal with Song religious practices and beliefs and the importance of religious practice and belief to the lives of the Song populace. Due to the nature of the source materials available, predominantly produced by and for a literati or elite audience, elite perspectives will dominate. However, on occasion these sources do refer to popular practice, though very often these are viewed negatively. Chapter 4 focuses on the nature of Song law and the ways in which crimes and transgressions were investigated, prosecuted and punished. More specifically, this will include a section on crimes that might fall under the rubric of heresy. The close relationship at the official level between the religious, ritual, and legal realms of Song China will also be highlighted and analyzed.[8] In the fifth chapter, the analysis of heresy in the Song will be presented, including how it was identified and dealt with by the Song authorities. Cases which meet the criteria for heresy defined earlier, as well as Imperial edicts which touch upon heresy as defined earlier will be analyzed and discussed.

A central argument of this paper is, when seen through the lens of heresy, any divide between the secular and the sacred is collapsed. Rather, there existed a broad and overarching framework of religious order which informed and influenced the actions of various individuals and groups in this period, both orthodox and heterodox. This can be taken into account as much when interpreting the actions of magistrates passing judgements on legal cases as it can when dealing with the religious pronouncements of the Emperor or

[8] See, for example Davis (2001) along with Patricia Buckley Ebrey, "The Response of the Sung State to Popular Funeral Practices" and Judith Magee Boltz, "Not by the Seal of Office Alone: New Weapons in Battles with the Supernatural" both in *Religion and Society in T'ang and Sung China*, Peter N. Gregory and Patricia Buckley Ebrey, eds. (Honolulu: University of Hawaii Press, 1993), 209-240 and 241-307 respectively.

other religious figures. That the Emperor was a religious figure, particularly in the Song, is a position put forward by a number of authors and a starting point for this thesis.[9] Before continuing, however, it is important to give a general background to the Song period and to address some of the issues raised in the secondary literature dealing with religion, heterodoxy/heresy, and law in this period.

Key Developments in the Song

The Song dynasty has attracted a great deal of attention among scholars as a defining age in Chinese imperial history, seen by turns as the apex of Imperial Chinese achievement in such diverse fields as metallurgy, agriculture, technological development, science,[10] religion, politics, and philosophical inquiry.[11] At the same time, however, it has also been viewed as the starting point in the stagnation of Chinese intellectual progress, a process only seen as ending with the downfall of the neo-Confucian intellectual system in the early 20th century. This position follows from the work of Naitō Konan and his hypothesis that the Tang-Song period was the transition between the medieval and the early modern in Chinese history. This idea of the Song as the defining age for later Chinese imperial history has been developed by a number of Japanese and Western scholars and applied to a variety of a specific topics and areas.[12] One of the, perhaps inevitable, outcomes of this interpretive

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[9] See Richard Von Glahn, *The Sinister Way: The Divine and the Demonic in Chinese Religious Culture* (London: University of California Press, 2004); Patricia Buckley Ebrey and Maggie Bickford, eds., *Emperor Huizong and Late Northern Song China: The Politics of Culture and the Culture of Politics* (Cambridge: Harvard University Press, 2006), particularly Peter K. Bol and Shin-yi Chao's articles.

[10] Science is another problematic term when applied to China at this period. See Joseph Needham's work, among others, for a discussion of science as applied to this and other periods of Chinese imperial history.

[11] Mark Elvin, *The Pattern of the Chinese Past: A Social and Economic Interpretation* (Stanford: Stanford University Press, 1973) addresses economic and technological issues in particular. Robert M. Hartwell, "Demographic, Political, and Social Transformation of China, 750-1550," *Harvard Journal of Asiatic Studies* **42.**2, (1988) 365-442, deals with some of the other aspects of this period's development and change.

[12] See Hisayuki Miyakawa, "An Outline of the Naitō Hypothesis and its Effects on Japanese Studies of China," *Far Eastern Quarterly* **14**.4 (1995): 533-552; Joshua Fogel, *Politics and Sinology: The Case of Naitō Konan*

stance on the Song is the tendency among some Western scholars to see in the Song some aspects of secular thought which are the supposed hallmarks of the transition to the early modern period in European history.

More recently, some authors have argued for a different chronological framework when dealing with the Song, putting it in the framework of a Song-Yuan-Ming period of transition in historical development.[13] The repositioning of the Song at the beginning of a period of Chinese historical development encompassing the Yuan and the Ming challenges the traditional view of the Song as a defining moment for the Late Imperial era, and the implied stagnation of the Yuan and Ming periods. In its place it offers the Song as the starting point of a long period of historical transformation which culminates in the Ming. What is not questioned, however, is the importance of changes which began to take place under the Song, and the effect that these were to have on the dynasties which were to follow. Of particular note is the development of the examination system for selecting bureaucrats and the importance of these bureaucrats in the running of the empire,[14] the development of lineage kinship groups,[15] increased centralization of power under direct Imperial authority, and the development of the Neo-Confucian philosophy, identified as *lixue* and *daoxue* as the predominant orthodox model of philosophical inquiry and political thought.

(1866-1934), (Cambridge: Harvard University Press, 1984), particularly chapter 6; E.O. Reischauer and John K. Fairbank, *East Asia: The Great Tradition* (Boston: Houghton Mifflin, 1958): 183-185, for a slightly modified interpretation as relates to the periodization of the Song.

[13] Paul Jacov Smith and Richard Von Glahn, eds., *The Song-Yuan-Ming Transition in Chinese History* (Cambridge, MA: Harvard University Press, 2003).

[14] Bol (1992); Thomas H.C. Lee, *Government Education and Examinations in Sung China* (New York, St. Martin's, 1985); Robert Hymes, *Statesmen and Gentlemen: The Elite of Fu-chou, Chiang-hsi, in Northern and Southern Sung,* (New York: Cambridge University Press, 1986).

[15] Hugh R. Clark, "The Fu of Minnan: A Local Clan in Late Tang and Song China (9^{th}-13^{th} Centuries)," *Journal of Economic and Social History of the Orient* **38**.1 (1995): 1-74; Harriet T. Zurndorfer. *Change and Continuity in Chinese Local History: The Development of Hui-Chou Prefecture, 800-1800* (Leiden: E.J. Brill, 1989), particularly chapters 1 and 2; Patricia Buckley Ebrey, *Women and the Family in Chinese History* (London: Routledge, 2003): 114-116, discusses Han Qi's founding of a lineage descent organization around a shared funerary temple and graveyard.

Two of the above developments are of critical importance to this paper and they are closely related. As a reaction to destabilizing power of regional military governors that helped to bring about the fall of the Tang, the early Song emperors moved to limit, if not eliminate, the power of the aristocracy and the autonomy of military leaders. The increasing centralization of authority under the Emperor and the rise of the literati class in the bureaucracy are key features of the Song political landscape. Their replacements were to be the *shidafu* (士大夫), the literati trained in the Confucian classics and raised through the examination system, and whose position, and therefore loyalty, was to be only to the Emperor, the state, and Confucian ideals. It should be noted, however, that the association of the literati with the bureaucracy weakened in the Southern Song period, as literati began to focus more on their localities and lineages and less on achieving high rank within the Imperial bureaucracy. Nonetheless, the literati remained central figures in the Imperial bureaucracy throughout the Song. As a result, the authority of the Emperor became nearly absolute, unchallenged by aristocrats or military leaders.[16] This trend extended not only to the military or political spheres, but also into the religious sphere where, as we will see, the imperial state sought to bring the sacred under its control.

The development of Confucian thought during the Song was characterized by an ongoing and often times bitter debate among the literati over what orthodox Confucian interpretation and thought was, what the role of the ideal Confucian should be with regards to the state and the conflict that this engendered between the reformers led by Wang Anshi (1021-1086 CE) and the more internally focussed school characterised by Zhu Xi (1130-

[16] This does not take into account the rise of other empires such as the Jin, considered barbarian by the Chinese, on the periphery of the Song, which led to the fall of the north, and the eventual collapse of the dynasty under the attacks of the Mongols.

1200 CE).[17] This internal debate would influence the contemporary understanding of religion and the role that the state should play in its regulation, dissemination and practice. Perhaps most interesting for the purposes of this paper is the rhetoric mobilized against philosophical opponents in this debate, the political tools that were used to attack those with whom a given group disagreed, and the echoes that this has with accusations of heresy in the Europe and other places.[18] Given that it has also been argued that Confucian practice and thought as it evolved in the Song was religious in nature,[19] it is important to understand the nature of relationship of the literati to religion and to heterodoxy ideas.

Additionally, the Song period used to be characterized by the decline in the importance of two central religious traditions, Buddhism and Daoism. Nowadays, this view is discredited. The former is sometimes seen as having entered a period of steep decline from its highpoint of political and social importance during the Tang dynasty. Daoism, on the other hand, is seen as coming more and more under influence and authority of the state and entering a period of intellectual decline as a result. Following from the work of Hymes, Davis, Halperin, and others, I believe that this characterization of the religious world of the Song, typical of some earlier scholarship on the period, is not representative of the reality of the religious world of Song China, nor of contemporary scholarship on this subject. This and other issues will be addressed more directly in the following literature review.

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[17] See James T.C. Liu, *Ou-yang Hsiu: An Eleventh Century Neo-Confucianist* (Stanford: Stanford University Press, 1967), for more details of his biography and his work on government reform in the Song.
[18] For more in depth discussion of the literati in this period, see Peter Bol (1992).
[19] Patricia Buckley Ebrey and Peter Gregory, "Introduction," in *Religion and Society in T'ang and Sung China*, Ebrey and Gregory, eds. (Honolulu: University of Hawaii Press, 1993).

Literature Review

The enormous changes in the social, economic, and political structures of Chinese life which took place during the Song are also reflected in the religious sphere. Population growth and the increased urbanization of the Song population shifted the emphasis of the worship for a large portion of the population.[20] Indeed, the changing pattern of urbanization in the Song, seen in a more open and far less regulated and planned city environment than was the case under the Tang, also had an impact according to some.[21] Printing led to an explosion in Buddhist texts, as the production of tracts was a means by which to obtain merit and improve karma. Economic growth, new markets, and trade between the countryside and the cities, as well as between cities and regions, allowed for the geographic dispersion of local cults and their growth into regional or national cults.[22] Peter Bol's work, noted above, examines the development of literati culture, and argues for the importance of this group in the centralizing project undertaken by the Song founders and their descendants. Others argue that the most important influence was the shift of the political centre to the south, with the attendant economic, demographic, and socio-political changes this implied.[23] The above represents only a fraction of the scholarship dealing with religion and religious change during the Song. Given the importance ascribed to this period, this is not surprising.

There is, however, a great deal less literature which deals specifically with the question of heresy or heterodoxy during this same period. While studies of millenarian cults

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[20] Valerie Hansen, *Changing Gods in Medieval China, 1127-1276* (Princeton: Princeton University Press, 1990). She discusses the impact that increased urbanization, among major changes occurring during this period, had on the development of religion, particularly local religion, in the Southern Song.
[21] For more information on the development of the city and urban change in the Tang and Song, see Heng Chye Kiang, *Cities of Aristocrats and Bureaucrats: The Development of the Medieval Chinese Cityscapes* (Honolulu: University of Hawai'i Press, 1999) and Lawrence J.C. Ma, *Commercial Development and Urban Change in Sung China (960-1279)* (Ann Arbor: University of Michigan Press, 1971).
[22] Terry F. Kleeman, "The Expansion of the Wen-ch'ang Cult," in Ebrey and Gregory, eds. (1993): 45-74.
[23] Richard Von Glahn (2004): 131-132.

during the Ming and the Qing, as well as earlier dynasties, abound, this is not the case with the Song.[24] However, a number of the works on religion during this period do touch tangentially on the problems of heterodoxy and heresy. As such, the review in this section will deal with a few of the works which consider religion in Song China more broadly in addition to those which address the problem of heresy and heterodoxy in China more directly, though in a different historical era.

Much of the literature on Song religion seeks to analyze the similarities between, the differences in the nature of, and the relationship of the religious belief and praxis of the "common people" with that of the literati and clerical elite. A number of metaphoric structures have been put forward that are meant to represent the nature or structure of this relationship. Edward Davis's study of the Song *fashi* characterizes it as a "tension among three groups placed along a vertical axis." The *fashi*, and their various associates including the Esoteric Buddhist monks are seen in the mediating position between the Imperial, literati, and clerical elites and the populace as a whole.[25] Other images include Eric Zürcher's metaphor of the three peaks of a shared mountain, with the base being popular religious practice. While these metaphors do suggest the linkages between the major traditions, this paper offers a view of the religious world of the Song which emphasizes overlapping and interlinked spheres of religious understanding.

Some authors focus more specifically on the deities that were worshipped during the period, how they developed over this period, and how the relationship between their worshippers and them developed. Hansen's work deals with the development of the city god cults, their links with the increased urbanization during the Song, and the importance that

[24] One of the earliest in a western language is J.J.M. de Groot, *Sectarianism and Religious Persecution in China* (Leiden: Brill, [1901] 1963).
[25] Davis (2001): 7.

was placed on having these deities recognized by the central authorities. Mark Halperin takes a different tack, focussing his work on the relationship of the literati elite to Buddhism through an examination of the inscriptions they were asked to write for new monasteries, sutra halls, and other structures. He shows a changing relationship between the *sangha* and the literati, in which the literati felt free to use the narrative space offered by these inscriptions to criticize, laud, and otherwise engage with Buddhists and their opponents.[26] The end result of his analysis is a picture of literati who were very much engaged with Buddhism the Song, who participated in its internal and external debates, and who in many cases were supporters or even lay devotees of the religion.

Richard Von Glahn's work, *The Sinister Way,* deals with what he calls the eudaemonistic character of Chinese religion dating from its earliest time. This refers to the amoral nature of sacrifice and propitiation of ghosts and gods, and characterized by the fluid boundary between dangerous ghost and god in the religious pantheon. The core of the book focuses on the cult of Wutong, also known as Wuxian, Wusheng, among other names. His cult was transformed from a Song dynasty mountain spirit, and one not noted for its upstanding morality, to an official god in the imperial pantheon, through to a god of wealth in the Ming and even into the Qing. Throughout this period of transformation, and despite periods of imperial sanction in the Song and Yuan, and even during the Ming, the cult retained the darker, demonic associations that were its roots.

His tracing of the importance of demonic propitiation through the history of Chinese religion suggests that the notion of a past transformation from demon to god overlooks the ongoing demonic nature of some deities. And his comments regarding the importance of the

[26] Mark Halperin, *Out of the Cloister: Literati Perspectives on Buddhism in Sung China, 960-1279* (Cambridge: Harvard University Press, 2006).

dialectic between the local population and the imperial authorities in the evolution of a cult and its continued existence suggest a view of the interchange of religious ideas between popular and elite similar to Valerie Hansen's in the way that ideas draw as much from below as from above. He traces the shifts in the relationship between the living and the dead in the various religious traditions in China over time, and how the changes in this relationship are reflected in the customs and rituals associated with death. In addition, his elucidation of the importance of the Song period to the development of Chinese religion is informative and well argued. However, with respect to heresy or heresiology, he offers very little. In fact, there are but two or three specific references to heresy throughout the book, and in no case does he offer a definition or a Chinese analogue for the term.

Von Glahn does refer to the existence of "profane cults" (*yinci* 淫祠),[27] and associates this term with the view that Han dynasty Confucians took of rituals to appease the non-ancestral deceased.[28] Beyond this, however, he does not delve in any great detail into what it was that made these cults profane in later dynasties as the norms for religious behaviour developed and changed. Was it the type of sacrifices which were made, the type of god or spirit that was worshipped, was it the nature of the rituals in which the spirit was invoked, or was it the type of person which was involved in invoking the spirit which made a cult profane? The association of "bloody sacrifices" with profane cults is made, but whether or not this is the key deciding factor is not clear. For example, the Wutong temple at Lengqiesi in the 17th century is described as having "…wine and blood of meat drench the ground. Each year countless numbers of animals are slaughtered for sacrificial offerings to

[27] This term is often translated as "licentious temples,"and in some cases directly as heresy. The problems associated with the latter translation will be addressed in more detail in the second chapter of this paper.
[28] Von Glahn (2004): 62.

the god."[29] Given his focus on the eudaemonistic nature which pervades Chinese religion, a more detailed investigation of this term, and the cults which were associated with it, over time would have been illuminating.

The thrust of Robert Hymes' book is that there existed at least two if not competing, then co-existing, models of interaction between the Chinese people and their deities. The one is the well known, and well described, bureaucratic model run by Daoist clerics, with its hierarchy of gods under the Jade Emperor or the Three Pure. The other is a model based on a personal relationship with a given deity, in this case the primary example he uses is the Three Immortals of Huagai. He also argues that the bureaucratic model was created under the auspices of the Daoist clerics themselves, and not, as some have argued, under the direction of the Imperial state. Furthermore, he argues that the Daoists in the Song and today were making the claim of universal representation of the divine sphere, but that this was only that, a claim. It would have been interesting to see a comparison with Buddhist narratives related to this notion, but this may have expanded the scope of his monograph beyond what was reasonable.

There are a few notable problems with his characterizations, however, not least of which is that he does not take into account the cults of other local gods, ones whose affiliation, unlike the cult at Huagai, was in no way Daoist. Von Glahn's work, addressed above, deals with the evolution of some of these types of gods, who ascended from demonhood to godhood, both within and outside the context of the official Daoist clerical establishment. Hymes' discussion of the competition between the local and the central, and the manifestation of this in the field of local religion suggests a number of issues that are relevant to this paper. In particular, the idea that local elites, rather than the more general

[29] Qian Xiyan, quoted in Von Glahn (2004): 230.

populace, mobilized local religious figures against the central authorities, and that the local authorities responded by focussing on deities or cults of their choice in a more or less friendly competition raises the question of religious orthodoxy, who defined it, and within what bounds.

In dealing directly with this tacit religious competition, Hymes does touch directly on at least one official who, when asking where the locals prayed (and in context, one might assume he meant the local elite) stated that these were all *yinsi*.[30] However, rather than translating this term as "licentious temple", "profane cult" or even "heresy", Hymes translates this as a much milder term, "improper worship." Given the subsequent response of the official to this improper worship, which is to pray to other gods in the area, one has to wonder whether or not the influence of the local gentry was that strong, or whether or not the social status of these improper worshippers was such that more forceful action on his part was out of the question. It does seem that *yinsi* here is not heresy given the reaction of the representative of central authority.

However, the depth of the research into Daoist practice, and this particular Daoist cult, is impressive and his argument regarding the existence of at least two paths to interaction with gods is extremely well presented. In addition, his highlighting of the continued existence of these trends through a review of some contemporary ethnography on offerings is well taken, showing how the local population organizing or paying for the offering is in a state of constant negotiation, and in some cases subversion, of the proclaimed authority of the Daoist practitioners. This reinforces his theme of tacit and ongoing religious competition between central and local authorities from the Southern Song through to today.

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[30] Robert P Hymes, *Way and Byway: Taoism, Local Religion and Models of Divinity in Sung and Modern China* (Berkeley: University of California Press, 2002): 114.

