

A LOOK INTO TRADITIONAL CHINESE ADMINISTRATIVE LAW AND BUREAUCRACY: FEEDING THE EMPEROR IN TANG DYNASTY CHINA

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Abstract

Research on Tang dynasty (618 -907 A.D.) law—and indeed, premodern Chinese law as a whole—has been focused primarily on penal law, at the expense of other important areas of law, namely administrative law and civil law. The Tang Liu Dian, compiled in 738–739 A.D., during the Tang dynasty, is an important, self-contained administrative law code which lists out in great detail every Tang dynasty government office, as well as various official positions and their functions and obligations. It also traces the historical evolution of each office and position since Chinese antiquity. The TLD is of great historical significance—it is regarded as the earliest fully extant administrative law code from China, and it served as a model comprehensive administrative law code for subsequent dynasties, including the Ming and Qing dynasties. However, little to no scholarship on the TLD exists in any Western language. This Article examines Tang administrative law, as set forth in the TLD, through the specific lens of how the emperor was fed and analyzes Tang administrative regulations on feeding the emperor. The Article explains, describes, and sets forth the specific agencies and officials who were responsible for feeding the emperor, as well as their specific functions and structures as provided by the TLD. Relevant rules in the Tang Code (i.e., the Tang dynasty penal code) are also discussed to provide a complete picture of the regulatory apparatus behind the task of feeding the emperor. Ultimately, from this examination of Tang administrative law through the emperor’s food service agencies and offices as set forth in the TLD, this Article sets forth some general observations regarding Tang administrative law and argues that one of the key roles of administrative law in the Tang was to further enhance and protect the prestige, image, and power of the emperor.

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INTRODUCTION

The Tang dynasty (618–907 A.D.) is commonly regarded as the apex of the development of traditional Chinese law, and specifically, the dynasty when the process of “Confucianization of law” was completed.¹ Its legal institutions, legal codes, and legal culture also influenced the legal systems of future Chinese dynasties (e.g., thirty to forty percent of the Qing dynasty (1644–1911) criminal code was directly adopted from the Tang Code (唐律)) as well as other Asian kingdoms, such as Korea and Japan.² Due to its importance and wide-ranging influence, as well as its representative nature of traditional Chinese law as a whole, Tang law has attracted considerable scholarly attention from legal historians of China and also scholars of modern Chinese law.³ However, most work on

¹By traditional Chinese law, I refer to Chinese law, legal culture, and legal institutions from antiquity up to 1911. The phrase “Confucianization of law” was first coined by Chinese legal historian T’ung-tsu Ch’ü. *See generally* T’UNG-TSU CHÜ, *LAW AND SOCIETY IN TRADITIONAL CHINA* (1961). I am grateful to Paul Goldin for this point. Goldin defines “Confucianization of law” as the “process by which the legal system, comprising not only statutes and ordinances, but also principles of legal interpretation and legal theorizing, came to reflect the view that the law must uphold proper interactions among people, in accordance with their respective relationships, in order to bring about an orderly society.” Paul Goldin, *Han Law and the Regulation of Interpersonal Relations: ‘The Confucianization of Law’ Revisited*, 25 *ASIA MAJOR* 1, 2–3 (2012). For a scholarly reassessment of the “Confucianization of law” label and narrative, *see* Geoffrey MacCormack, *A Reassessment of “Confucianization of the Law” from the Han to the T’ang*, in *ZHONGGUOSHI XINLUN: FALÜSHI FENCE (中國史新論：法律史分冊)* [NEW DISCUSSIONS ON CHINESE HISTORY: LEGAL HISTORY] 397, 397–442 (Liu Liyan (柳立言) ed., 2008).

²THE T’ANG CODE, VOLUME I: GENERAL PRINCIPLES 3 (Wallace Johnson trans., Princeton Univ. Press 1979) [hereinafter THE T’ANG CODE, VOLUME I] (introducing TLD’s significance). For an analysis of the influence of the Tang Code specifically on the law codes of later Chinese dynasties, *see, e.g.*, Brian E. McKnight, *T’ang Law and Later Law: The Roots of Continuity*, 115.3 *J. AM. ORIENTAL SOCIETY* 410, 410–420 (1995). Please also note that, throughout the Article, Chinese characters for pertinent terms shall only be provided the first time the term is used.