The next work considered in this literature review is that of Edward Davis entitled *Society and the Supernatural in Song China*. This book lays out some of the ground work for this thesis, as it highlights and describes the development of new means of interacting with the supernatural world that arose during the Song. The new ritual practitioners, the *fashi*, whose popularity greatly increased during this period and the fact they were used by all of Song society demonstrates the degree to which the Song world was permeated by a religious consciousness. I take this understanding of a deeply religious, if eclectically so, culture as a starting point for my discussion of heresy.

More specifically, the notion of a more open market in religious practice challenges the notion of a decline in both Daoism and Buddhism during this period. Rather, we are confronted with a picture of deep and broad religious engagement on the part of Song society as a whole, with the employment *fashi*, spirit mediums, Buddhist monks and Daoist priests on the increase.

However, given that Davis focuses primarily on Daoist ritual texts and practice, with the exception of Land and Water mass of Buddhism, there are some questions as to the extent to which Buddhists were engaged in the practices he describes. The idea of the Song layperson as religious consumer interested chiefly in the effectiveness of a particular approach, though, argues against any strict division of individuals into set categories of Buddhist, Daoist, or Confucian. A point of view that is shared, in a different context, with one made by Mark Halperin in his discussion of the relationship of the literati to the Buddhist establishment throughout the Song period, mentioned above.[31]
He also challenges the identification of some rituals as exorcism, arguing rather for a ritual of possession in which the demon or ghost in question is put through a type of judicial

[31] Halperin (2006).

process. This point has been raised by other authors who deal with Daoism, but Davis takes it in a slightly different direction, highlighting the problems that could arise if this intersection is taken too far. The implications of this for our study of heresy in the Song are clear. If heresy, as will be argued here, is another intersection of the legal and the religious, are there similarities between the judicial proceedings related to investigation and punishment of heresy and those of Daoism and the *fashi*?

The final book considered is that of Philip Kuhn, which examines the 1768 outbreak of sorcery scare, originating in Jiangnan, and that spread through several provinces in the eastern part of China. This work has been chosen as it deals with a number of issues that are of relevance to this paper. In particular, the Imperial authorities' response to religious practices that they considered dangerous or subversive and their mobilization of the legal system to deal with them are intriguing. While the focus is on a much later imperial period, the approach offered and the issues covered are similar to those being dealt with in this thesis.

This book deals more directly with the type of issue that will be the subject of this paper than any of those considered in this review, though from a different angle and in a different historical era. Tracing the history of the soulstealing outbreak through the imperial and judicial records of the time, Kuhn reconstructs how the local, provincial and Imperial authorities up to the Emperor himself, dealt with the crisis, from initially downplaying it at the local level to the launching of a national level campaign, at the Emperor's instigation, to discover its origins and snuff it out. The reconstruction of the events in question, including details of the investigation of suspects, their interrogation under torture, and the back and

forth of communication between the Emperor and his provincial governors and governors general, is excellent.

The purpose of this reconstruction and analysis on the part of the author is not to investigate the sources of the scare as such, or even to deal with what was considered sorcery at the time. Rather, it is to use these events as a tool to understand the relationship of the Emperor Hongli to the bureaucracy. He argues that while belief in the effectiveness or existence of this type of behaviour was less than total, its existence and effectiveness could not be ignored by the authorities, given religious and ritual underpinnings of the Imperial state. Kuhn argues that this type of scare was a "political crime," which threatened the very basis of the Emperor's rule in the same way that sedition or rebellion might, and was thus an issue for the Emperor, not the bureaucrats.[32] Furthermore, this type of political crime allowed the Emperor to use his personal relationship with the most senior bureaucrats to chastise them for their inaction, through what he terms "personalistic discipline," and thus keep them in line. This, he argues, is a structural feature of the bureaucratic monarchy, and this type of crime gave him the opportunity to confront them directly.[33]

Kuhn's arguments to the effect that the Emperor used this political crime to discipline and restrain his leading bureaucrats are interesting, though not compelling. More credence is given to a structural model of understanding the Imperial state, while the religious underpinnings, which were threatened by the sorcery scare, are downplayed. This is perhaps a result of the sources which were considered by the author, consisting as they do primarily of government communications, principally between the Emperor and his

[32] Philip Kuhn, *Soulstealers: The Chinese Sorcery Scare of 1768* (London: Harvard University Press, 1992): 186. The author also suggests that because of the association with queue clipping the scare was potentially a more overt political threat, given the requirement for all Han Chinese males to wear the Manchu queue as a sign of their submission to the conquerors.
[33] Kuhn (1992): 211

governors. These documents, as used by the author, highlight the nature of the relationship between the various parties and speak little, except by implication, to the level of belief that anyone might have had in existence of sorcery.

That the Emperor reacted so severely, and that he mobilized his most powerful bureaucrats to root out and punish the offenders so vigorously, does suggest, though, that religious or supernatural threats were taken seriously. This paper will be dealing with similar issues in the Song dynasty, though from a different perspective. Instead of interpreting the crimes that this author deems political, it will interpret a similar class of crimes as religious and examine the state response on that basis. This will be discussed in more detail in the next chapter.

The picture that emerges of the religious and intellectual world of the Song, then, is one of development and change, though the interpretations of what these changes mean is by no means unified. The view of institutional religion as being in decline, on both the Daoist and Buddhist fronts is seriously undermined, if not entirely discredited. The development of new forms of Confucianism, and its primary role in shaping the world views of the elite is also challenged. Instead, a more nuanced view of the intellectual world of the Song literati is presented. One in which the religious plays a central role in both their understanding of the world around them and in their actions on behalf of the state and on their own behalves. This notion is supported by Alister Inglis' work on the context in which Hong Mai's *Record of the Listener* was produced and disseminated, in which he argues that there was widespread belief, at all levels of society, in the existence of supernatural beings and forces, and in their capacity to act in the mundane world for good or ill.[34]

[34] Alister David Inglis, *Hong Mai's* Record of the Listener *and its Song Dynasty Context* (Albany: SUNY Press, 2006).

New religious specialists and deities were emerging, and new structures and methods for interacting with the supernatural arose and were put into action. This theme is found, in varying ways, throughout the literature on religion in the Song. Another theme that emerges throughout the literature is the increasing role of the state in religion, its attempts to control worship and to systematize and centralize its authority over religious practice, all of which will play a role in the discussion of heresy. These themes of religious expansion, centralization of authority, and the competition for orthodoxy within and between the various schools will all be relevant to the analysis of the nature of heresy during this period.

However, before moving on any further, it is important to analyze what is meant by the terms religion and heresy. What precisely is meant when using these terms in the context of this paper, and what are some of the issues that arise as a result of these definitions? It is to these questions that we now turn.

Chapter 2 – Definition of Terms

Religion

Any examination of heresy must deal with religion, and in doing so, provide a definition of religion from which to proceed. This is not necessarily the same as presenting a rigid and explicit interpretive model however. It is also important to lay out our position regarding religion and faith in this historical context and to highlight our views with respect to religion in history more broadly in order to clarify my interpretive stance. As is clear when we turn to definitions of heresy, this statement of position is crucial in understanding what heresy is and why the approach to its study, outlined below, has been chosen.

This paper operates on the premise that religion, belief in its tenets and deities, was immediate, real, pervasive, and central to the lived experience of those individuals living in the period under discussion. That is to say, religion and religious experiences were understood, and in some cases acted upon, as real by those who held a faith. This follows from the work of Davis, Hymes and other authors discussed above and will be expanded further in chapter four, which deals with Song religion. We do not, however, personally believe or disbelieve the reality of religious experience.

Defining religion in the context of Chinese history in general, and the Song dynasty in particular, is no easy task. Much of the problem arises from the implicit, and in some cases explicit, comparison that the term religion implies with Christianity (and to a lesser extent Judaism and Islam) in the West.[35] Given the very nature and specificity of these religions, their basis in revelation and promise of eternal salvation, Chinese religions have

[35] Anthony C. Yu, *State and Religion in China: Historical and Textual Perspectives* (Open Court: Chicago, 2005): 8.

often suffered by way of comparison at the hands of Western authors, if they were accepted as valid religions at all. Confucianism, for example, however defined, has often been interpreted as a philosophy rather than as a religion, despite its inclusion in the *sanjiao* along with Buddhism and Daoism. In the social sciences, theorists have attempted to deal with this problem, with varying degrees of success. Seeking to produce a definition of religion that did not necessarily depend on reference to Christianity and its tenets, a host of approaches and theories of religion have been offered. What then is the definition of religion that this paper will operate on, why has this been chosen over any other, and what are the implications of this theoretical position on the analysis of heresy?

The first of these questions is the easiest to answer. The definition of religion for the purposes of this paper is a slight modification of that offered by Jack Goody, who stated: "We may say then that religious beliefs are present when non-human agencies are propitiated on the human model. Religious activities include, of course, not only acts of propitiation themselves, but all behaviour which has reference to the existence of these agencies."[36] This is the underlying premise of the definition of religion used in this paper. Religion, or religious practice, therefore is defined as the attempt by human agents to interact with a given non-material realm, and a corollary to this is the assertion that there is the belief in the existence super-material and non-material[37] agents who have the ability to effect changes, positive and negative, in both the non-material and the material world.[38]

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[36] Jack Goody, "Religion and Ritual: The Definitional Problem," *The British Journal of Sociology* **12**.2 (1961): 157.

[37] For the purposes of simplicity, the term "supernatural" will be used interchangeably with super-material and non-material.

[38] It must be said that some schools of Buddhism, in particular the Chan schools, would not fit agreeably within this definition. It can be argued that the achieving of enlightenment is the transformation of a material agent, the monk, into a being who transcends the material world. These enlightened beings in turn have the ability to effect change in the material world by helping other beings achieve enlightenment. The same is true of the Daoist attempting to achieve transformation into an immortal being through alchemical means, inner and outer.

This working definition is not limited by the intent of the attempted communication, nor on the means by which it is attempted. Furthermore, it is the position of this paper that, absent evidence to the contrary, the subjects of religious worship are *real* for those who worship. Put another way, for the believer, gods, ghosts, and demons are *known* to exist, in much the same way as the existence of any other entity is known – they exist outside the context of worship as immanent beings in their own right.

Heresy

Heresy and heresiology, the study of heresy, have a long tradition in the west. Originating in the Catholic Christian tradition, with a history dating back to the early Church fathers and the foundation of the Catholic Church, the term heresy was applied to all those groups who held views considered outside the orthodox interpretation of the Church authorities. The Church's struggle with heresy went through two highpoints, at least according to available source materials. The first was in late antiquity during the formative age of the early period of the Church, at a time when the movement was only beginning to define its core doctrines and beliefs explicitly. Key heretical movements of this period were the Pelagian, the Arian, the Monophysite, and the Donatist heresies. Without going into unnecessary detail, all of these heresies touched on theological questions associated with issues such as the nature of the divinity of Christ in relation to God.

The second period was between the 11th and 15th centuries, often referred to as the high tide of heresy. Heretic movements of this period offered alternatives to the Catholic Church, with their own hierarchies of church officials and officers. This was especially true in the case of one of the largest of these movements, the Cathars, a dualist church which had

its own bishops and which engaged at times in open debate with the Catholics. The heresies of medieval period differed from those of late antiquity in that the former were, more often than not, moral in their origins, concerned with the practice of the Christian community rather than with doctrine, as was the case with the latter.[39]

Heresy in Western Historiography

The historiography of heresy in Europe has chiefly focussed on this second period, and the interpretation of heretical movements has undergone a number of shifts in perspective over time. The earliest Catholic heresiologists were polemicists, interested in stating the primacy of Catholic doctrine over heretical interpretations of scripture. St. Augustine and Iraneus were among the first heresiologists, the former arguing against the Manichean heresy, an early dualist heresy, of which he had previously been an adherent, and the latter against Arianism. This tradition continued throughout the Medieval period, with authors including in their criticisms of the heretics what would become standard tropes, claims that they engaged in sexual licence, immorality, and engaged in associations with the devil.

In the 19th century, the study of heresy was approached from a very different point of view by Protestant scholars in Europe. Rather than seeing all heretics as anathema and evil, they saw in some of the medieval heresies the roots of the Protestant Reformation which was to come. Others saw heretics as freedom fighters and champions of liberty. Heretics were seen as heroic figures struggling against the oppression and evil of a corrupt Catholic establishment.[40] The Lollards and the Hussites were seen as the forerunners of the Reformation, and were treated much more sympathetically than had previously been the case.

[39] Jeffrey B. Russell, *Dissent and Order in the Middle Ages* (Toronto: McMillan, 1995): 7.
[40] Russell (1995): 8.

Later in the 20th century, new interpretations of heresy and heretics were offered by scholars with a variety of political and intellectual agendas. Marxist historians, including Marx himself, saw the emergence of heresy, particularly as relates to the Cathars, as a reaction of the peasants and the poor urban tradesman against their exploitation at the hands of feudal forces and against the emerging capitalist forces developing in the urban centres during this period.[41] Given the significant support given the Cathar movement by the nobles and local gentry, this thesis is questionable at best.

Other historians have taken an analytical model based on texts produced by the inquisitions and heresy trials of the Catholic Church in the medieval period. These authors hope to draw out, through analysis of the trial records and testimony of witnesses, the authentic voice of the heretic.[42] Given the quality of the inquisitorial records, and the breadth of their coverage for the medieval period, this has been a fruitful area of inquiry, though fraught with problems due to the nature of the texts.[43]

Heresy – Definitions and Problems

As with any term that is transported from one language for use in another, heresy is a word that comes with a large quantity of cultural and historical baggage. This is particularly true when attempting to find a precise analogue for the term in Classical Chinese. Though the term *yinci* 淫寺, or licentious temple, could possibly be translated as heretical temple, it is

[41] Lutz Kaelber, "Weavers into Heretics? The Social Organization of Early Thirteenth Century Cathars in Comparative Perspective," *Social Science History* **21** 1 (1997): 113, citing the work of a number of Marxist historians on medieval heretics.
[42] Carlo Ginzburg, *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*, John and Anne Tedeschi, trans. (Baltimore: Johns Hopkins University Press, 1992), is one example of this approach, which sees in the heresy records a unique chance to reconstruct the world view and religious ideals of a non-elite tradesman of the medieval period.
[43] The notion of teasing out a genuine voice of the subaltern from such a loaded text as a inquisitorial transcript is difficult at best. When one takes into account the use of torture, or the threat of torture, in these proceedings it is difficult to say whether a genuine voice can ever be recovered from this type of record.

the position of this paper that it is not a sufficient analogue for heresy, particularly as pertains to the Song. Moreover, it is the position of this paper that no precise Chinese analogue for heresy exists in the Song, and this being the case, this paper will not attempt to determine or present a single Chinese term as the equivalent of heresy. Rather, potential theoretical definitions of heresy will be examined, and their applicability to a broad range of contexts, and to Song China in particular, will be examined.

In all of the above cases, heresy is seen as in opposition to the Catholic Church. In fact, the first definition of heresy, as the term is now understood, comes from the Catholic Church itself. On of the earliest and most influential definitions is that of the church father Tertullian (160-200 CE):

> …he (the apostle Paul) reproves heresies, which themselves are false doctrines. They are called by the Greek word *haireseis* in the sense of choice which a man exercises either to establish them or to adopt them. Therefore he has called the heretic condemned by himself because he has chosen for himself something for which he is condemned. For us it is not lawful to introduce any doctrine of our own choosing, neither may we choose some doctrine which someone else has introduced by his own choice.[44]

While this definition was refined by others later, the basic elements remained in force and form the basis for all later definitions of heresy within the Catholic context. A heretic was someone who *chose* to hold doctrines deemed heterodox by the ecclesiastical authorities. Even some modern authors suggest that the discussion of heresy be limited to this particular context. Harold O.J. Brown in his work *Heresies* argues that heresy is of particular importance to religions of revelation – and most especially to Christianity – because of the notion of the universal Church, an authority that is an article of faith.[45] Clearly though, this

[44] Tertullian, *De praescriptione haereticorum* in *Heresy and Authority in the Medieval Europe: Documents in Translation* Edward Peters, ed. (Philadelphia: University of Pennsylvania Press 1985): 30.
[45] Harold O.J. Brown, *Heresies* (New York: Doubleday, 1984): 2.

type of definition of heresy is of little use when applied to the context of Song dynasty China, limited as it is to its particular context. It does, however, suggest possibilities for setting out a more universal definition, one which would be applicable to our chosen setting.

In the definitions of heresy within the Catholic context, one key element is required for heresy to exist is orthodoxy. Russell and Brown state this explicitly, and it is implicit in the works of the Church Fathers as well as modern historians of heresy.[46] Russell goes further, stating that: "Orthodoxy defines heresy, and heresy helps define orthodoxy" and that "…the tension between dissent and order is the motor driving the development of Christian thought."[47] This viewpoint is echoed by S.N. Eisenstadt in the introduction to the edited volume *Orthodoxy, Heterodoxy, and Dissent in India*.[48] One thing is clear, then, that in order for there to be heresy, there must be orthodoxy, as it is only in opposition that it can be defined.

With this in mind, we can turn to the issue of defining orthodoxy and heterodoxy outside the specific context of the Catholic Church and try to arrive at definitions applicable to our chosen period and area of study. The first of the definition to be discussed comes from Steven Sangren whose subject area is Chinese religion, albeit contemporary rather than historical. Sangren, in discussing heterodoxy and heresy in contemporary Chinese religious practice, defines orthodoxies and heterodoxies in this way:

> Structures of value that valorize order and legitimate existing social institutions and authority define Chinese orthodoxies, both official and local. Conversely, it is the denial of order as ultimate value that defines heterodoxies.[49]

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[46] Brown (1984): 2; Russell (1995): 2-4.
[47] Russell (1995): 4-5.
[48] S.N. Eisenstadt, "Dissent, Heterodoxy and Civilizational Dynamics: Some Analytical and Comparative Indications," in *Orthodoxy, Heterodoxy and Dissent in India*, S.N. Eisenstadt, Reuven Kahne, and David Shulman, eds. (New York: Mouton, 1984): 4-5.
[49] Steven P. Sangren, "Orthodoxy, Heterodoxy, and the Structure of Value in Chinese Rituals," *Modern China* **13**.1 (1987): 76.

However, this definition is, in one sense, too broad to be applicable to the conditions of the Song, and in particular Song religion. This is illustrated in the case of Buddhism, particularly the most dominant form or school of the Song period, Chan Buddhism. The Chan school of Buddhism purports to deny authorities and rejects not only structures of value in the world at large, but also of the structures of value which had been built up in the Buddhist *sangha*. Therefore, it did not legitimate existing social institutions or particularly valorize order, instead it challenged these as unnecessary and false dichotomies. However, for much of the Song, with the exception of Huizong's reign (1102-1107 CE), Buddhism was considered an orthodox religion, and was regulated and at times supported by the state. On a broader level, this definition of orthodoxy and heterodoxy does not take into account the religious movements or ideas that postulated alternate constructions of order, while at the same time viewing it as an ultimate value. The Taiping rebellion of the late Qing period would be an example of this type of religious movement as it postulated an order based on precepts radically different to those advocated by the state and imperial authorities, while still retaining the central position of order in their ideology. In another sense, it is too narrow for our purposes, as will be explained below.

Jacques Berlinerblau offers a somewhat different definition of heresy, after a comprehensive and detailed examination of multiple definitions based on an equally broad range of theoretical positions, from early Christian thinkers to contemporary Marxist theory to extreme relativists. He argues, following Zito and others, that for heresy to exist, certain prior conditions must pertain within a given social context. These conditions are: "In order for heresy to 'arise' there must exist an authoritative political apparatus (i.e., an orthodoxy),

one capable of identifying heretics and effectively 'managing' them."[50] In putting forward this formulation, he has taken the definition outside any specific religious context, and further, suggests that the term is applicable to contexts completely outside the religious sphere.

Later, he proposes the following provisional definitions for heterodoxy and orthodoxy:

> *Orthodoxy:* Any organization of human beings who can advance a binding conception of "the natural" and enforce adherence to this conception.
> …
>
> *Heterodoxy/the heretic*: A designation conferred upon a person who, in the eyes of the orthodoxy, has swerved from its "natural" conception of the world. This individual's deviation is rendered more alarming by the fact that he or she is perceived to be a member of the group…An element of danger is always associated with this person insofar as his or her actions may, intentionally or unintentionally, benefit the adversaries of orthodoxy.[51]

This definition is more useful than those of the early Church Fathers, Brown, Russell and Sangren for a number of reasons. First, it deals with heresy in a broadly theoretical context, allowing it to be applied in a variety of historical and cultural situations and contexts. By taking the definition out of any specifically religious context, or out of a religious context entirely, it solves the problem of cross-cultural applicability. In a related move, the definition provided above also limits the contexts in which the term can be applied, allowing the term to retain its force and meaning by precluding its application to any and all dissent.

[50] Berlinerblau (2001): 334-335.
[51] Berlinerblau (2001): 350-51.

In order for there to be heresy, there must be authority capable of dealing with it.[52] One qualification to this definition must be put forward, however. For the purposes of our analysis, the orthodoxy in question must be religious, as per our definition above. That is to say, there must be a view of the supernatural and its agents considered orthodox by an authority with the power and the will to police it against which heresy can be defined. The role of authority in determining and enforcing this religious orthodoxy is a central theme of this paper, as conflicts over orthodoxy are major elements in the development of Song religion and politics.

Second, Berlinerbrau's definition is far more suited to Song dynasty China as it affords a more nuanced understanding of the relationship between religion, law, and power. This allows for the explanation, for example, of why Buddhism, generally, was not considered as heretical by the Song state despite some of the views which were associated with it. The heretic sect or individual is one who is identified as deviating from, and threatening the orthodoxy, while also being identified as belonging to the group which the orthodoxy claims to represent. In the Song context, then, the heretic is someone who falls under the control of the Emperor, that is to say any individual within the lands controlled by the Song authorities, and who threatens that which the Imperial authorities consider to be orthodoxy.

All of this then raises the vital question with respect to heresy in the Song – what is the orthodoxy which fits with Goody's definition of religion and with the model of heresy in Song dynasty China that I have articulated and how does this relate to the religions of China? What implication does this have for the determination of heresy and what does the definition

[52] This is a point that Russell makes as well, arguing that the rise of heresy charges in the eleventh century in Catholic Europe between 450 and roughly 1000 was due to the lack of any central authority capable of dealing with it. See Russell (1995): 11.

mean in terms of what is classified as being heretical? To tie this with the definition of religion provided earlier, what was considered religious orthodoxy in the Song? These questions will be dealt with in more detail in the next chapter, which considers religion in the Song with its variety of practices, beliefs and rituals. How orthodoxy was constructed in imperial China broadly, and in the Song in particular will be addressed in the next section.

Construction of Orthodoxy in Imperial China

Now that a definition of heresy has been suggested, we must now turn to the task of identifying and describing orthodoxy in the Song. This is a more difficult task, as it requires identifying the dominant religious and ideological framework through which other approaches to the supernatural are judged to be either orthodox or heterodox. While this has been done with respect to late imperial China, there is not yet a definition of what constituted the religious orthodoxy during the Song period. This is not surprising given the evolution and development of religious practice during this period across a variety of areas, which are described in more detail below. However, time and again, scholars have referred back to the Song period as the starting point for the development of orthodoxy in late imperial China. As such, it would be prudent to start with these analyses of orthodoxy in late Imperial China and work backwards to determine whether or not a single orthodoxy existed during the Song and what it might have been.

The starting point for this examination will be a critical reading of the volume *Orthodoxy in Late Imperial China*.[53] This collection of essays addresses the questions of the origins of orthodoxy in the late Imperial period, how it was reinforced and defended by the imperial authorities, and the means by which this orthodoxy was expressed by both elite and

[53] Kwang-Ching Liu, ed., *Orthodoxy in Late Imperial China* (Berkeley: University of California Press, 1990).

non-elite members of society. In looking at the positions that these various authors take on orthodoxy and examining whether or not they can be applied to the Song, a determination can be made as to the existence of an orthodoxy which will fit within our analytical framework of heresy.

There are eleven essays and an introductory article in the volume covering topics ranging from definitions of orthodoxy in ancient Chinese, and problems associated with the translation of the related terms, to orthodoxy as constructed in the Ming to the sayings of twentieth century Chinese peasants as they relate to orthodoxy. Given this broad range of topics, and an equally broad range of approaches to orthodoxy, there are issues of cohesion across the volume. Moreover, there are limits to the applicability of the models suggested for the late imperial period, the historical context in which the majority of these essays are located, to the situation which pertained in the Song. However, there are a number of themes related to orthodoxy, its construction, and the means by which it was promoted and defended that are shared across the majority of the essays. Two of these themes are of particular interest here: the role of the elite in the construction and defence of orthodoxy and the use of the law as a means of reinforcing orthodoxy.

Given the sources available for research into orthodoxy in Chinese history it is unsurprising that the majority of the essays in this volume deal with orthodoxy from the point of view of the elite. R. David Arkush's essay on the twentieth century Chinese peasant proverbs might be an exception; however, even here his approach is to analyze the level to which peasant communities in North China have absorbed the Confucian notions of orthodoxy of the elite. Rather than attempting to construct a view of peasant orthodoxy from the collected proverbs, he seeks to discern elements of elite views of orthodoxy from among

them. The other authors in the volume focus almost exclusively on what orthodoxy was from the elite perspective, whether it be Farmer and Taylor's essays on the construction of orthodoxy in the early Ming or Furth's chapter on household instructions. This reliance on the views of the elite, whose records we have access to, is not necessarily problematic, though it does raise questions about the extent to which orthodoxy in this instance was applicable to the majority of the population. This thesis equally relies on elite views and sources for understanding orthodoxy and heresy in the context of the Song.

Potential problems do arise, however, when we take into account the view of the volume's editor Kwang-Ch'ing Liu as to the understanding of orthodoxy upon which the authors of the volume are operating. He states quite clearly in the preface that "Our understanding of these terms is not based ipso facto on the pronouncements of government authorities but on what we, as historians, have found to be the norms and counternorms in Chinese history."[54] The authors in the volume are relying on the views of those who are nominally responsible for constructing and enforcing orthodoxy while at the same time reading these elite pronouncements through the lens of their personal understanding of what it is to be orthodox in the context of Chinese history. This being the case, the orthodoxies described by the various authors in the volume are reflections more of the individual historian's understanding of orthodoxy in a given period than the understanding of their historical subjects. The use of the plural here is deliberate, as the orthodoxies and heterodoxies discussed by the various authors, while they might share common themes, often differ substantially in their meaning. Furth, for example, is concerned with familial orthodoxy and the importance of proper practices for harmony within, and the perpetuation

[54] Kwang-Ch'ing Liu, "Preface," in *Orthodoxy in Late Imperial China* (Berkeley: University of California Press, 1990): ix.

of, the family line whereas Farmer focuses more concretely on the relationship of political power and orthodoxy, the implication being that the orthodox is simply what the dominant choose to call it.

All of these approaches to orthodoxy offer a degree of insight into what "orthodoxy" might have been in late imperial China, but there is no overarching definition that encompasses all the essays in the volume. Rather each individual author interprets his or her historical subject through the lens of what they understand orthodoxy to be in the Chinese context. Inasmuch as it is possible, this thesis will be taking the opposite approach to the problem of orthodoxy in the Song. The focus will be on what the elite authorities, including the literati and the Emperor, considered to be orthodoxy and heterodoxy. Concentrating primarily on the views of the elite, as they are the authors of our extant sources as well as the constructors and defenders of orthodoxy, we are seeking to highlight their understanding of orthodoxy through an examination of their responses to challenges from competing, heretical views. In so doing, it will be argued that the conception of orthodoxy in the Song differs significantly from that described in this particular volume of essays. Rather than a Confucian or Neo-Confucian orthodoxy, there is a religious orthodoxy based on the person of the Emperor and his role within the state.

The second theme that flows through a number of the works in this volume is the role of the law and legal institutions in the defence and promotion of orthodoxy in the late imperial period. Whether as a tool of authority mobilized to reinforce or simply enforce a view of orthodoxy put forward by the cultural and political elite, as argued in Farmer's paper, or as a means by which ambiguities in family hierarchy are negotiated as suggested by Ocko, the law and the legal system seem intrinsically bound up with orthodoxy. Throughout the

volume the various authors use legal documents as sources through which an understanding of orthodoxy in their chosen period can be gleaned. Ocko and Mi Chu Wiens in particular rely heavily on legal documents as sources for their chapters, both focussing on the relationship of the law to familial bonds, highlighting how prevailing elite cultural norms are reinforced as orthodox through the promulgation of laws. Lamley discusses some of the problems with the tension that arose between law as a force for maintaining order and filial piety, an "orthodox" value enshrined in law that underpinned lineage groups at the heart of violence and disorder in Fujian and Guangdong in the late Ming. These groups were able to manipulate the law by, in essence, appealing to precedent. Lineage groups were expressions of filial devotion and considered virtuous and orthodox, a tradition that dates back at least to Song period, and perhaps further. As such, the imperial authorities were somewhat limited in the potential responses that they could offer to these feuding and violent groups.

This relationship between law and orthodoxy is an area of vital importance to this thesis. As a tool by which the Imperial authorities, either through the person of the Emperor himself or through his proxies and officials, enforced their vision of orthodoxy, it is a valuable resource. Much of the material presented here comes from legal documents and sources, as it is in this realm that the authorities mobilized their resources, both proactively in the form of edicts forbidding certain practices and after the fact in dealing with those who had violated the tenets of their vision of orthodoxy as enshrined in law. In examining cases of heresy, as defined above, we are also able to determine the religious underpinnings of the orthodoxy of the Song period. The means by which cases were judged and the seriousness with which the death penalty was treated are all reflections, this thesis will argue, of the religious influence on Song law and on Song orthodoxy.

This relationship between religion and orthodoxy, while touched upon by a number of authors throughout the volume, is not given the serious consideration that I feel it deserves. Liu discusses the central role of socio-ethics based in the three relationships, as well as the ideas of the Mandate of Heaven, and Heaven as deity, in his chapter, but does so in a way that robs them of their religious force. Taylor's article focuses on the relationship between popular and official religion, arguing that they are distinct analytic categories, defined more clearly through a comparison of the two.[55] Whether it is a factor of the period which is being dealt with or the sources being consulted, this view of religious practice seems stilted and unsatisfactory. Religion is dealt with as one mechanism among a host of other social and political factors, without taking into account the reality and importance of the religious experience for both elite and non-elite practitioners. This is problematic when one attempts to analyze the response of the Imperial authorities to heterodoxy or heresy. The socio-ethics discussed by Liu, and addressed in varying degrees of detail by the rest of the authors in the volume, do describe a shared orthodoxy that might apply during the Song. However, the characterization of these values as somehow areligious is one with which I strongly disagree. The values espoused were shared across the religious spectrum, but there is no denying that they were religious in nature and their violation carried religious sanction. While socio-ethics and the three bonds are key aspects of orthodoxy, even in the Song period, it cannot be forgotten that these are religious values for the elite, rooted in a worldview that takes the existence of gods, spirits, ghosts, and demons for granted.

The approaches to orthodoxy taken by the various authors in this volume suggest a number of possibilities for dealing with orthodoxy and heterodoxy in the Song period. All agree that the sources of later Imperial Confucian orthodoxy have their roots in the works of

[55] K.C. Liu (1990): 128.

the Song neo-Confucian scholars, particularly the work of Zhu Xi. However, while he claimed to represent the sole voice of orthodoxy in his own time, his vision was anything if uncontested. As such, his views cannot be considered as representative of orthodoxy in his time. Rather, the position of this thesis, demonstrated in more detail below, is that there was no single orthodoxy accepted by the literati, or even the clerical, elite. Instead there were competing claims to represent orthodoxy, and thus dictate what was heterodox, made by various groups among the elite of the Song. Within the Confucian-trained literati, as well as among the Buddhist and Daoist clerics, groups and individuals claimed to represent the one true way and attacked other approaches. These attacks were put forward against representatives of other traditions or religions, as was the case with Zhu Xi's attacks on Buddhism, or against opponents from within a shared tradition. This was particularly true among the literati of the late northern and early southern Song,[56] but it was also the case among Buddhists, with the conflicts between various Chan lineages and the conflict over control of public monasteries between the Chan and other Buddhist schools. This is not to say that these philosophic and/or religious traditions had no part to play in shaping and controlling Song orthodoxy, but rather that none could enforce their understanding of orthodoxy on the population as a whole, or even on the elite. With this in mind, the question of heterodoxy in the Song becomes much more complex, and even more a problem with the issue of heresy. This will be highlighted in more detail below in the sections on religion in the Song, where it will become clear that the overarching arbiter of orthodoxy during the Song period was the person of the Emperor and the divine sanction he derived from his position. While there was a set of shared religious values and concerns across the spectrum

[56] Attacks on Zhu Xi and the factional struggles in the court of Huizong, which carried over into the early Southern Song as competing Confucian traditions engaged in a struggle for control of the court and over the true, orthodox interpretation of the Confucian canon.

of Song religious belief, in and of itself it did not represent orthodoxy. In conjunction with the person of the Emperor and his religious position, however, it helped make up the orthodoxy against which heresy could be defined, as we shall see.

Chapter 3 – Religious Practice in Song China

Innovation and diversity in religious practice were defining features of Song religious life. Changes in religious practice and belief were driven by a number of forces, including increased urbanization,[57] expansion of commercial culture, the development and popularization of printing, and the shift of the centre population from north to south-east. This manifested not only in the proliferation of religious practitioners among the elite and the population in general, but also in terms of the religious affiliations of both the Song religious practitioners and their clients. The content and form of some religious practices and associations also underwent a great deal of change, as we will see with the rise of Buddhist lay associations and Confucian metaphysics. Another defining feature of Song religious practice is the increased impetus, on the part of the state, towards greater central control over religious practice and belief. Across all the major religious traditions, the *sanjiao* (三教), attempts were made to bring local and unaffiliated religious practice under control, either of the Imperial state directly or under the auspices of the individual traditions, which in turn were under the control and supervision of the state.

The official institutions associated with the *sanjiao*, considered below, existed within a matrix of religious belief that permeated all levels of Chinese society. This realm of pervasive religious belief played a central role in Song culture, including politics and law.[58] This matrix was made up of the gods, whether local, regional or more broadly national, their demonic, spirit, and ghost cousins, and their temples found throughout the empire, as well as

[57]Valerie Hansen, *Changing Gods in Medieval China, 1127-1276* (Princeton: Princeton University Press, 1990). She discusses the impact that increased urbanization, among major changes occurring during this period, had on the development of religion, particularly local religion, in the Southern Song.
[58] This is similar in many ways to what C.K. Yang referred to as diffuse religion.

the members of society at all levels who took advantage of them. Part and parcel of this was the web of religious beliefs about the afterlife, reincarnation, death, ghosts and demons, and so on, which underpinned the entire Song world view at both the elite and local levels. This matrix of belief, along with the rites and practices associated with them, was served by officially recognized religious clerics, as well as by semi-official and unofficial religious personnel. Belief in the supernatural and its power to shape and influence the world was a cornerstone of Song life for literati and commoner alike, and it is within this context that attempts to define orthodoxy within the various traditions described below were made.

An example of this matrix of belief is the cult of the ancestor, which has its origins with the earliest religious practices of the Shang and Zhou periods, and which later, in the Han dynasty, became closely associated with Confucianism.[59] By the Song this cult of the ancestor became increasingly associated with Buddhist and Daoist practices, in particular with the rise of the notion of purgatory for dead souls and a "baroque cult of death," in which rituals to appease the infernal bureaucracy were performed to ensure the salvation of the souls of relatives after their death.[60] In fact death, and the religious practices and observances associated with it, became a major point of contention during the Song. The rising influence of Buddhism and Buddhist funerary practices, in particular cremation, was decried and debated over by the Confucian literati. They saw the influence of Buddhism on this important ritual space as being contrary to Confucian teachings, unorthodox, and potentially dangerous.[61] However, the impetus towards cremation, as Ebrey points out

[59] Von Glahn (2004): 43-44. Von Glahn traces the evolution of the cult of deceased ancestors from the Shang through to the Han and beyond, noting that practice changed with the changing view of the deceased ancestors, from helpful deity in the earlier periods through to pathetic and starving ghost of the Han cult of the dead.
[60] Von Glahn (2004): 136-137
[61] Patricia Buckley Ebrey, "Cremation in Sung China" *The American Historical Review* **95**.2: 422; Ebrey highlights the objections of several notable figures from the Song literati, including Zhu Xi, Sima Guang, and Zheng Yi, all of who objected to the practice of cremation among the population.

stemmed as much from the matrix of popular practice and belief as it did from the Buddhist establishment. It is also clear that the Confucian establishment and the imperial state condemned this type of practice. Elsewhere Ebrey highlights some of the laws passed by the Song state to limit cremation (among other practices), if not ban it outright, as a form of funerary practice.[62] The laws served not only to set the limit on acceptable behaviour, as she points out, but also as a means by which the state demonstrated its desire to control important facets of religious practice. This type of law, coded though it might be in terms of the desire to return to proper, Confucian-inspired ritual, is as much a statement of intent to control the religious practices, and thus access to divine power, of the whole of the Song populace. That these prohibitions were largely ineffective suggests that there were limits of the power of the Song state in the contest for dominance over religious activities during this period and also hints at the power of popular resistance to contest state imposed orthodoxy.

This matrix of religious belief will not be referred to as "popular religion," as this term is misleading in implying that it was only "common" folk who worshiped these deities, and that there was a tradition that in some ways was isolated from the institutional religions.[63] The approach taken in this paper will be to deal with the three major religious traditions commonly identified in China, the *sanjiao*: Daoism, Buddhism, and Confucianism. The *sanjiao* discussed below in more detail can not be separated from this matrix, but rather operated within the sea of these beliefs, sharing some and challenging others. These areas of overlap will be touched upon when relevant, but it is important to note that the creation of an

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[62] Patricia Buckley Ebrey, "The Response of the Sung State to Popular Funeral Practices," in *Religion and Society in Tang and Sung China*, Patricia Buckley Ebrey and Peter N. Gregory, eds. (Honolulu: University of Hawaii Press, 1993): 222.