³For representative important works in Western languages, *see, e.g.*, JOHNSON, *supra* note 2; *see also* THE T’ANG CODE, VOLUME II: SPECIFIC ARTICLES (Wallace Johnson trans., Princeton Univ. Press 1997) [hereinafter THE T’ANG CODE, VOLUME II]; KARL BÜENGER, *QUELLEN ZUR RECHTSGESCHICHTE DER T’ANG-ZEIT* (1946); Wallace Johnson, *Limitations on Legal Privilege in the Tang Code*, 7 *J. ASIAN LEGAL HIST* 23 (2007); Wallace Johnson, *Status and Liability for Punishment in the T’ang Code*, 71 *CHI.-KENT L. REV.* 217 (1995); Wallace Johnson & Denis Twitchett, *Criminal Procedure in T’ang China*, 6 *ASIA MAJOR* 113 (1993); and Norman P. Ho, *Understanding Traditional Chinese Law in Practice: The Implementation of Criminal Law in the Tang Dynasty (618-907 AD)*, 32 *UCLA PAC. BASIN L. J.* 145 (2015). Leading scholars of modern Chinese law also give the Tang much

Tang law (and indeed, traditional Chinese law as a whole) has focused primarily on penal law (especially on the celebrated Tang Code, the earliest extant complete penal code in China), at the expense of administrative law and civil law.⁴

This Article focuses on Tang administrative law, and in particular, the *Tang Liu Dian* (唐六典) (also known as the *Da Tang Liu Dian* (大唐六典)). The *Tang Liu Dian* is often translated as “The Six Rules of the Tang”, “The Six Statutes of the Tang”, or “The Six Codes of the Tang”. Hereinafter, I shall refer to it as “TLD”), which is the earliest complete Chinese administrative law code that has survived to the present day. Commissioned by Emperor Xuanzong (唐玄宗) (r. 713–756) in 722 and completed by an imperial editorial team in the year 738 or 739, the TLD comprehensively covered all institutions of the Tang government and bureaucracy.⁵ The TLD listed out each bureaucratic office and organ, stipulating the precise number of officials in each office and their ranks, functions, powers, and responsibilities, and also included commentaries which explained the historical evolution of each office.⁶ Nominally based on the official bureaucratic structure of the Zhou dynasty (eleventh century B.C.–221 B.C.) as set forth in the Confucian classic *The Rites of Zhou* (周禮),⁷ the TLD was actually organized based on the real structure of the government

prominence in their studies. See, e.g., ALBERT CHEN, AN INTRODUCTION TO THE LEGAL SYSTEM OF THE PEOPLE’S REPUBLIC OF CHINA (4th ed.) 16–17 (2011).

⁴ One reason for this emphasis on penal law is the long-held view that Chinese traditional law “was purely penal and did not embrace economic or civil law. . . .” Hugh T. Scogin, Jr., *Civil “Law” in Traditional China: History and Theory*, in CIVIL LAW IN QING AND REPUBLICAN CHINA 13, 15 (Kathryn Bernhardt & Philip C.C. Huang eds., 1994).

⁵ DAVID McMULLEN, STATE AND SCHOLARS IN T’ANG CHINA 183 (1988).

⁶ *Id.*; Wang Chao, *The Six Codes of the Tang Dynasty: China’s Earliest Administrative Code*, 2 SOC. SCI. IN CHINA 113, 113 (W.J. Xing trans., 1986) [hereinafter Wang, *The Six Codes*]. Note that this article is an English translation (done by W.J. Xing) of Wang Chao’s original Chinese-language article which was published in 1984. See Wang Chao (王超), *Wo Guo Gu Dai de Xing Zheng Fadian Da Tang Liu Dian* (我國古代的行政法典《大唐六典》) [*Chinese Feudal Administrative Law Code: The Great Six Codes of the Tang*] 8 ZHONGGUO SHEHUI KEXUE (中國社會科學) [SOCIAL SCIENCES IN CHINA] 115, 115–42 (1984) [hereinafter Wang, *Great Six Codes*].

⁷ *The Rites of Zhou* is often dated back to about the third century B.C. It is an important primary source text that provides information on the political and administrative systems of the Zhou dynasty. The text discusses various officials in Zhou government and details their responsibilities and how they should perform their duties.

during the Tang.⁸ The TLD was very important in the development of Chinese law, as it started the dynastic practice of separating administrative law codes from penal codes.⁹ Furthermore, it served as a model for administrative law codes in subsequent dynasties.¹⁰ Today, the TLD is also a critically important source for understanding Tang administrative law, given that the collected administrative statutes (the *ling*) of the Tang—another important source of Tang administrative law—have been lost.¹¹

Despite the TLD's historical significance, there is very little to no original scholarship in English on the TLD (to my best knowledge). The only thorough scholarly treatment of the TLD in English is an article originally written and published in Chinese by Chinese legal historian Wang Chao (王超) and translated into English;¹² this important article provides a comprehensive overview of the TLD's historical background, structure and content, and the historical status of the TLD. There is original scholarship on the TLD in Asian languages (Chinese and Japanese) and in French, but the focus of such scholarship has largely been on debating the TLD's effectiveness¹³ (namely, whether the TLD was actually an administrative law code with legal effect or whether it was merely a