[63] Catherine Bell, "Religion and Chinese Culture: Toward an Assessment of Popular Religion," *History of Religions* **29**.1 (1989): 37-57, discusses the utility, or lack thereof, of the term popular religion as applied to the study of Chinese religions.

enforceable orthodoxy is, by definition, done by those in power. As such, we must consider orthodoxy within the context of these major religious traditions, as they were the models upon which elite discourse based its understanding of proper religious practice and behaviour.

Over and above this shared matrix of belief and the *sanjiao,* there was the Imperial cult, a religious tradition separate from, but intimately related to these others, in particular to Confucianism and Daoism, though Buddhists also played a role in worshipping Imperial figures. This will also be addressed in this section. It is the interplay between these traditions, the more general and diffuse religious beliefs, and the Imperial cult in particular that come together to create a religious orthodoxy in Song China. This orthodoxy was dynamic and flexible, based in part on the whims of the Emperor, but also in a shared understanding of the powerful influence of the supernatural and the unique place of the Emperor within the supernatural matrix. With this in mind, we turn to a closer examination of the state of each of the *sanjiao,* and the nature of the Imperial cult, and some of the key factors within each of these traditions that relate to the creation of orthodoxy and to its cousin, heresy.

Daoism

Daoism, as Nathan Sivin has pointed out, is a term whose meaning has been rendered nearly empty.[64] He was criticizing the broad and careless way the term has been applied to such varied elements of Chinese religious and philosophical history as the Divine Empyrean of

[64] Nathan Sivin, "On the Word 'Taoist' as a Source of Perplexity: With a Special Reference to the Relations of Science and Religion in Traditional China," *History of Religions,* **17** (1978): 304-306. The article as a whole concerns some of the more common problems of dealing with notions of Daoism, in particular the lack of definition of what is meant when it is used by authors to describe a philosophy, religion, or even a scientific or medical tradition.

the Song and the writings of Zhuangzi, Laozi and others from pre-imperial times. However, we are less concerned here with the so-called philosophical school of Daoism than we are with the organized Daoist religious establishment, with their attendant lineages of transmission and pantheons. Determining what constitutes an official lineage is easy enough; however, the line between authorized and unauthorized practitioner within one of these lineages is more difficult to draw.

Officially recognized lineages, such as the Celestial Masters sect, the *Lingbao* school, or the Divine Empyrean sect, were built around sets of revealed texts, transmitted from master to disciples within the context of a teacher-student relationship. These texts contained secret incantations or instructions on how to call on the divinities or spirits within that particular lineage's pantheon. These instructions were often in the form of memorials or written requests to the members of the pantheon's lineage to come to the aid of the petitioner. When burnt as offerings they carried the request to the divine authorities and allowed the Daoist priest access to the divine power.

The goal of these cults was individual salvation after death, and for some adepts, during life. Healing and medicine also had prominent roles within these traditions, a trend which continued in the Song among both those associated with a Daoist lineage and those who were operating on a more freelance basis. Practices such as *neidan* 內丹 or internal alchemy, which consisted of meditation and yogic practices, developed from *waidan* 外丹, or external alchemy, which focused on the creation and ingestion of magic elixirs and pills, many of which were highly toxic and resulted in the immediate translation of the adept from the living to the divine realm by death.

During the Tang dynasty, Daoism was closely associated with the Imperial family and cult. This was due in part to the Imperial family tracing its lineage back to Laozi, based on a shared family name. The emperor Xuanzong (712-756 C.E.) in particular sought to exploit the potential of linking the Imperial family to the Daoist religion.[65] A number of new Daoist lineages which had their origins in the pre-Tang period, including the *Lingbao* and *Shangqing* schools, associated themselves with powerful aristocratic families, particularly in the south, and they maintained their influence into the Tang period.[66] Further new lineages developed during the Song period, including such prominent sects as the Thunder Rites school discussed by Davis, among others, and the *Zhen dadao jiao,* the *Taiyi,* and the *Quanzhen* sects, all of which were founded in the latter part of the dynasty.[67] These Song era Daoist sects were concerned with ritual healing, exorcism, and spirit possession, but the latter three, which developed in the Southern Song, focussed more on moral cultivation and ethics in religious practice.[68]

While Daoism was accorded special favour during this period, it was by no means the dominant religious movement. While Daoist ties to the Imperial family were close during the Tang, it was in the Song that concerted efforts were undertaken by Imperial authorities to take over Daoist institutions and to centralize government control over the Daoist establishment. With the assistance of the new and older established Daoist lineages

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[65] T.H. Barrett, *Li Ao: Buddhist, Taoist, or Neo-Confucian* (Oxford: Oxford University Press, 1992): 16.

[66] See T.H. Barrett, *Taoism under the T'ang: Religion and Empire during the Golden Age of Chinese History* (London: Wellsweep, 1996) for more details of the relationship of the Tang ruling house to the Daoist establishment; Michel Strickmann, *Le Taoïsme du Mao Chan: chronique d'une revelation* (Paris: Collège de France, Institut des hautes études chinoises, 1981), also discusses the relationship of the southern aristocracy to the new Daoist sects which arose during the period of disunity prior to the founding of the Tang and throughout the course of that dynasty.

[67] Lowell Skar, "Administering Thunder: A Thirteenth-Century Memorial Deliberating the Thunder Rites," *Cahiers d'Extrême-Asie* **9** (1996/97): 159-202, provides a more detailed description of the practice of the Thunder Rites.

[68] Shek and Liu, eds. (2004): 148-149.

and priesthoods the government attempted to bring the various independent temples, sects, and gods under at least nominal control by assigning positions to their deities in the Imperial pantheon. This had the dual effect of constraining any demonic tendencies of a god, as well as controlling its power. When a local god was placed within the pantheon it was almost always given a position subordinate to either Daoist or Imperial deities, and as a result, the Emperor and his agents, or the Emperor and the Daoist priests, were in a position of relative power over the local deity, and could thus control it. While this had taken place to some degree under the Tang, the effort was given new impetus in the Song especially under the Emperors Renzong and Huizong. This was partly a response to the more open religious marketplace in existence during the Song and partly a reflection of the desire on the part of these emperors to bring the religious practice of the population more directly under Imperial control.[69]

Despite these efforts, there remained a large number of sites and temples that were outside any type of official Imperially sanctioned or recognized Daoist organization or pantheon, though they were not necessarily considered to be heterodox or heretic temples. Though often seen as Daoist, both by Western scholars and contemporary sources, these practitioners were not necessarily associated with recognized Daoist lineages or schools. These included temples to spirits of the earth, of the water, and of the mountains, in addition to a variety of others.[70] While they were often treated as being subordinate to the gods of the recognized pantheon, the extent to which this was recognized is doubtful, and in some cases was explicitly challenged by those who worshipped this god.

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[69] *Song da zhao ling ji* 宋大詔令集 (Taipei: Dingwen shuju , 1972): 198.733, 199.734.

[70] Cheng Minsheng 程民生, "*Shenquan yu Songdai shehui* 神权与宋代社会," in Deng Guangming 邓广铭, Qi Xia 漆侠 et al, ed. *Songshi yanjiu lunwen ji* 宋史研究论文集 (Hebei jiaodu chubanshe, 1989): 402-403.

In addition to these physical sites, there were a number of ritual practitioners, the *fangshi* 方士 and the *fashi* 法士, who practiced rituals associated with a particular Daoist lineage but may not have been officially recognized as "priests" by the state.[71] These people served the ritual needs of the broader community, performing ritual healings, prognostications, and exorcisms for elite and commoner alike. These ritual masters, documented and analyzed by both Edward Davis and T.J. Hinrichs in their respective works, are demonstrated to be a new and increasingly important feature of the religious landscape.[72] They were also a source of concern to the Song authorities, as they operated outside direct government control and offered services which at least potentially threatened the religious position of the Emperor. Moreover, they were sometimes viewed as charlatans who took advantage of the gullibility of the broader population and their desire for personal gain, leading them away from rituals and religious practices under better control of Imperial authorities, which were thus considered more appropriate.

The state authorities, recognizing a problem, made a number of attempts to control these unaffiliated temples and practitioners, primarily through the promulgation of new laws and edicts. One of the best examples of this with respect to temples is the edict promulgated in the *Zhenghe* 政和 period (1111) of Emperor Huizong's (徽宗) reign:

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[71] Hong Mai 洪邁, *Yijian zhi* 夷堅志: 丙 8.429 *chao shi du* 趙士遏 (Taiwan: Mingwen shuju, 1994), describes an episode from 1153 in which a military governor, whose family is suffering from illness, meets up with an old colleague, presumably also a literatus, who performs religious rituals associated with Daoism, including the burning of tallies, in order to heal the military governor's son. There is no indication that this person is an ordained monk as he is not referred to as a *fangshi* or a *fashi* or as anything other than a colleague throughout.

[72] Davis (2001); T.J. Hinrichs, "The Medical Transformation of Song Governance and Southern Customs in Song Dynasty China (960-1279CE)" (Ph.D. Diss., Harvard University, 2003), Hinrichs notes also that the term *fangshi* was loose, and often used interchangeably with *daoshi*, or Daoist priest. Hinrichs, 2003: 13.

> On the ninth day of the first month of the first year of the *Zhenghe* reign period it is decreed that in the district of Kaifeng 1038 spirit temples are to be destroyed. Remove those Buddhists who have entered monasteries to Daoist temples to extend their original temples. If they are true martial Buddhists, remove them and have their sweet springs to flow into the grounds of Daoist temples. These Buddhists should be removed outside the city walls. Temples of the type which worship the Five Universals (*wutong* 五通), the Stone General (石將軍), or the Excessive Concubine (*yidan* 已妲), these three temples, because they are undertake licentious sacrifices (*yinsi* 淫祠), are to be destroyed as before, to restrain the army and the people from establishing without authority large or small temples.[73]

There is much to parse in this edict, not least the attack on Buddhists which will be dealt with in more detail in the section on Buddhism; however, it does seem clear that this was part of a concerted attempt to bring local temples under greater control, Daoist or not. Whether or not this attempt was successful is questionable, as both Hymes and Hansen have pointed out in their respective works.[74] The mention made of the Wutong temple is interesting, as another temple to this deity received an imperial name plaque in the very same year.[75] Von Glahn also argues that this was part of an attempt to bring local cults and practitioners under greater state control, a process that was furthered by the later promotion of Wutong up through the ranks of the Imperial and Daoist pantheons.[76]

Huizong was particularly keen on Daoism and even attempted to put in place an examination system for admission to the Daoist priesthood in order to secure exclusive

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[73] *Song huiyao jigao* 宋會要輯稿, Xu Song 徐松, ed. (1781-1848), 198 vols., vol. 19, *Li* 禮 20.14. This is also a part of the forced conversion of Buddhist temples to Daoist temples associated with the Divine Empyrean Sect discussed below. For more detail on the relations of the Imperial Family to Daoism, see Suzanne Cahill, "Taoism at the Sung Court: The Heavenly Text Affair of 1008," *Bulletin of Sung-Yuan Studies* **16** (1980): 23-44.

[74] Hansen (1991): 84-85; Robert Hymes, *Statesmen and Gentlemen: The Elite of Fu-chou, Chiang-hsi, in Northern and Southern Sung* (Cambridge: Cambridge University Press, 1986): 192-194.

[75] Richard Von Glahn, "The Enchantment of Wealth: The God Wutong in the Social History of Jiangnan," *Harvard Journal of Asiatic Studies* **51.**2 (1991): 664.

[76] Ibid: 664-665.

Imperial control over this establishment.[77] Later Emperors in the Southern Song, in particular Lizong 理宗, were also known to grant titles and honours to living and deceased Daoist masters.[78]

The Song state was very interested in the regulation and control of these religious sites and practitioners, and they sought to enact legislation and promulgate new laws in order to do so. As these sites were outside the official Daoist establishments, they were necessarily outside their influence, and the control that the state could impose by pressuring these establishments. For the Song state, which was focussed on the centralization of the levers of power under its own control,[79] this type of edict was part of a larger project to suppress independent shamans, *fangshi*, *fashi* and other unorthodox religious practitioners, and various cults associated only very loosely with Daoism.

The state, however, was not the only party interested in controlling local cults and practitioners. Recognized Daoist practitioners, often with Imperial assistance, also sought to bring local cults and practitioners under their control. A tactic that was commonly used was describing these cults and practitioners as heretic or heterodox in an attempt to bring the power of Imperial opprobrium to bear. The Daoists would then offer their services to cleanse the temples and bring the locals into proper religious observances. While they were successful to an extent, the local elite and other practitioners were often able to resist these attempts with some success.

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[77] *Fozu tongji* 佛祖通集, cited in de Groot, p. 79.
[78] He Zhongli 何忠礼 and Xu Jijun 徐吉军., *Nan Song shigao* 南宋史稿 (Hangzhou: Hangzhou daxue chubanshe, 1999): 361.
[79] Peter K. Bol (1992): 54-55.

Buddhism

Buddhism is a less problematic religious tradition to assess than Daoism, as the institutions and practices associated with it were, and are more, clearly defined. Moreover, the state of Buddhist religion during the Song has come under much greater scrutiny recently, and the idea that the religion was in a state of decline, a common view of earlier scholars,[80] has been challenged very strongly.[81] There were a number of different types of Buddhist sects and practices current in the Song, and it was a flourishing form of religious practice throughout this period.

Indeed, in 971 the Emperor Taizu (太祖) decreed that monks should be sent to the west to study Buddhism, in one of the earliest and largest orders of this type in Chinese history.[82] The Song saw a resurgence in the translation of Buddhist texts, under Imperial auspices, though the attempt was not particularly successful. This Imperial support, however, was not constant throughout the Song dynasty, as was demonstrated by Huizong's suppression of Buddhism in favour of the establishment of national Daoist temples of the Divine Empyrean school noted above. His religious reforms included the forcible conversion of major Buddhist temples to Daoist Divine Empyrean temples, with the forced conversion or laicization of the Buddhist clergy.[83] Other practices of Buddhism were not looked upon kindly by the state and its agents, including cremation, as discussed above. Vegetarianism, in particular, was often used as a literary trope to identify an evil or deviant

[80] A good example of this interpretation of Song Buddhism can be seen in Kenneth Chen, "The Sale of Monk Certificates during the Sung Dynasty: A Factor in the Decline of Buddhism in China," *The Harvard Theological Review* **49**.4 (1956): 307-327.
[81] Daniel Overmyer, "Folk-Buddhist Religion: Creation and Eschatology in Medieval China," *History of Religions* **12.**1 (1972): 43. The view of Buddhism in decline during the Song stems from the Buddhist sources themselves, in which the Tang is portrayed as the golden age, particularly within the Chan tradition. This is explained in great detail in Halperin's work on Buddhism and the literati in the Song period, among others.
[82] Gu Jichen 顧吉辰, *Songdai fojiao shigao* 宋代佛教史稿 (Zhongzhou guji chubanshe, 1993): 14.
[83] Shin-Yi Chao, "Huizong and the Divine Empyrean Palace Temple Network," in *Emperor Huizong and Late Northern Song China: The Politics of Culture and the Culture of Politics*, Patricia Buckley Ebrey and Maggie Bickford, eds. (Cambridge: Harvard University Press, 2006): 343-345.

cult. Outside the context of monks in recognized Buddhist temples, it was frowned upon to say the least. Also, the leaving of the family to enter a monastery was, within the context of the Confucian inspired and seemingly universally shared Chinese belief system operating in the Song, often seen as an outright violation of the religious virtue of filial piety. Potentially the most dangerous of all, however, was the formation of lay religious communities outside the confines of recognized Buddhist monastic institutions and their abbots. These offered the general population more direct access to the salvific message of Buddhism, without the need to take vows themselves.

Two lay Buddhist groups who trace their roots to the Song, the White Lotus founded by Mao Ziyuan (1086-1166) and the White Cloud, founded by Kong Qingjue (1043-1121), would come to be seen as heretic movements associated with rebellions and uprisings throughout the late Imperial period. The former was based in the Pure Land school of Buddhist thought, which opened salvation and a rebirth in heaven to all those who would chant the name of Buddha Amida. This sect and others like it, which helped to open up salvation to those outside the *sangha*, was a new and growing force in Buddhism during the Song. It was part and parcel of the growth of a religious marketplace for the whole of the population of the Song empire, providing succour and perhaps salvation to those who joined them in the chanting of sutras or the doing of good deeds in their daily lives.

From the beginning, these groups were viewed with suspicion, as they existed beyond the structures of control used by the Imperial state in its dealing with Buddhist monasteries. Their leaders might not be licensed monks, despite their shaving their heads, wearing robes, and presuming to offer salvation to others. The practices of these lay groups were also viewed with distrust, as the mixing of male and female worshippers, along with

vegetarianism, and the creation of large communities of believers, were all associated with evil sects or read as a threat to the orthodoxy underpinning the state. Eschatological belief in the coming of the Buddha Maitreya was also problematic, as it could easily translate into violent uprising and rebellion. The last two issues noted above, the creation of large communities of believers and the eschatological underpinnings of some of the groups, made these lay associations particularly threatening in the eyes of the authorities. Other organizations, both Buddhist and Daoist, had led religiously-inspired rebellions in the past and would do so in future. The Celestial Master sect of Daoism, with its history of rebellion against the imperial state dating back to the Han, is one example.

Of the various types of established and recognized Buddhist thought and practice active during the Song, it was the Chan school that was most prevalent within monasteries, particularly those identified as public monasteries, i.e., those under the direct control of the Song state. These came increasingly under the leadership of Chan masters, appointed by the Song imperial authorities. The abbots of public monasteries were chosen wholly or partially by the prefectural authorities and were subject to much more stringent control than hereditary monasteries, in which the abbacy passed to a dharma relation of the previous abbot, that is to say, one of his contemporaries or disciples from within the same monastery. Over the course of the dynasty, hereditary monasteries were transformed into public monasteries, reflecting the desire to bring more and more of everyday religious practice under state control, with half of all registered monasteries being public by the end of the northern Song.[84] The Imperial authorities were able to exert a great measure of control over

[84] Morten Schlütter, "Vinaya Monasteries and Public Abbacies," in *Going Forth: Visions of Buddhist Vinaya* William M. Bodiford, ed. (Honolulu: University of Hawai'i Press, 2005): 153. He also argues that the success of the Chan school was due in large part to their links to the literati and the elite, and the advantage this gave members of the school when it came to obtaining the abbacies of public monasteries.

the Buddhist establishment by taking upon themselves the authority, through the promulgation of edicts and laws, to appoint and remove abbots from the so-called public monasteries, to make a private monastery public, or by granting themselves the ability to shift the affiliation of a given temple or monastery from one school of Buddhist practice to another.[85]

These monasteries, large and small, served the needs of both those who were interested in devoting their lives to the Buddhist ideal as monks and those in the community who looked to the Buddhist tradition for comfort and support in their everyday lives. They offered prayers and read sutras for the Emperor and for the benefit of the Empire as a whole, a practice which in no small measure contributed to their popularity with some Emperors during this period. [86] However, as in the Tang, their size and popularity, and particularly the wealth that derived from these factors, made them more a target for some among the literati who disapproved of their existence, and the increasingly important role they came to play in the lives of both the elite and the general population. The Buddhist monasteries would also become a target from those within the Buddhist family, be they lay or clerical, poor or literati, who were influenced by some of the eschatological aspects of Buddhism, in particular the potential arrival of the Maitreya.

From the perspective of orthodoxy, there were ongoing debates within the Buddhist community and among literati interested in or associated with Buddhism, as to what orthodox Buddhism was or should be. Opponents of Chan practice debated with those who preferred a more traditional approach to enlightenment, among other doctrinal issues. The

[85] Mark Robert Halperin, *Pieties and Responsibilities: Buddhism and the Chinese Literati, 780-1280*, Ph.D. Diss. (University of California, Berkeley, 1997): 168-169.
[86]Morten Schlütter, *Chan Buddhism in Song-Dynasty China (960-1279): The Rise of the Caodong Tradition and the Formation of the Chan School*, Ph.D. Diss. (Yale University, 1998): 5.

various factions mobilized the rhetoric of heterodoxy and potential threat to attack their opponents, and to gain favour with the Emperor. However, it is unclear whether this rhetoric was ever successful in seeing a particular sect or school of Buddhism being considered heretical by the authorities. Rather, these internal debates would seem to have strengthened the position of the Emperor over the religion as a whole, giving him the position of arbiter in these religious matters.

The growth in popularity of the Buddhist monastic establishment among all facets of the population was matched by the increase in supervision and control exerted over the organization by the State authorities.[87] Again, as in the case of Daoism, though the state had come to an accommodation with the Buddhist institutions, it sought to ensure that it operated in a subordinate position, and the means by which this subordinate position was reinforced was through law, both in the form of specific edicts and prescriptions on the operation of the *sangha* and monks and through control of the public monasteries through the power to appoint their abbots. Provided that this was accepted, and it was, then the Buddhist establishment, in the form of the *sangha,* was left relatively alone. The same was not true of the lay associations, which were viewed with a great deal more suspicion.

Confucianism

The primary agents employed by the Song state to supervise its affairs, including religious culture, were the *shidafu* 士大夫 or literati who were trained in the Confucian canon upon which examinations for office were based, and whose doctrines they were supposed to follow. These doctrines derived from the texts of Confucius, such as the *Lunyu* 論語, his

[87] Schlütter (1998): 379-381.

disciples, like Mengzi 孟子 or Mencius, and the commentators and interpreters of their works, from earlier periods up to the Song. In the Song, these would include those referred to as neo-Confucian,[88] all of whom were part of a religious culture which included temples to Confucius as a Sage, and religious rituals performed under the auspices of Confucianism.[89] This new breed of Confucian scholars were active and energetic in their government activities, and in their views of what government should be. They also believed that the Song was unique in its similarity to the age of the Three Sages of antiquity, a time of perfect harmony in the Empire.[90] This, in and of itself, suggests a religious dimension to their actions on behalf of the state and on their own behalves.

It should be noted that while these Song Confucian literati are often seen as being hostile to other religious traditions, including Buddhism and Daoism, this was never a consistent position held by all literati. Members of the literati were very often active participants in these same traditions. This was true for well known figures such as Zhu Xi, among other staunch Confucians we associate with the rise of a neo-Confucian orthodoxy, as well as less well known figures who were engaging in burial customs imbued with Buddhist or geomantic beliefs.[91] Davis cites several cases in which nominally Confucian officials summoned unaffiliated *fashi* to perform exorcisms on members of their family.[92] Halperin draws attention to the fact that there were also a large number of literati who were actively engaged with Buddhist institutions and the Buddhist religion and Liao Hsien-Huei's recent

[88] This includes all of the various schools of interpretation and belief which emerged during the Song.
[89] For more on Confucianism as a religion, see Rodney L. Taylor, *The Religious Dimensions of Confucianism* (Albany: SUNY Press, 1990); Patricia Buckley Ebrey, *Confucianism and Family Ritual in Late Imperial China* (Princeton: Princeton University Press, 1991).
[90] Christian De Pee, *The Writing of Weddings and in Middle-Period China: Text and Ritual Practice in the Eighth through Fourteenth Centuries* (Albany: SUNY Press, 2007): 53; he cites Cheng Yi making this very claim in the context of his discussion of Imperial wedding ritual.
[91] Liao Hsien-Huei, "Visualizing the After-life: The Song Elite's Obsession with Death, the Underworld, and Salvation," *Hanxue yanjiu* 漢學研究 , 20 卷 1 期, pp. 399-440, 2002 年 6 月: 407-409.
[92] Davis (2001): 156-160.

article highlights the Song literati's use of divination as a measure of their concern with the supernatural.[93]

Furthermore, these same Confucian-trained scholars, acting as agents of the state in their capacity as magistrates, were often called upon to perform ritual and religious activities, in particular exorcisms of demonic beings in their districts, associated with the pre-eminent Daoist traditions of the time.[94] It should also be noted that in performing exorcisms, the forms of ritual which were mobilized bore a great similarity to the process of criminal investigation and punishment. These same officials would also offer sacrifices to local deities, earth temples, and other religious sites in times of distress such as drought or famine. In performing these rituals in their capacities as agents of the state they were reasserting the control of the state over religious forces which were harming or could harm the people of the Empire. In addition, they were demonstrating the abiding concern of the literati, and by extension the state, with the supernatural and with religion.

The literati did not confine themselves to religious action solely on behalf of the state, either. The literati were as connected with the diviners and exorcists who floated on the margins of the defined religious establishments as any other segment of the population of the period. Su Shi (1036-1101) had extensive contact with diviners and prognosticators.[95] Nor was he alone in this practice, despite condemnation by other such noted literati such as Zhu

[93] Halperin (1997); Halperin (2006); Liao Hsien-Huei, "Exploring Weal and Woe: The Song Elite's Mantic Practices and Beliefs," *T'oung Pao* **91**.4-5 (2005): 347-395.
[94] Judith Magee Boltz, "Not by the Seal of Office Alone," in Patricia Buckley Ebrey and Peter N. Gregory, eds. *Religion and Society in T'ang and Sung China* (University of Hawaii Press, 1993): 255.
[95] Liao (2005): 348-49.

Xi, many Song elite not only consulted oracles to discover their futures and to ensure success, particularly in examinations, but had an abiding belief in spirits and ghosts.[96]

While the above touches on the relationship of the Confucian-trained literati to religion, particularly through their actions as agents of the state, it does not speak to the practice of Confucianism as religion. It is often said that Confucianism, of the type devised over the course of the Song, became the standard of orthodoxy over the course of the late Imperial period. However, whether or not this holds true in terms of religion is debatable. What is clear, though, is that the form of Confucianism which developed during this period was imbued with the elements of religion, both in terms of the definition offered above and in terms of evolving ritual practice.

During the Song Confucianism as religious practice evolved and expanded, as various authors such as Zhu Xi, Zhang Zai (1020-1077), the Cheng brothers, and others integrated metaphysics, in part derived from, and influenced by, Buddhism and Daoism, to create the so-called neo-Confucianism that would be the great intellectual legacy of the Song, the religious aspects of this *jiao* become more and more pronounced.[97] A feature of this reformulation of Confucianism was intense dispute among literati over the interpretation of the Confucian canon, and the various secondary works produced by the great Song thinkers. These disputes were intimately related to the factional politics surrounding the split between an externally focussed, activist-interventionist, interpretation and agenda characterized by the writings and actions of Wang Anshi (1021-1086) and his followers, and the more inward

[96] Daniel K. Gardner, "Ghosts and Spirits in the Neo-Confucian World: Chu Hsi on *Kuei-Shen*," *Journal of the American Oriental Society* **115.**4 (1995): 598-611. Gardner addresses Zhu Xi's writings on spirits in order to challenge the idea that the Neo-Confucian world was a purely rational one, devoid of spirits and ghosts.
[97] For in depth discussion of the progression of these developments, see James T.C. Liu, *China Turning Inward: Intellectual-Political Changes in the Early Twelfth Century* (Cambridge: Harvard University Press, 1988); and Bol (1992).

looking interpretation and agenda of the Cheng-Zhu school. There were religious issues associated with these positions that could not be separated from the more practical issues of governance and state action, as each side claimed to be the one true way towards the perfection of humanity, and achieving sagehood. Emperors became involved in these disputes, as the competing factions sought the official seal to their claims to orthodoxy, which in turn allowed the Emperor to further cement his dominance over this religious tradition as well.

In one particular case, the so called "false learning" (*weixue* 威學) incident (1195-1202) of the Southern Song, followers of Zhu Xi and the Cheng brothers were proscribed as heretics by their enemies at court. This extended to the destruction of their names on tablets and official documents. The *Daoxue* school founded in part by these men had for some time claimed to be the only representatives of the Confucian tradition, the final arbiters of orthodoxy, with their views as the only acceptable interpretation of the Confucian canon. Having claimed sole access to orthodoxy, they subsequently had this claim turned on them by their opponents at court and among the literati as a whole. However, they would be rehabilitated in the late Southern Song and by the Yuan and into the Ming their *Daoxue* school was established as the orthodox interpretation of Confucianism, with some later additions and modifications for the remainder of Chinese imperial history.

The Emperor and the Imperial Cult

The last of the religious traditions to be dealt with here is the Imperial cult. While related to both the Confucian and Daoist traditions, the Imperial cult possessed its own major rites, such as the sacrifices to Heaven and Earth, performed on Taishan 泰山 by the Emperor

himself. It also included a host of minor rituals associated with the family, the court and the state more broadly. However, the specifics of the rituals are not of concern here, rather it is the position of the Emperor in this cult, its relation to the other religious traditions of the time, and the meaning that this has for defining and discussing heresy.

Within the Imperial cult, the Emperor as the Son of Heaven plays the role of divine intermediary, the connection between the material and non-material world. It is on this religious position that his authority and legitimacy as Emperor is based. Furthermore, he is responsible, in a very real and well defined sense, for the well-being of his subjects. Through the concept of the Mandate of Heaven, he will be held accountable by agents in the non-material world for his virtue and his ability to govern. If he was a good ruler, then the realm would be in harmony. On the other hand, failures on his part would be communicated to him by Heaven, manifested most often in natural disasters, rebellions, or anomalous phenomena in the heavens, such as comets, which were interpreted as bad or evil omens. This idea was reified with Mencius, whose views became more popular during the Song, and who stated that "When a prince endangers the altars of the spirits of the land and grain, he is changed, and another appointed in his place,"[98] and who also says that "If the sovereign be not benevolent, he cannot preserve the throne from passing from him. If the Head of a State be not benevolent, he cannot preserve his rule."[99] An example of the seriousness with which these omens, and their possible interpretations, were taken, and the lengths to which an Emperor might go to secure control over them, is illustrated in an edict promulgated in 1007, which states that those possessing books of astronomy are subject to execution.[100]

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[98] James Legge: *The Works of Mencius.* Oxford: Clarendon Press, reproduced at http://nothingistic.org/library/mencius/ [1895] 2003:bk. 7.2 chap. 13, 4.
[99] Ibid, bk. 4.1, chap. 3, 5.
[100] *Song da zhaoling ji* 宋大詔令集, *juan* 199 卷第一百九十九 (Beijing: Zhonghua shuju, rpt. 1972).

Throughout the above section we have looked at changes in religious practice during the Song, and the desire of the state to subordinate and control these by means of legislation, in an attempt to cement its control. In this, we begin to see how the definitions of orthodoxy and heresy were applied. Any religious activity that fell outside of the three traditions was viewed with trepidation, but, provided it did not deviate from respecting the position of the Emperor and the Imperial cult, it was not likely to be too heavily suppressed by the state. As such, what was orthodox with respect to religion can be considered that which fell within the three traditions and did not challenge the religious supremacy of the Emperor. This is in contrast to the case in the Medieval West where the orthodox was determined by the unified body of the Catholic Church, without consideration of the views of the secular princes. Moreover, it is a contrast with the situation in late Imperial China where the neo-Confucian orthodoxy, based on the works of Zhu Xi and his followers, emerged and had the strong support of the Imperial state. It must be said, however, that this later orthodoxy did not eliminate the existence of the Daoist or Buddhist religious practices, though they were tied more closely to the Confucian ideals. In the Song, the situation is more fluid, with religious orthodoxy being based less on any one tradition and depending rather more on the Emperor's position. This is not to say that the Confucian-trained literati had no influence, as primary agents of the Emperor their views on orthodoxy held more sway than those of the Buddhist or Daoist traditions, but internally they had no unified concept of orthodoxy and were unable to enforce one externally. We have also touched upon some of the means by which the Emperor and his agents attempted to put into effect through legislation, decree, or through the granting of particular powers to its agents, their particular understanding of

religious orthodoxy. In the section that follows, a more complete description of the Song legal system, and the religious values which underpin this system, will be elaborated.

Chapter 4 - Law in Song China[101]

The Song legal system has its roots in the legal systems of earlier dynasties. In particular, the Tang legal code was adopted almost entirely by the Song as the base text for their legal code, the *Song xingtong* 宋刑通. This code, and those which preceded it, was based on the religious, legal, and philosophical traditions of Legalism and Confucianism. Legalism emphasized the universal application of rules and punishment, while the Confucian approach to law was more concerned with moral education and the importance of the virtues of filial piety, humaneness, and loyalty,[102] as well as the tradition regarding the supreme religious position of the Emperor within the realm.[103] The dynamic tension and negotiation between these opposing philosophies and their respective views of the role of laws, punishment and moral suasion of the populace is evident in the legal structures of all the dynasties which followed the Han. For while the Confucian position with respect to the law, that it is inferior to morality as a means of social control, might be dominant among the ruling class, whether aristocratic, as was the case in the Han and the Tang, or literati, as was more often the case in the Song, the Imperial authorities and the Emperor recognized the need for laws to maintain order amongst the populace. This was both a practical consideration, laws are useful tools for maintaining public order and punishing those who would threaten it, and a moral and religious consideration, as laws act to ensure harmony within the empire, thus reinforcing the Emperor's claim to legitimacy from a Confucian standpoint.

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[101] This section of the paper relies to a very great extent on the work of Brian McKnight, whose works on the Song legal system are extensive and exhaustively researched.

[102] For more detailed discussion of the interaction of Legalism and Confucianism in the development of the Imperial Chinese legal system, see Derk Bodde and Clarence Morris, *Law in Imperial China: Exemplified by 190 Ch'ing Dynasty Cases* (Cambridge: Harvard University Press, 1967), especially chapter one; also A.F.P. Hulsewé, *Remnants of Han Law* (Leiden: E.J. Brill, 1955).

[103] Brian McKnight, *Law and Order in Sung China* (Cambridge: Cambridge University Press, 1992): 15, 334.

The Emperor was at the top of the Song legal system, as was the case in prior dynasties, and he had the right and the duty through his status as the Son of Heaven, and holder of the Mandate of Heaven, to decree what was legal and illegal in the realm. His officials, according to the writings of Zhu Xi, act as agents and must be loyal to him, as a son should be to a father, or in his words:

> The fixed and inalterable positions of monarch and subject are the constant condition. That the servitor should carry out the monarch's decrees and that the son should continue what the father transmits is the unchangeable Way.[104]

In theory, then, this might indicate that the Emperor possessed absolute authority over the realm. However, this was not always or even necessarily the case. In order to maintain the Mandate of Heaven, the Emperor had to not only rule, and by extension, create laws in accordance with religious principles; he had to be the supreme exemplar of proper behaviour. This was not only a religious obligation but a pragmatic consideration as well, given the Emperor relied on his officials to enforce his edicts. These officials, especially during the Song, were trained in Confucian learning based on the texts of Confucius and Mencius, and while their interpretations of the meaning of these texts could often differ,[105] some basic principles of Confucian religious and moral values were prominent, notably the importance of filial piety and humaneness. These same officials would occasionally inform the Emperor if they felt that his actions were not in line with the tenets of that faith. Moreover, the Emperor himself would, in theory, have been immersed in and trained in Confucian texts from an early age. As a result, the Legalist impetus towards strict punishments and universal application of laws regardless of status was tempered by Confucian values emphasizing

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[104] Kwang-Ching Liu, "Socioethics as Orthodoxy," in *Orthodoxy in Late Imperial China*, Kwang-Ching Liu, ed. (Berkeley: University of California Press, 1990): 80.
[105] The conflict between the reformist school of Wang Anshi and the *daoxue/lixue* movement inspired by the works of the Cheng brothers and Zhu Xi are one example.

compassion, mercy, humanity, and moral suasion. The influence of these Confucian religious ideals on the judgement of legal cases is very strong, as will be shown below.

In practical terms, the Emperor, through his literati officials as primary agents, employed a variety of means to create and enforce the law in order to ensure that the harmony of the realm was maintained. Harmony in the realm was a reflection of the success of the Emperor and his adherence to proper religious principles of rulership. In essence, maintaining harmony in the realm was tantamount to orthodoxy. The methods used, according to McKnight, included "education, prevention, cooptation and punishment."[106] The ways in which the Emperor and his officials undertook these actions, the tools that they had at their disposal, and how these were influenced by religious considerations are the subject of this chapter. In order to understand these issues, the basic structure of the Song legal system must be explained, including information on what the origins and types of Song laws were, how they were used, and who the legal personnel responsible for applying the laws in individual cases were from the standpoint of their place in the Song bureaucracy.

Structure of the Song legal system

The structures of the Song legal system of particular interest here are: the *lü* 律,the law code which sets out what is and is not a crime, and how violations are to be punished; the *chi* 勅, or edicts promulgated by the emperor which emended the statutes;[107] the *shi* 式, or specifications, which were additional rules and laws clarifying the means by which particular

[106] Ibid: 14.
[107] Brian McKnight, "From Statute to Precedent: An Introduction to Sung Law," in Brian McKnight, ed., *Law and the State in Traditional East Asia* (Honolulu: University of Hawaii Press, 1987): 114.

actions of ritual import were to be carried out;[108] and finally, the *li* 例, precedents or case books, which were increasingly used during the Song to help in adjudication. Though these were not the only types of law in the Song, they are the forms which had the most influence on the prosecution of criminal activities, including dealing with heterodox or heretical religious cults. The most important of these four are the *lü* and the *chi*, as these have the clearest links, in the form of specific injunctions and laws, with the identification and prosecution of heterodox and heretic religious practices and sects.

The *lü*, and the Song law code which was its source, prescribed particular punishments for the commission of a variety of crimes. As mentioned above, the Song code had its roots in the law code of the preceding Tang dynasty (618-907 CE). In fact, the Tang code was copied almost in its entirety and reused as the Song code. While the core of the code remained the same in the Song, however, the additional edicts, regulations and ordinances that had been attached to the Tang code over the course of that dynasty, and those added over the course of the latter Zhou dynasty, which also took the code as its own, were abandoned in the transition to the Song. In order to understand the Song legal system, it is necessary to discuss the nature of the Tang code, its origins, and background.