⁸ Ulrich Theobald, *Tang Liudian* (唐六典) [*The Six Codes of the Tang*], CHINA KNOWLEDGE.DE—AN ENCYCLOPAEDIA ON CHINESE HISTORY, LITERATURE, AND ART (Sept. 9, 2010), <http://www.chinaknowledge.de/Literature/Historiography/tangliudian.html> [<https://perma.cc/RHJ4-KJXV>]. Other primary sources dating to the 9th century A.D. also confirm the functions of offices as stipulated in the TLD—namely, the *Tongdian* (通典) [*Comprehensive Compendium*] and the *Tang Huiyao* (唐會要) [*Gathering of Essentials in the Tang*], and the monographs on offices and posts, i.e. the *bai guan* (百官) in the *Xin Tang shu* (新唐書) [*New Book of the Tang*] and the *Jiu Tang shu* (舊唐書) [*Old Book of the Tang*]. See MCMULLEN, *supra* note 5, at 13.

⁹ JIANFU CHEN, CHINESE LAW: CONTEXT AND TRANSFORMATION 210 (2008).

¹⁰ *Id.*

¹¹ The TLD contains some of these now-lost statutes. Out of the original 1,546 Tang administrative statutes, approximately 715 have been reconstructed by Niida Noboru (仁井田陸), a Japanese legal historian of China. ENDYMION WILKINSON, CHINESE HISTORY: A NEW MANUAL 310 (4th ed., 2015). See also NIIDA NOBORU (仁井田陸), TŌREI SHŪ HO: TSUKETARI TŌ-NICHI RYŌREI TAISHŌ ICHIRAN (唐令拾遺補: 附唐日兩令對照一覽) (COLLECTED VESTIGES OF THE TANG STATUTES WITH A COMPARISON OF THE CHINESE AND JAPANESE EDITIONS OF THE STATUTES) 1997 (providing Noboru's work on reconstructing the TLD).

¹² See Wang, *The Six Codes*, *supra* note 6 and accompanying text.

¹³ I provide an overview of the debate in the second section ("Terminology and Controversies Regarding the TLD") of this paper.

reference book of official posts and titles), not on delving deeply into specific networks of offices or bureaucratic areas of the TLD.¹⁴

The focus of this Article is not on providing an overview of the TLD, its historical background, or entering the debate over its effectiveness, but rather on analyzing specific bureaucratic offices and officials to better understand how such offices functioned and shared (or not shared) roles, and ultimately, to better understand the