The Tang code is the earliest complete picture we have of Imperial Chinese criminal law. Associated with the Tang emperor Taizong's 太宗 (reigned 627-649) brother-in-law it became the basis for later Imperial law codes, with the exception of the Mongol Yuan dynasty (1271-1368 CE), and this was particularly true for the Song.[109] The editions of the Tang code now extant are based on the 737 CE edition contained in a variety of later

[108] Brian McKnight, "Patterns of Law and Patterns of Thought: Notes of Specifications (shih) of Sung China," *The Journal of the American Oriental Society* **102**. 2 (1982): 323-331.
[109] Wallace Johnson, *The T'ang Code: Volume 1, General Principles* (Princeton: Princeton University Press, 1979): 5.

sources.[110] It is divided into two sections, the first of which covers general principles of criminal law and the second covers specific offences and how they are to be punished. The code contains a total of 502 separate articles, with their attendant commentaries and sub-commentaries which explain and expand on the content of the articles themselves. There are also a series of question and answer sections dealing with hypothetical legal situations and how these might be dealt with under the law. There are laws and explanations of laws for everything from imperial boats to dogs wounding domestic animals to defective trade goods within it. Brian McKnight has compared the promulgation of the Tang code to the formation of the *corpus iuris civilis* under the leadership of the Emperor Justinian in the 6th century in Byzantium and the effect that this would have in Europe, arguing that both laid the foundations for the development and elaboration of their respective legal traditions and systems even down to the present day.[111] It was a document of immense importance in the development of Chinese Imperial law, and has echoes even in modern times.[112]

The *Song xingtong* was promulgated in 963, only four years after the founding of the new dynasty and it was, with minor modifications and additions, a copy of the Tang code.[113] Punishments were reduced in severity or kind, and some additional violations added; however, the core remains much the same. While the code itself was copied, the *ling* 令 (administrative statutes), *ge* (regulations), and *shi* (ordinances) of the Tang period were abandoned entirely. Instead of taking these from their Tang predecessors, Song Emperors would create their own modifications and additions to the law code, through the creation and

[110] John W. Head and Yanping Wang, *Law Codes in Dynastic China* (Durham: Carolina Academic Press, 2005): 119.
[111] Brian McKnight, "T'ang Law and Later Law: The Roots of Continuity," *Journal of the American Oriental Society* **115**.3 (1995): 411.
[112] The *Corpus iuris civilis* is the origin of the Napoleonic and Civil codes of law which are still used in Quebec and France today.
[113] John D. Langlois Jr., "'Living Law' in Sung and Yüan Jurisprudence," *Harvard Journal of Asiatic Studies* **41**.1 (1981): 169.

promulgation of the *chi*, the *shi*, and the *li*. It is likely that these additions from the Tang period did not and could not suit the changed circumstances of the Song period. Laws regarding the layout of markets and cities of the Tang, for instance, would not have been applicable to the more open economic and social situation which pertained to the Song city. However, the Song additions would come to play an increasingly important role in the settling of cases as the dynasty progressed. The role that these played in the practice of Song law is the next topic to be addressed.

The term *chi* is used ambiguously during the Song period, as it could mean any edict promulgated by the Imperial authorities, but over the course of the dynasty it came to refer more specifically to rulings which had the force of statutes, describing a particular punishment for a particular crime.[114] That is to say, they came to have the force of the statutes contained in the Song code. They were promulgated in such number that they came to supersede the provisions of the code, and caused Zhu Xi to observe that the code itself had been replaced by these collections of imperial edicts.[115]

The *shi*, or specifications, evolved into a unique feature of the Song legal system. Though *shi* existed in the Tang, extant examples reveal them to be something like a by-law, dealing with relatively unimportant matters of local concern.[116] In the Song period, McKnight goes on to argue, these took on a wholly different character. These types of law became linked with ritual and communication, describing both the content and the form appropriate to given ritual acts or forms of communication, or as he puts it: "*Shih* were

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[114] Brian McKnight, *Law and Order in Sung China* (Cambridge: Cambridge University Press, 1992): 62.
[115] Miyazaki Ichisada, "The Administration of Justice During the Song Dynasty," *Essays on China's Legal Tradition*, Jerome Alan Cohen, R. Randle Edwards, and Fu-mei Chang Chen, eds. (Princeton: Princeton University Press, 1980): 57.
[116] Brian McKnight, "Patterns of Law and Patterns of Thought: Notes on the Specifications (*shih*) of Sung China," *Journal of the American Oriental Society* **102**.2 (1982): 324.

designed to assure that the right actors sent (or received) fitting communications in the appropriate fashion at the pertinent time and in the proper places."[117] They included rules governing issues such as the construction of the imperial Hall of Light to the details of document format.[118] The concern with rites and communication in the *shi* hints at the unique position that these regulations had in the Song, indicating an overarching concern with proper ritual action and behaviour on the part of the literati jurists who were responsible for drafting these laws. This suggests a religious concern with proper behaviour, and the creation of laws to enforce correct ritual behaviour and communication indicates the seriousness with which these issues were taken by Song jurists and literati.

The *li* or precedents were an increasingly important part of the Song legal system as the dynasty progressed. They were responses to judgements, cases or legal problems which had arisen, collected and issued by the Imperial authorities to clarify legal issues, and they represented imperial decisions on these matters.[119] These were collected into handbooks for the consultation of judicial authorities to be used in the prosecution of criminal cases in their jurisdictions and in the later period of the dynasty, these were cited by judicial authorities in their decisions on specific cases.[120] Though these collections of precedents are no longer extant, they would have been an important tool, particularly in the latter part of the dynasty, as they would have saved judges from having to sort through the vast amount of information contained in the various collections of laws and edicts.

The actual administration of the law – that is, the judging of criminal cases – in the Song took place at a variety of levels throughout the bureaucracy of the empire. At the

[117] Ibid.: 329.
[118] McKnight (1992): 63.
[119] Ibid.: 62.
[120] Miyazaki (1980): 58, 61-62.

lowest level district magistrates were responsible for investigating and ruling on legal cases within their area. These magistrates acted both as the administrative heads of the *xian* 縣 and as chief judges in the lower courts.[121] The first step in the process was the investigation of the facts of a given case through the questioning of witnesses and the accused, and in the case of the latter, this questioning could take place under torture. This was sometimes necessary as an accused could not be found guilty through the courts without his confession.[122] Once guilt had been established, the magistrate would proceed to the second phase of the trial process, the application of the law. After consulting the code, precedents, and other relevant material the magistrate would decide on a punishment and issue his judgement or *pan* 判. If there were problems with the case, or in some circumstances if the accused declared that they had been wrongly convicted, then the case would be passed on to higher courts and officials to be dealt with.

The next level in the Song justice system was that of the prefecture, or *zhou*. The judicial officials at this level of government, in theory, reported directly to the central government and the Emperor himself. The prefectural authorities dealt with more serious cases, particularly those involving the death penalty, as well as with cases in which an appeal had been made by or on behalf of the accused.[123] Death penalty cases were further divided into cases which required Imperial review and those which did not. The former were cases in which the law was clear, the accused had admitted his guilt and agreed that he deserved

[121] Ibid.: 59-60.
[122] Ibid.: 61.
[123] For more information on the right to appeal, and how it was used by the accused in the Song, see Miyazaki (1980).

the death penalty. Any other case involving the death penalty was sent to the attention of the Imperial authorities in the capital for review.[124]

The next level above the prefecture in the judicial bureaucracy was the Imperial court. There were a number of offices and bureaus that dealt with legal matters in the Song central government. These included the Supreme Court (*dali si*), the Board of Punishments (*xingbu*) and the Counsellors' Committee (*shenxing yuan*). Each of these might be involved in the review of a case sent up from the prefectures, but it was the Emperor who was ultimately responsible for deciding cases involving the death penalty. He was expected, however, to take into account the advice of the officials on his staff, as well as the recommendations of the prefectural judiciary. As in general crimes which fit the definition of heresy at least potentially called for the death sentence,[125] the Emperor himself would likely be the final arbiter should any such case come to light throughout the empire, though he would take the advice of his chief councillors as well as other prominent literati.

As hinted at above, the judges at the district and prefectural levels were educated men, members of the literati, and in the case of the prefects, appointed by and required to report directly to the Emperor and the central bureaucracy. They were assisted in their work by a number of clerks and lesser officials, such as the sheriff at the *xian* level, who were not members of the literati class. They were salaried employees of the government, however, and were responsible for such tasks as recording the proceedings of the court, maintaining the jails, and applying the implements of judicial torture to extract confessions.

The magistrates responsible for judging criminal cases were members of the literati, of varying ranks, who had trained in the Confucian classics and had passed the examinations

[124] Miyazaki (1980): 65.
[125] The Ten Abominations, *shi e* 十惡, the most serious crimes contained in the code and their links with heresy will be discussed in more detail below.

for admission to the bureaucracy. In McKnight's examination of local government in the Northern Song, he has found that eighty-nine percent of the administrators appointed to serve in Hangzhou were examination graduates and in Fuzhou, for those who started service after the founding of the dynasty, the makeup is eighty-two percent graduates.[126] This suggests that the men tasked with judging criminal cases in the Song were, by and large, literati trained in the Confucian canon. Thus the judicial authorities shared a common ideology and could be expected to judge cases on the basis of a shared understanding of the role of law in society. This, however, did not always lead to agreement when it came to specific judgements of a given case, the disagreement between Sima Guang 司馬光(1019-1086) and Wang Anshi over the case of A Yun being an example.[127] Instead, this shared understanding provided the judges and administrators with a common ideological base and a frame of reference from which to address legal problems with respect to criminal, and other, cases. That this was based in Confucian teachings which, as has been noted in the previous section, had a strong religious component suggests also that religious considerations came into play in the judging of cases. How this was manifested in judgements and cases will be discussed in more detail below.

The above is a very brief overview of the Song legal system as it pertains to the investigation, prosecution and punishment of standard criminal cases along with a brief introduction to the people responsible for the judging and investigation of major cases. One feature of this system needs to be further stressed, however, as it has bearing on the state's response to heterodoxy and heresy. This is the issue of punishment and amnesty for people

[126] Brian McKnight, "Administrators of Hangchow under the Northern Sung: A Case Study," *Harvard Journal of Asiatic Studies* **30** (1970): 205.
[127] For more information on the case and the debates over it, see John D. Langlois Jr., "'Living Law' in Sung and Yuan Jurisprudence," *Harvard Journal of Asiatic Studies* **41**.1 (1981): 165-217; esp. 200-217.

sentenced in criminal cases. These highlight some of the ways in which Confucian religious ideals exerted a strong influence over the legal system of the Song, particularly over the issue of the death penalty.

Despite the statutes laid out in the codes, officials had a degree of flexibility, if not autonomy, in determining how to proceed in a given case, and most serious cases, especially those involving the ultimate sanction of the death penalty, were reviewed several times by progressively higher officials. As Su Jilang states with respect to the conditions during Emperor Shenzong's 神宗 reign (1068-1086):

> …if a district magistrate discovered in a death penalty case any circumstances for doubt, or if in the law there was any part that wasn't clear and solid, they then would have the responsibility to report the case to the central authorities, and those who examined it after them would render a verdict.[128]

In addition, at certain times, the Emperor would declare an amnesty, pardoning many offenders of their crimes and reducing the severity of sentences for others. Miyazaki states that of 264 felons sentenced to death in 1085, only 25 were actually executed, while the rest were spared through amnesty or in the review process.[129] Moreover, there were limitations placed on the days in which executions could be carried out. While these restrictions were not as strictly enforced as they were during the Tang dynasty, McKnight lists a number of edicts and regulations from the Song which forbid the sentencing to death or execution of prisoners on certain days, or at certain times of the year.[130] These days were chosen based on their religious significance. For example, execution for certain types of crime could not occur in the spring and summer, as these are the times of growth and life, therefore executions at this time would create disharmony in the realm. Moreover, amnesties were a

[128] Su Jilang 蘇基朗, *Tang Song fazhishi yanjiu* 唐宋法制史研究 (Xiangang: Zhongwen Daxue chubanshe, 1996): 155.
[129] Miyazaki (1980): 69.
[130] McKnight (1992): 455-460.

demonstration of the Emperor's humanity and virtue, central values in the Confucian tradition. More specifically, within the context of the Mencian-influenced Confucianism of the Song, the leniency demonstrated through an amnesty showed that the Emperor not only understood, but was putting into action, the idea that humanity was essentially good and ultimately able to be rehabilitated through education and moral suasion. This religious influence on the Song legal system will be discussed in more detail in the section which follows.

Religious Aspects of Song Law

The legal system of the Song dynasty was in part built on a religious foundation, two bases of which were the Emperor's position as the Son of Heaven and the Confucian ideals of filial piety and morality, with an understanding of the Emperor's supreme position within the key relationships defined by the Confucian classics. This is to say nothing of the position of the Emperor as the son of a Daoist god[131] or Buddhist holy king;[132] claims which have been put forward by Emperors and pretenders over the course of Chinese history. That there is a religious basis to Song law, and Imperial Chinese law in general, is not by any means a unique claim. Many legal systems have a religious background or underpinning, and the notion of a divine lawgiver in the Judaeo-Christian tradition is but one example of this. The relationship of religion to law in China generally and Song China in particular, however, is

[131] Emperor Huizong claimed this position for himself towards the end of the Northern Song period. See Von Glahn (2004): 120; Davis (2001): 35, and others.
[132] The claim to being a divine Buddhist king, or cakravartin, has been made by a number of kings and would-be-emperors in Chinese history. Empress Wu of the Tang saw herself as such. For more information, see: Tansen Sen, *Buddhism, Diplomacy and Trade: The Realignment of Sino-Indian Relations, 600-1400* (Honolulu: University of Hawai'i Press, 2003): 97.

much closer than many scholars, particularly legal scholars, have allowed for in their analyses.

Some scholars, though, have described the legal system of China as "secular and atheistical"[133] in its origins, arguing that there is a total lack of a religious component, and some have gone even further. Philip Chen has stated that "…the enforcement of Chinese law did not depend to any noteworthy degree upon the power of religion…There was not a single legal authority who claimed supernatural power."[134] Chen's extreme position is a complete mischaracterisation of the origins and development of the Imperial legal systems and the latter notion of a morally-based system, while accurate to some degree, ignores the religious nature of the nominally Confucian moral system upon which the legal system is in part based. The two are inseparable, for a number of reasons. The Emperor's authority to proclaim laws was legitimized and derived from his claim to possess of the Mandate of Heaven and his position as the ultimate, and, with respect to Heaven, the only means of communication with the non-material world and the one responsible for fulfilling its will by maintaining harmony in the realm.

Evidence of the religious nature of Song dynasty law can be found in the *Song xingtong*, the law code of the period the origins of which were discussed above. Among the first entries in the code are the Ten Abominations, the *shi e* 十惡, crimes for which amnesty was not generally available and for which the death penalty was applicable in most cases.

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[133] Xin Ren, *Tradition of the Law and Law of the Tradition: Law, State, and Social Control in China* (London: Greenwood Press, 1997): 3; the author here further argues that this view "…further alienates China from being considered as a law-oriented society by the Western legal scholars;" Michael R. Dutton also makes the claim that China is unique in the world in having a secular legal tradition. Michael R. Dutton, *Policing and Punishment in China: From Patriarchy to 'the People'* (Cambridge: Cambridge University Press, 1992): 111.
[134] Philip M. Chen, *Law and Justice: The Legal System in China, 2400 BC to 1960 AD* (London: Dunellen Publishing, 1973): 17.

The statutes relating to the *shi e* and the initial commentaries which provide the explanations of what precisely these crimes entailed, are listed here:

> 1. The first is called plotting rebellion: Plotting rebellion means to plot to endanger the Altars of Soil and Grain (…that is, the ruler and the state which he rules.
> 2. The second is called plotting great sedition: Plotting great sedition means to plot to destroy ancestral temples, tombs, or palaces of the reigning house.
> 3. The third is called plotting treason: Plotting treason means to plot to betray the country or to serve rebels.
> 4. The fourth is called contumacy: Contumacy means to beat or plot to kill one's paternal grandparents or parents; or to kill one's paternal uncles or their wives, or one's elder brothers or sisters, or one's maternal grandparents, or one's husband, or one's husband's paternal grandparents, or his parents.
> 5. The fifth is called depravity: Depravity means to kill three members of a household who have not committed a capital crime, or to dismember someone.
> 6. The sixth is called great irreverence: Great irreverence means to steal the objects of the great sacrifices to the spirits, or the carriage or possessions of the emperor.
> 7. The seventh is called lack of filial piety: This has reference to accusing to the court, or cursing one's paternal grandparents or parents.
> 8. The eighth is called discord: Discord means to plot to kill or also to sell relatives who are of the fifth or closer degree of mourning.
> 9. The ninth is called unrighteousness: Unrighteousness means to kill one's department head, prefect, or magistrate, or the teacher from whom one has received one's education.
> 10. The tenth is called incest: This section includes having illicit sexual intercourse with relatives who are of the fourth degree of mourning or closer.[135]

While it is possible to read this list as a secular statement, it is the position of this thesis that it reveals strong religious overtones with respect to these most heinous of crimes.

Those of the Abominations which deal with rebellion, sedition and treason are straightforward enough in this regard. That these Abominations included in such acts as destroying temples or images of the emperor are clear indications of religious concern. By

[135]Johnson (1979): 61-82. The Ten Abominations translated by Johnson in this work are taken from the Tang dynasty law code; however, the *Song xingtong* follows the Tang code exactly in both the names of the types of crimes in this category and in their associated commentaries. As such, I have followed his translation when discussing the Ten Abominations under Song law.

committing a crime which falls under these categories, the criminal is explicitly challenging the unique and divine personage of the Emperor and his right to rule over the land. He or she as a member of the group is committing the crime of heresy by, as Berlinerbrau would have it, choosing to deviate from the natural conception of the world. That this extends to important temples, such as those to the gods of soil and sky, reflects the concern of the Emperor with one of the key sources of his legitimacy, his unique status as the only person allowed to sacrifice to Earth and Heaven. Furthermore, attacks on ancestral tombs and palaces can be read as an attack on the Emperor's lineage and his Imperial ancestors, an extremely important issue during the Song.[136] As a result, the penalties for these crimes are some of the most severe in the Song and Tang codes. For the Song, the punishment set out in the law requires that all who commit the crimes are to be beheaded, their male relatives between sixteen *sui* 歲 and eighty are to be strangled, and the female relatives, except those older than 60 and those 15 *sui* and younger, are to be sold into slavery and their goods confiscated.[137]

Those abominations which are primarily concerned associated with filial piety, notably numbers four, seven, ten, and perhaps by extension nine, also reveal a strong religious influence on Song law. Perpetrating a crime which falls under the purview of any of the first three of these statutes represents the violation of one, if not the, core tenets of Confucianism, and of Chinese religious orthodoxy more broadly, that in the primacy of the familial relations and filial piety. This influence can be seen more clearly in looking at the specific articles addressing the kinds of crimes which might fall under the rubric of these

[136] Emperor Shenzong's attempts to have his biological father raised to posthumous emperorship, and so allow him to receive sacrifices, was a source of major controversy at the start of his reign dividing officials and other prominent literati as to the propriety of this attempt. Bol (1992): 213.
[137] *Song xingtong* 宋刑通 (Beijing: Falü chubanshe, 1998): 304.

abominations. Punishments are more severe for crimes in which the lower ranking family member assaults or attacks a higher ranking one, and even the accusation by a junior family member against a senior one is punishable, in some cases by death.[138] The notions of filial piety and proper, hierarchical familial relationships, key aspects of Song Chinese religious life for both the Confucian-trained literati and the broader population, strongly influences the Song code and its prescriptions. Violations of filial piety, crimes committed against senior family members, are considered among the most dangerous and serious crimes which can be committed. This is because they threaten one of the key components of the Song religious order, the family, and by extension they threaten the position of the Emperor as father figure for the larger family, the Empire.

The Ten Abominations represent the vilest types of crime that could be committed by subjects of the Empire, and the punishments dictated for these crimes accorded with this view. Moreover, none of the legal privileges which normally applied to high ranking members of the literati could be applied in these cases, and the punishments applied for these crimes were not subject to reduction through the amnesties that were proclaimed by the Emperors at various times throughout their reigns. Furthermore, the punishments associated with these types of crime often brought the most serious sanction applied to criminals during the Song dynasty, the death penalty, either through strangulation which was the lesser of the two death penalties or through the more serious sanction of decapitation. Beheading was considered the more serious type of punishment because of the damage done to the corpse. This was seen as carrying the punishment from this world into the next through the destruction of the body, which was not only a perpetual shame on the family who remained

[138] *Song xingtong* 宋刑統: 414. This statute relates to accusations being made in court by sons (or perhaps daughters) against their parents or grandparents, for which the prescribed penalty is strangulation.

and on the ancestors from whom one received the body in trust, but was also believed to carry the punishment over into the afterlife by destroying the spiritual life of the victim.[139] These punishments were intended to make a statement about the vile nature of the crime and the intent of the state to punish the offender in this life, and even into the next.

Beyond the Ten Abominations, and the law code in general, there were individual edicts put forth by emperors throughout the Song which dealt with religious issues. Some of these have been looked at above and others will be dealt with in more detail in the section which follows, but it would be helpful to address at least one or two here. The focus will be on the legal content and context, as well as the religious implications of these judicial actions. The first is the issue of death by slicing, the most serious punishment available to the Song judicial authorities. The earliest reference that we have to this punishment being called for is in 1028, and it is worth noting that it was to be applied to members of a religious sect who were purported to be involved in human sacrifice.[140] The translated text of the edict, promulgated in 1028, is as follows:

> Also proclaimed is that as we have heard of crimes in Hu where people are being murdered and then sacrificed to the ghosts, from today those who are the chief planners are to be considered by those with added merit for death by slicing and decapitation. Collect those who are informers and who know and give them the criminals' household wealth. Seize those who are the murderers. Weighty is their evidence.[141]

While the details of how the punishment was executed in the Song are vague, Bodde and Morris cite Alabaster's description of the punishment as applied during the Qing:

> …the offender is tied to a cross, and, by a series of painful but not in themselves mortal cuts, his body is sliced beyond recognition…This punishment is not inflicted

[139] McKnight, (1992): 447, 450.
[140] *Minggong shupan qingming ji* 名公書判清明集 (Beijing: Zhonghua shuju, 2002): 545-546.
[141] Ma Duanlin 馬端臨 , *Wenxian tongkao* 文獻通考 v.2 Xing kaoliu 刑考六 (Taibei: Shangwu yinshu guan, Min guo 76 [1987]): 1447.

> so much as a torture, but to destroy the future as well as the present life of the offender—he is unworthy to exist longer either as a man or as a *recognizable spirit*…[142]

As discussed by other authors[143] death by slicing is the most gruesome and severe method of death penalty used by the Imperial authorities in the later Imperial period, literal death by a thousand cuts. Though he refers to slicing as it was applied in the Ming and Qing dynasties, it is from the Song that later Imperial Chinese dynasties take the practice. As far as can be determined this punishment was an innovation of Song law, probably imported from the Jurchen Jin dynasty.[144] It is not mentioned in the *Song xingtong* and is not included among the Five Punishments listed either in the Tang code or even in the remnants that we have of the Han code. Alabaster's interpretation of the meaning of the punishment is as true for the Song as it is for later dynasties, particularly when we take into account the influence that the religious and philosophical developments of this period had on the former.

In this instance, then, we see an imperial edict recommending a new punishment, legitimizing the most severe individual sanction[145] possible under Song law, and this being applied to a religious crime, albeit a heinous one. While this is an extreme example, dealing as it does with a cult involved in human sacrifice, it demonstrates the extent to which the state was concerned with the suppression and control of heterodox religious practice which it viewed as beyond the pale. Such strong legal sanctions were required to ensure that such practices were eliminated, in order to preserve the harmony of the empire. That the sanction of death by decapitation alone was apparently deemed insufficient, and that a new form of

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[142] Derk Bodde and Clarence Morris, *Law in Imperial China* (Cambridge: Harvard University Press, 1967): 93.
[143] McKnight (1971); Bodde and Morris: 93-95.
[144] McKnight (1992): 451-452.
[145] The most serious collective punishments available in the *Song xingtong* were mentioned earlier and required the extermination of the male family members of the accused, along with the enslavement of their female relatives. Whether this can be considered a more severe sanction than death by slicing is debatable.

punishment was initiated to deal with this type of crime hints at the concern this type of religious practice was regarded by the Imperial authorities. It also suggests that the Song authorities were willing to be flexible with their legal repertoire in order to confront the changing religious landscape of the time. More, examples of judicial control over the religious and religious influence over the judicial will be dealt with in the following section.

On a more positive note, the magistrates responsible for passing judgement on legal cases, at all levels of government from the district up to the court of the Emperor, were concerned with ensuring that judgements fit Confucian notions of justice and right punishment. Often this meant that the Emperor would issue amnesties on such occasions as his birthday. This type of amnesty, consideration, and review was a factor in the case of A Yun referred to briefly above, and in other cases throughout the Song period. In these cases, those involved in determination of punishments were taking into account specifically religious considerations when considering the appropriate punishment to be applied to the criminal in question.

Religious considerations were not the only factors used to determine the appropriate punishment, however. The application of penalties such as fines, exile, penal servitude, branding and death determined for based on a whole host of factors, including: the severity and type of the crime, the reason for its commission, the location in which a crime was committed, and the general conditions which pertained in that location, the relative position of the criminal in society, the relative position of the criminal vis-à-vis the victim, whether the crime was committed in a group or alone, and the position of the criminal in the group, as well as a number of other factors. It was a system with an inherent flexibility. For example, certain privileges were granted to certified members of the Daoist and Buddhist

clergy, which allowed them to have the penalties for a variety of crimes reduced, or, depending on the nature of the crime, increased.[146]

The enforcement of laws and edicts, through his agents, to maintain peace throughout the empire, can be seen as a religious duty based on the will of Heaven. Leaving aside their personal beliefs, whatever they might be, these officials performing an essentially religious function on behalf of the Emperor by investigating cases, passing judgement and assigning appropriate punishments, in order to maintain order and harmony throughout the empire, and to inform the Emperor of anything which might require further attention. This is the collapsing of the secular and the sacred that was discussed in the introduction, as the legal world is often dealt with as a purely secular matter, whether in the West or in China. However, the promulgation and enforcement of law in Song China was deeply influenced by religious considerations. Maintaining harmony within the realm and through this ensuring that the position of the Emperor as possessor of the Mandate of Heaven was unchallenged was a religious concern. With respect to the maintenance of orthodoxy in religious matters, it was those who contested, or were seen to contest, the orthodoxy described in the religion section who were subject to prosecution and persecution under the law. These were the heretics and it is to heresy, as the ultimate threat to this position that we now turn.

[146] McKnight (1992): 500-501; Brian McKnight, "Sung Legal Privileges," *Journal of the American Oriental Society* **105**.1 (1985): 95.

Chapter 5 - Heresy and Heretic Cults

So far in this thesis we have considered how orthodoxy in Song China was constructed, what the definition of heresy is, how religious practice in the Song had developed and how religious orthodoxies were contested, and we have also looked at the structure of the Song legal system as well as some of the ways in which this system was influenced by religion. In the final chapter, then, we turn to an examination of specific instances of heresy and how the state responded to them. In particular, the ways in which the state mobilized the legal system, among other resources, to deal with heretics and heretical religious practice. The examples are taken from a variety of Song dynasty sources, including legal judgements and opinions, dynastic histories, as well as specific laws and imperial proclamations dealing with particular religious subjects. In looking at these examples, we will be able to determine the extent to which a comparison of heresy in Song China with heresy in the Medieval West is valid. Moreover, this chapter will highlight some of the major themes touched on in the earlier discussions of religious practice, law, and orthodoxy during the period, showing that the Song imperial authorities were greatly concerned with defending and maintaining the orthodoxy that they in large measure had helped to construct.

The first of our examples are broadly similar in the targets of the authorities' actions and proclamations. Both relate to individuals who, through their own charisma or abilities, were able to collect and mobilize groups of religious followers and mount an explicit challenge to the Emperor and his dominance of the realm. However, the response of the authorities is vastly different in each of these cases. Explaining these differences in response

is crucial if we are to understand the nature of the Song state's response to heresy and heretics.

The first of these examples from the Song was the uprising led by one Fang La (方臘) of 1120. The biography of Fang La in the *Songshi* 宋史, which was compiled during the Yuan from Song sources and it describes him as being born in Ma prefecture, from a family who had lived there for a number of years. The author of the text also implies that the region was prone to rebellion, there having been a woman during the *Yonghui* 永徽 reign period (650-656) of the Tang who had risen up and declared herself to be emperor. This area of the empire also required pacification during the first year of the *Zhenghe* reign period of the Song (1111), and it hints that deviant religion had a role in the unrest, though what type of deviant religious practice is not specified.[147] It goes on to say that, as a result of the distress caused by the

> …Flowers and Stones policy.[148] Every household had resentment, and Fang, through the people's lack of forbearance secretly gathered idle loafers for want of disciples. In the tenth month of the second year of the *Xuanhe* 宣和 (1120) reign period, he rose up causing disorder, and calling himself the Sage Duke, and established a new reign period, *yongle* 永樂…only with ghosts and spirits and secret things, they fanned the people with false stories…[149]

The text goes on to give a description of how the uprising progressed, which cities were conquered, and when the rebellion ended. From the description it is clear that this was no minor rebellion, but a major uprising that was, at least in part, religiously inspired. From

[147] *Songshi* 宋史 468.13659 (Beijing: Zhonghua shuju, 1977 rpt. ed.)
[148] This policy gave permission to the soldiers and agents of the Emperor to pass through the land in search of beautiful things, and to take them from the homes in which they were found.
[149] *Songshi* 468.13659.

other sources, we know that the ghosts and spirits referred to here were based on a mixture of religious beliefs including Buddhism, Daoism, and a potential linkage to Manichaeism.[150]

Aside from the tropes used by the agents of orthodoxy in their descriptions to attack what they perceived as a threat, there is little that we know of in the practices of this group which suggests that they were doing anything particularly alien to more mainstream religious practitioners. That is to say, outside of the fact of rebellion, the rhetoric of the historians responsible for compiling this account, and describing the protagonists and events, is similar to that deployed in a number of other cases in which deviant religious practices are addressed. The mixing of male and female, the coming together at night and dispersing at dawn, the reading of sutras, all are associated with the Fang La rebels. These literary tropes, however, are so common in the Song sources on religious cults of which the authorities disapproved that they are almost entirely lacking in historical data from which one could determine a religious affiliation for the group. Moreover, it is entirely possible that the condemnations of the religious practices of this group were *post facto* additions, made to justify not only the suppression of the group regardless of their actual religious beliefs and practices. As such, these beliefs and practices remain obscure. Within the context of a strictly Buddhist or Daoist group, the reading of sutras or gathering at night may have been frowned upon, but a state response on the order of what occurred in this instance would not likely have occurred.

So, in terms of religious practice, we know that the authorities describe the practices of the rebels as objectionable and dangerous, but that is all. In addition to hostile descriptions of religious practices from the agents of orthodoxy, there is also political

[150] Kao Yu-kung, "A Study of the Fang La Rebellion," *The Harvard Journal of Asiatic Studies* **24** (1962-63): 30.

rebellion. This political rebellion is not simply banditry or a peasant revolt over poor conditions, though this more than likely played a factor given the reference to the Flower and Stones policy in the section of the *Song shi* cited above. In proclaiming a reign title, Fang La is making an altogether more daring and radical statement. He is, in essence, claiming the Mandate of Heaven, and thus the right to rule over the Empire, for himself. He is explicitly denying the legitimacy of the Emperor, and his place as the Son of Heaven, and claiming the religious mantle of Imperial leadership for himself. Fang La's goal, it would seem, was nothing short of the founding of a new Empire. In so doing, he had committed at least one, if not more, crimes which fell under the rubric of the Ten Abominations detailed in the *Song xingtong*. This was one of the most extreme types of dangerous and deviant religious practice, from the point of view of Imperial authorities. Furthermore, given the armed uprising with which it was associated, it was not a form of religious deviance which could be changed through persuasion or cooptation. Rather, from the point of view of the Emperor and his agents, this challenge to the orthodoxy had to be put down with great speed. And it was. Within a year of his declaring the start of his reign, Fang La was dead, and his rebellion was soon crushed.[151]

This, then, would seem, on the surface, to be a fairly straightforward case of rebellion against the Empire, coloured with religious deviancy. This type of rebellion has a long history in Imperial China, and it would seem that the Emperor in question was willing and able to mobilize the resources of the state, in this case the military, to suppress the rebellion and destroy its leader. The legal system does not play a role in the resolution of the issue, however, so as an example it would seem to be outside of our area of interest. There is, however, an example which is almost identical in terms of the actions of main protagonist

[151] *Songshi* 468.13660.

that does involve judicial intervention, and which actually comes to us through the *Ming gong shupan qingming ji* 明公書判清明集 (The Enlightened Judgements), the collection of legal judgements from the Song. This is a compilation of legal judgements made by erudite magistrates of the Song period. In the example below it details the Song authorities' legal response to a similar type of heretic.

The case in question from the Song, as described in the *Qingming ji*, details the activities of another individual, one Zhang Dayong 張大用. His actions, and, as importantly, the way they were reported by the authorities closely resembled those of Fang La in a number of ways. The language describing the religious practices of the group he was involved with, and the rhetorical tropes used to accuse him match up very closely with those mobilized by historians and authors against Fang La. He gave himself a pseudo-royal title, he appointed his followers to positions within his own hierarchy, and was guilty of being one who "practices vegetarianism, worships demons, gathers [with others] at night and disperses at dawn in order to practice or transmit some kind of devilish faith…"[152] Most, if not all, of these activities are also ascribed to Fang La, and the language used by the sources describing them is almost identical with respect to their religious activities.

And yet, according to the records, there was no rebellion requiring military intervention. Moreover, Zhang was not even given the death penalty as punishment, nor were any of his followers, as was required by law. His actions violated not only the various edicts prohibiting the types of religious behaviour he was described as engaging in, but he was equally guilty of plotting rebellion or great sedition, both crimes which fall under the rubric of the Ten Abominations. Rather than death, he and his followers had their

[152] James T.C. Liu and Brian McKnight, trans., *The Enlightened Judgements: Ch'ing ming chi – The Sung Dynasty Collection* (Albany: SUNY Press, 1999): 476-77.

punishments reduced in severity, or they were pardoned entirely.[153] What then are we to make of this enormous disparity in response on the part of the imperial authorities? How does this mesh with our understanding of heresy, and the means by which the Song state mobilized against it? There are a host of possible and plausible reasons for this display of leniency in the case of Zhang. The first, and perhaps simplest, is that this particular group and its leader did not present a real or direct threat to the supreme position of the Emperor, politically or religiously. That is to say, while their actions were objectionable, their numbers, strength, and ambitions were more limited than those of Fang La's group. As there is no evidence from the text of the judgement that the leader in question led an armed uprising, it is plausible that as a result they were dealt with less harshly. Yet, Zhang's actions, and those of his followers, clearly fit within our definition of heresy. This would appear not to be the reason for the leniency with which they were dealt.

A second possibility is that the state was not in a position to exert its full authority over this particular cult, due to the popularity of the cult in this locale. Leniency might be a tacit recognition of the limits to which the authorities were prepared to go, out of fear of generating a much larger problem. However, this does not seem likely in this case. If Zhang and his followers were in such a position of relative strength with respect to the Imperial authorities, it would have been difficult if not impossible to detain and try him for his heresy. Given that our source for this case is a write up of the judgement passed after Zhang was tried, it is clear that the authorities were in a position not only to suppress this religious group, but that they were willing and able to capture and detain Zhang and at least some of his followers. What is also clear is that the religious practices that this group was engaged in were not sufficiently popular that an attack on them would result in further problems. So, if

[153] Ibid: 478.

the lenient response is not a result of the weakness of the authorities or a fear of uprising, what else could it have been?

A third option is that it was decided that this group, including its leader, could be brought back into line with orthodoxy. This interpretation is the more likely for a number of reasons. First, it might have been a display of leniency based in the Mencian interpretation of Confucian ideals, part of which emphasised the possibility of re-education and the innate goodness of man. This approach to criminals was not uncommon during the Song period as was discussed earlier with respect to amnesties Through education and moral suasion the misguided could be brought back into the fold, and doing so reinforced the superior moral position of the orthodoxy with respect to its challengers and displayed the Emperor's virtue and forgiveness to all within the realm. Second, given that we have concluded that Zhang's group was unlikely to have been massively popular, this approach was not as risky as it might appear. The perpetrators would be punished and their religious group suppressed, but there would have been little risk of a more wide spread rebellion. And finally, this approach is very similar to the response of the Catholic authorities in Medieval Europe to minor heresies and heretics; educate and persuade those who could be, and crush those who were persistent in their deviancy. Thus the difference in the authorities' response to Fang La's group and Zhang's group can be explained as differences of degree. The former was a larger and more serious religious and political threat to the Emperor's position and was thus dealt with militarily. The latter was less of a direct military threat, and thus was dealt with through the judicial system before it could grow. Both were heresies, and of great concern to the state, but Zhang's case was able to be dealt with through institutionalized legal channels. That the Song authorities chose to deal with this group through the legal system is

indicative of not only the usefulness of this approach in dealing with heresy, but also of their inclination (much as in Europe) to deal with heresies through a gradually escalating application of state power. First, an attempt was made to bring the heretic back in line with orthodoxy, whether it be Catholicism in Europe or Imperially defined orthodoxy in Song China. Only when the heretics persisted in their views would they be put to death. Attempting to set up an alternate church hierarchy, as was done by the Cathar leadership, is roughly equivalent to what Fang La was attempting to do and as a result the Cathars were subject to a crusade to remove the threat to the orthodoxy as defined by the Catholic church at the time. In both of these cases, the heretics had popular support and resources, financial and military, to pose a credible threat to the sole orthodoxy at the time.

In order to grasp the full implications of this for the definition of heresy, other, more subtle examples and cases must be analyzed. These next examples come from the edicts promulgated by various emperors on religious issues. One of these was mentioned in passing in a different context earlier. This is the edict dealing with those people in possession of books of astronomy and on military subjects, a type of edict which has precedents leading back to the earliest of the Chinese dynasties, the Qin.[154] The text of the edict states:

> Edict prohibiting the ownership of astronomical and military books, promulgated in 4th month of the 3rd year of the *Yingde* reign period (1007): Of books on astronomy and on military matters, private [ownership] and study [of these] has punishments. These are set forth in the law texts, and they are employed to guard against the crafty and the false….It is ordered that officials ban and have destroyed [the books] in their presence, and when finished, memorialize the Emperor. If after the time limit is ended they are some who have not confessed to hiding and concealing the books, they are disobedient and in violation of the law, and they ought to be punished by death. Within there are those who use their secrecy to

[154] See the same examples listed in the notation in the introduction dealing with the burning of books and scholars in the Qin dynasty. See also examples from the Tang code and the Song code.

> deceive and delude, [their] words extend to [speaking] portents and omens, for this reason they are the most serious ones. It is suitable to enact a punishment of beheading. Those who are informers [are to be rewarded] with 100 000 cash.[155]

It is clear from this edict that the possession of these books on astronomical and military subjects was, without question, a serious offence, and one which the Emperor was interested in suppressing. While the Emperor did allow for an amnesty period in which these books could be turned into the authorities,[156] failure to comply with the deadline would call for the application of the full punishment. Furthermore, those whose crime went beyond mere possession of these books, and who spoke of omens and portents, outside of the interpretations provided by the Bureau of Astronomy, could be seen as calling into question the legitimacy of the Emperor's position as Son of Heaven. This would not only challenge his ritual position as the sole link between Heaven and the world, but also represented a challenge to his right to rule over the empire. Hence the seriousness of the punishment for those possessing these books, death, presumably by strangulation, and the greater seriousness of the punishment for those who seek to deceive and delude others with their words, beheading.

So, there are several elements in this case which fit with the definition of heresy outlined above. The possessors of these books are not only by definition subjects of the Empire, and therefore members of the group. Implied in the edict is that they are also, if not members of the literati, at least they are members of an educated, literate and reasonably wealthy class, otherwise, how and why would they come into possession of these books, and how could they access their materials. These subjects also represent a potential danger to the

[155] *Song da zhaoling ji, juan* 199.
[156] *Song da zhaoling ji*, *juan* 199.

orthodoxy, as possession of works of astronomy implies the possibility that the Emperor is not the sole arbiter between Heaven and Earth. Moreover, the dissemination of omens and portents presents a more direct threat, by means of the potential to deny that the Emperor is the legitimate Son of Heaven, which denies the legitimacy of his rule, and his claims to determine orthodoxy. Military books are a somewhat different matter. They present an equally real threat of danger, as someone possessing could put the information they contain to use in a military attack on the orthodoxy. However, they do not, in and of themselves, present a religious threat to the orthodoxy. Rather, they could be used in a challenge to the Emperor, which would be a heretical act. Thus it would appear that those who were in possession of books of this type could be considered to be heretic, at least potentially so. In this case, what on the surface is not a religious issue, upon closer analysis reveals a very important religious dimension. The reading of the stars was an act with strong religious implications, and was of particular threat to the Emperor, as according to the Imperial cult he and he alone has the right to interpret signs from Heaven.

It must be pointed out, however, that repeated edicts forbidding the ownership of these books and the practice of divination were only partially honoured, even by the elite.[157] This would seem to suggest that while the Emperor considered them a threat a large portion of the literati were less concerned with this type of activity, and may in fact have engaged in it on a regular basis.[158] However, this does not necessarily take away from the religious import of these judicial edicts. Rather, they speak to the constant and ongoing negotiation of orthodoxy which was a hallmark of the Song period and to the limits of the power of even the Son of Heaven to control certain types of religious practice. The intent to control

[157] Liao Hsien-Huei (2005) makes this point throughout this article, and suggests that the concern with divining the future outweighed their fear of state intervention.
[158] Liao Hsien-Huei (2005): 255.

religious practices, and the implicit assumption that the Emperor had both the power and the duty to intervene in these types of cases are what is important here.

Thus, the Imperial authorities were willing to display a degree of leniency in order to bring those wayward heretics back amongst the fold who could be brought back, or in the interests of greater harmony, and based on a desire not to make things worse, punish and observe the heretics, rather than exterminate them. In this way, the harmony of the Empire could be maintained, the position of the orthodoxy reinforced, and the Emperor's claim to possess the Mandate of Heaven, and his position as sole mediator between Heaven and the world, would be strengthened through his display of benevolence. It is also a tacit recognition of the limits to which the state could go in its attempts to centralize and dictate orthodoxy in all facets of religious and ritual life. However, when the threat to the religious position of the Emperor became real, as was the case of Fang La's heretical rebellion, the full weight of the Imperial authority was brought to bear to exterminate the heretic group.

More direct evidence of the way that the Imperial authorities dealt with heresy can be found in other judgements from the *Qingming ji* and from the *Song huiyao jigao*. The cases offered below refer specifically to those accused of being members of licentious temples or who engaged in heterodox religious practices of varying types. This include references to *Mojiao* 魔教, which is the derogatory term used by literati authors to refer to Manichaeism in China, the practice of sorcery or shamanism, lay religious groups, and other types of religious practice which were deemed by the Emperor or his legal representatives to be heterodox or heretical.[159]

[159] For more information on Manichaeism in China, see Samuel N.C. Lieu, *Manichaeism in Central Asia and China* (Leiden: E.J.Brill, 1998).

In this case taken from the *Qing mingji*, one Cao Wansheng is accused of placing an evil horoscope in a temple to bring misfortune on Cao Jiushi, possibly his relative as they both have the character *cao* 曹 as their surname and they seem to come from the same place. After an investigation an iron tally is found within the temple, presumably containing the offending horoscope or words to the spirit of the temple. Through an investigation under torture Cao Wansheng, and a Wang Hunsan who seems to be his accomplice in this matter, are convicted of evil sorcery, deluding the masses, and magically poisoning the temple. The latter crime, the making of sorcerous poison, is an extremely serious crime, listed as one of the ten abominations from the *Song xingtong*. As such, one would expect a harsh decision to have been passed down by the judge. However, it is at this point that the judgement takes a strange turn. Rather than following the prescribed sentence for the infraction as laid out in the law cited at the beginning of the judgement, death, the convicts are sentenced to be branded, exiled to another district, and not allowed to return.[160] Given that at least one of the crimes committed by the accused was one of the Ten Abominations, this is a surprising conclusion to the case, to say the least.

Here again we have what would seem to be leniency on the part of the judge in the face of a crime that fits with our definition of heresy. Furthermore, given that the *Qingming ji* is a collection of judgements chosen for their enlightened content and judicial excellence,[161] it would seem to suggest that the leniency shown by the judge in this case was not only proper, but was actively approved of by those responsible for making the collection. Again, this suggests that the judge responsible for assigning these punishments, the literati who approved of his leniency in sentencing, and the Imperial authorities who presumably

[160] *Minggong shupan qingming ji* (2002): 548-549.
[161] McKnight and Liu (1999). The origins and background of the collection are discussed in detail in the introduction to this translation.

did not reject this sentence all were in agreement that leniency was called for. Absent further evidence on this specific case, it seems likely that they were motivated towards leniency for reasons other than political expediency. Neither of the accused is portrayed as being powerful locally or nationally, nor does the judgement indicate that they were in any other way special or unique. Thus it would seem that Confucian religious ideals, notably humaneness and mercy, affected the sentencing in this case. As it is, the sentence is quite harsh, but it certainly much less harsh than the death penalty.

The case itself clearly falls within the bounds of our definition of heresy. The accused, as Chinese, were by definition part of the group as defined by those who controlled orthodoxy. They had performed actions which put them outside the bounds of acceptable and orthodox religious behaviour and committed crimes which were explicitly identified as among the most dangerous in the legal code. It was treated as a crime by the Imperial authorities, prosecuted under the law, and the offenders were punished. However, here again we see leniency where one might not expect it. This behaviour can be explained by looking at the way in which Zhang's case was dealt with by the authorities. The convicted heretics are given the chance to rectify themselves and bring themselves back into line with orthodox behaviour, albeit with a permanent mark of their having strayed being branded on their faces. There is punishment applied, but the offenders, as members of the group who have deviated, are given the opportunity to rectify themselves. The Imperial authorities, in this instance represented by the presiding judge, are able to demonstrate their virtue and forgiveness, demonstrating their legitimate right to rule and their right to determine and enforce orthodoxy throughout the Empire.

Still another example of heretical activity can be found in the *Song da zhaoling ji*, this time however, it addresses a group who follow a sect called *mingjiao* 明教. Dated the 4th day of the 11th month of the *Xuanhe* 宣和 period (1119), it is an official report or judgement dealing with this sect. *Mingjiao* is often considered to be associated with Manichaeism; however, this view is not universally accepted and some scholars see closer ties with Daoist and Buddhist lay communities, albeit with some Manichean influence.[162] The problem of clearly identifying the specific religious leanings or practices of these sects is again exacerbated by the rhetoric mobilized by literati commentators towards these sects. Their disapproval was evident and, as explained above, they utilize stock phrases and generic literary tropes when discussing these sects or groups of worshippers. The familiar literati complaints about the sect "coming together at night and dispersing at dawn," the "mixing of male and female," and their having "heterodox and strange sayings" are all in place. In this case, however, at least some of the accused are to be put to death by beheading.[163] Leniency is not shown towards the accused, at least in so far as we are able to discern from the edict. Rather, the Imperial authorities see this sect as being too dangerous for the leaders of it to continue to exist and spread their teachings throughout the Empire. However, the reasons that this particular group are seen as more dangerous are obscure, so it is difficult to know precisely why this group in particular was subject to harsher treatment than others outlined earlier. In some cases, however, the reasons for severe punishment of heretics is very clear, and it is to these last examples that we now turn.

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[162] Guo Dongxu 郭东旭, *Songchao falü shilun* 宋朝法律史论 (Hebei: Hebei Daxue chubanshe, 2001): 173. Guo suggests that *mingjiao,* while it might have had some associations with Manichaeism, particularly in the minds of the literati, it was more rooted in Daoist and Buddhist popular worship than anything else.
[163] *Song huiyao jigao: Xing Fa* 宋會要楫稿: 刑法: 2.78 a-b.

As mentioned in the section on Song law, there were certain heretical groups who, though they did not engage in armed rebellion, were still considered so far beyond the pale that the full force of the law was applied to them. This was to be done without leniency or mercy. These were the cults and sects that practiced human sacrifice, with the suggestion of cannibalism. For these heretics, an entirely new punishment was to be applied, death by slicing. In the *Qingming ji*, the reference to death by slicing is not in a judgement, but rather is a part of a recommendation from judicial authorities on how to deal with this type of cult. In the *Wenxian tongkao*, as shown above, we have the record of an imperial decree outlining the punishment for this type of behaviour.[164] In both cases, standard rules calling for different treatment of leaders and followers is suspended, and both are to be sentenced with equal harshness. In the *Qingming ji*, the cults are described in some detail, and there is the suggestion that beyond the practice of human sacrifice there is also cannibalism. Victims were either kidnapped or taken from the families of cult members, and then killed, sliced up, then boiled and roasted.[165]

The punishment suggested for these types of offenders, death by slicing, represents, as previously noted, the ultimate sanction. They have strayed so far beyond the pale that their bodies are to be destroyed in this life and in the next, preventing them from taking form in the afterlife and ensuring that all those who encountered them in the afterlife, including those responsible for judging and sentencing them to hell, would know of the severity of their crimes. In more mundane terms, this type of punishment would serve as a warning to all others who might be engaged in these practices what they could expect if caught. Given

[164] *Wenxian tongkao* 文獻通考 v.2 Xing kao liu 刑考六: 1447.
[165] *Minggong shupan qingming ji* (2002): 545-546.

the descriptions of what the punishment might have entailed, this would have been a powerful message and an equally effective deterrent.

But why was human sacrifice such a dangerous heretical crime? Why was it not considered simply as murder, a dangerous crime, but not one requiring this type of sanction? I would suggest that it is the religious dimension of the crime, murder undertaken to appease or repay ghosts and gods, which led the authorities to respond so vehemently to this type of crime. Presumably these deviant gods had spiritual power, *ling*, otherwise they would not be worshipped by the populace.[166] These ghosts or gods who gained their spiritual power through human sacrifice would be, by definition, evil and dangerous, demons of darkness. Their cults would have been dangerous in and of themselves, as murder and kidnapping were threats to the harmony and stability of the Empire and the lives of its people. This is one facet of the threat that they posed. The other is more subtle, and linked to the source and type of these gods' power. These evil gods were outside the standard pantheon, so much so that they would have been beyond the control of the dominant deities of the pantheon, and by extension, perhaps, beyond the control of the Emperor as the supreme religious figure in the empire. This is not to say that they were beyond his ability to act, but more that they represented the antithesis of the order and harmony towards which he had a religious obligation to strive. Moreover, as their power increased through practices which damaged the harmony of the Empire, their mere existence as cults represented a very real threat to his religious power. Thus these cults and their adherents had to be destroyed completely to eliminate the gods' source of power. This would not only ensure that they could no longer damage the harmony of the empire, but would in a very real sense destroy the gods

[166] Davis discusses the importance of reputation for religious practitioners and gods alike in how worshippers chose those towards whom they would direct their prayers and sacrifices.

themselves. The destruction of their temples and the elimination of their worshippers in this most gruesome of fashions demonstrated the power of the Imperial authorities to eliminate dangerous gods. The Imperial authorities in attacking and destroying these cults and their shrines are not only suppressing deviant religious practice but are killing the gods responsible for encouraging or sanctioning such horrific behaviour. They are extending their judicial power into the supernatural, and reaffirming the supreme religious power of the Emperor.

Conclusion

Throughout the above discussion of heresy, orthodoxy, religion, and the legal system of Song dynasty China, the attempts by the Imperial state to assert itself as the pre-eminent arbiter of orthodoxy have been touched on repeatedly. The religious culture of Song China was changing, in some cases beyond what the government was prepared to deal with or accept. Religious practitioners and sects outside of the three traditions, and even new trends within the *sanjiao*, were becoming more and more prevalent. At the same time, some of these trends were also becoming increasingly influential, not only at the elite level but also at the more popular level. The formation of lay societies is but one example of this trend. That the Emperors and their agents wished to exert their authority and control over this new religious culture is evident. Unlike the situation described by Liu *et al* and Kuhn in the late Imperial period,[167] there was not a dominant, recognized Confucian orthodoxy against which other religious traditions were measured. Rather, the overlapping spheres of religious practice which made up the *sanjiao* were in the process of negotiating their relationship to

[167] Kuhn (1998); Liu and Shek, eds. (2004).

the state and the Imperial cult throughout the dynasty. Religious practitioners, both elite and otherwise, could engage in a host of different practices across all these areas and often did. The Imperial cult, and the religious position of the Emperor which went along with it, operated as an overarching structure through which religious orthodoxy was defined. Provided that practitioners and schools of the *sanjiao* recognized and accepted his position at the head, they were considered to be orthodox by the Imperial authorities.

In order to achieve this goal of increased central control over religious practice, among other areas, they needed to exploit whatever means were available to achieve this goal. One of the key means which they employed was the law, through the promulgation of new laws and edicts and through the interpretation of older statutes. These dealt with what the Imperial authorities, as proxies for the Emperor, perceived as threats to his position as the sole arbiter of orthodoxy, and these theoretically called for the state and its agents to deal with it very harshly. However, in practice, other less violent or permanent punishments were often applied if the guilty were thought to be capable of redemption in the eyes of the orthodoxy or if their punishment was deemed to be a violation of the religious tenets which underpinned the legal system such as taboos on execution in the spring, a time of life and growth in Chinese cosmology. The laws themselves did not always dictate practice, in positive terms, in a consistent manner. Rather, judges and other representatives of Imperial authority often focussed on absorbing or redirecting new cults into established patterns of religious behaviour, as in the case of popular religious cults and deities being absorbed into the Imperial pantheon. There was a constant process of negotiation between the state and the new religious movements, as new and possibly threatening religious movements came up against a state interested in securing its authority and centralizing its grip on power.

Attention has also been drawn to the idea that the world of the Song, in all its facets, was informed and underpinned by a matrix of religious ideas. All aspects of the lived experience were informed by religious belief, including, and especially, the legal system. This system was one of the primary tools by which the orthodoxy attempted to control and limit heresies and heretics. Those religious groups which would not bow to the supreme religious position of the Emperor, or which presented a real or implied threat to his position as the sole arbiter of orthodoxy, were considered heretical. In response, the state mobilized all the tools provided within the law, including cooptation and education in dealing with these groups and individuals, in an attempt to preserve Harmony within the Empire. In many cases, the punishments applied to heretics were lenient, reflecting the religious leanings not only of the literati but those which underpinned the position of the Emperor as well. However, if the threat to the position of the Emperor was realized, the state could and would respond with violent suppression. From this perspective, then, the view of the law as a secular tool of government does not hold up. Rather, the boundary between the secular and the sacred, a key distinction when it comes to Western heresiology, is collapsed. The agents of the government responsible for the investigation and suppression of heresy in the Song are at all times and simultaneously religious and political actors, responsible for upholding the harmony of the realm, which is both a political and a religious ideal. The process of negotiating the boundaries between the orthodox and the heretic, in the context of a shifting and expanding religious matrix would set the pattern for the dynasties which would follow after the Song.

This thesis set out to investigate the possibility that a framework derived from Western historical studies on European heresies could be applied to the investigation of

heterodox religious groups and individuals in China. The approaches of these heresiologists differ in important ways from the analyses of historians studying Chinese religious history, and offer a different viewpoint and analytic framework for discussing the problems of heresy and orthodoxy. While these models cannot be applied to the Song Chinese context blindly, they do offer interesting avenues of potential research. The brief discussions on the construction of orthodoxy, the religious position of the Emperor, and the importance of religious beliefs in Chinese legal history are only a few of the areas that might benefit from taking this approach to Song history. However, it should be made clear that religious orthodoxy in Song China differs enormously from the situation which held in contemporaneous Europe. The supreme religious position was not held by a particular church or religious ideology, but was embodied in the person and position of the Emperor. This position was to some extent reinforced by the rituals of the Imperial cult, but did not necessarily depend on it. Rather, by being Emperor he held supreme religious authority. Other forms of religious practice were allowed, and at times positively encouraged, provided that his supremacy was not questioned or challenged. His role combined the religious and the political, the secular and the sacred, in such a way that they could not, and should not, be separated. Political, and legal, actions were informed and reflected religious concerns. This was as true for mundane issues as it was for the problem of heresy.

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