¹⁴ For examples of Chinese-language scholarship on the TLD, see WANG, *Great Six Codes*, *supra* note 6; Ning Zhixin (寧志新), *Tang Liu Dian Jin Jin Shi Yi Ban de Guan Xiu Dianji ma?* (《唐六典》僅僅是一般的官修典籍嗎?) [*Was the Tang Liu Dian Simply a Reference Book of Officials?*], 2 ZHONGGUO SHEHUI KEXUE (中國社會科學) [SOCIAL SCIENCES IN CHINA] 193 (1994); Qian Daqun (錢大群), *Tang Liu Dian bu shi Xingzheng Fadian—da Ning Zhixin Xiansheng* (《唐六典》不是行政法典：答寧志新先生) [*The Tang Liu Dian Was Not An Administrative Law Code: A Reply to Mr. Ning Zhixin*], 6 ZHONGGUO SHEHUI KEXUE (中國社會科學) [SOCIAL SCIENCES IN CHINA] 88 (1996); Qian Daqun (錢大群) & Li Yusheng (李玉生), *Tang Liu Dian Xing Zhi Lun* (《唐六典》性質論) [*A Discussion on the Nature of the Tang Liu Dian*], 6 ZHONGGUO SHEHUI KEXUE (中國社會科學) [SOCIAL SCIENCES IN CHINA] 189 (1989); Guan Baoying 關保英, *Tang Liu Dian de Xingzhengfa Wenhua Yanjiu* (《唐六典》的行政法文化研究) [*Research on the Administrative Law Culture of the Tang Liu Dian*], 5 SHEHUI KEXUE ZHANXIAN (社會科學戰線) [SOCIAL SCIENCE FRONT] 188 (2009); and Liu Ti (劉逖), *Shi Shuo Tang Liu Dian de Shishi Wenti* (試說《唐六典》的施行問題) [*On the Issue of the Implementation of the Tang Liu Dian*], 2 SHOUDU SHIFAN DAXUE XUEBAO (SHEHUI KEXUE BAN) (首都師範大學學報(社會科學版)) [J. CAPITAL NORMAL U. (SOC. SCI. ED.)] 38 (1983). There are also two studies of the TLD that provide a full modern Chinese language translation as well as an extended discussion of TLD and its background. See generally TANG LIUDIAN QUANYI (《唐六典》全譯) [A COMPLETE TRANSLATION INTO MODERN CHINESE OF THE TANG LIU DIAN] (Yuan Wenxing (袁文興) et al. eds., 1999); see also XIN YI: TANG LIU DIAN (新譯《唐六典》) [A NEW TRANSLATION INTO MODERN CHINESE OF THE TANG LIU DIAN] (Zhu Yongjia (朱永嘉) & Xiao Mu (蕭木) trans., 2002). See also citations to Chinese-language scholarship in the second section (“Terminology and Controversies Regarding the TLD”) in this Article. For French-language scholarship on the TLD, see Robert des Rotours, *Le T'ang lieou tien: Décrit-il exactement les institutions en usage sous la dynastie des T'ang?* [*Does the Lieou T'ang describe exactly the institutions in use during the T'ang Dynasty?*], 263 JOURNAL ASIATIQUE 183 (1975). The key Japanese-language scholarship on the TLD has been helpfully translated into modern Chinese. See Naito Kenkichi (内藤乾吉), *Guanyu Tang Liu Dian de Shishi* (關於《唐六典》的實施) [*On the Implementation of the Tang Liu Dian*] (Xu Shihong (徐世虹) trans.), in RIBEN XUEZHE ZHONGGUO FAZHISHI LUN ZHUXIAN: WEI JIN SUI TANG JUAN (日本學者中國法制史論著選：魏晉隋唐卷) [SELECTED WRITINGS ON CHINESE LEGAL HISTORY BY JAPANESE SCHOLARS OF CHINESE LEGAL HISTORY: WEI, JIN, SUI, AND TANG DYNASTIES VOLUME] 299, 299-319 (Yang Yifan (楊一凡) & Hiroaki Terada (寺田浩明) eds., 2016); and Ikuzō Okumura (奥村郁三), *Da Tang Liu Dian yanjiu* (《大唐六典》研究) [*Research on the TLD*] (Zheng Xianwen (鄭顯文) trans.), in RIBEN XUEZHE ZHONGGUO FAZHISHI LUN ZHUXIAN: WEI JIN SUI TANG JUAN (日本學者中國法制史論著選：魏晉隋唐卷) [SELECTED WRITINGS ON CHINESE LEGAL HISTORY BY JAPANESE SCHOLARS OF CHINESE LEGAL HISTORY: WEI, JIN, SUI, AND TANG DYNASTIES VOLUME] 279, 279-298 (Yang Yifan (楊一凡) & Hiroaki Terada (寺田浩明) eds., 2016).

roles and characteristics of administrative law as a whole in the Tang. Because the TLD is such a massive text which covers the entire realm of Tang offices, this Article identifies and discusses those offices and officials specifically and directly involved in the task of feeding the emperor, as stipulated by the TLD—in other words, this Article employs the lens of feeding the emperor to better understand Tang administrative law.¹⁵ In a sense, this Article can be understood as a micro-study of sorts, focusing on the Tang bureaucratic structure and regulations surrounding the task of feeding the emperor; it is, to my knowledge, the first scholarly work in a Western language to do so. It should be noted here that, for this Article, “feeding the emperor” includes not only those offices responsible for cooking and serving the food to the emperor, but also those responsible for sourcing the raw ingredients.¹⁶ The choice to focus on food is not random—throughout Chinese history and culture, eating and food were extremely serious business, as food was very much intertwined with ritual and social norms.¹⁷ As K.C. Chang notes, “the ancient Chinese were among the peoples of the world who have been particularly preoccupied with food and eating.”¹⁸ The preoccupation and gravity of food and eating was even more compounded and intensified for the emperor, who occupied the highest position in the Chinese social and political hierarchy. Therefore, I believe that the focus on offices and

¹⁵ This Article focuses only on feeding the emperor. There were other offices and officials responsible for feeding the crown prince, i.e., the emperor’s successor, but they are not discussed in this Article. Furthermore, only officials and offices directly involved in feeding the emperor are discussed in this Article.

¹⁶ Some Chinese-language literature covers Tang dynasty food service agencies, but they are not complete and only cover those offices involved in cooking and serving the emperor—i.e., they neglect to look at those institutions responsible for sourcing the raw ingredients—or, they are incomplete and omit certain important offices. See, e.g., Zhang Yan (張燕), *Tang dai gongting shi guan zhidu* (唐代宮廷食官制度) [*The System of Palace Food Officials in the Tang Dynasty*], 7 GANSU JIAOYU (甘肅教育) [GANSU EDUCATION] 39 (2008); and Wang Renxiang (王仁湘), *Gudai gongting shi guan* (古代宮廷食官) [*Palace Food Officials in Ancient China*], 2 ZHONGGUO DIANJI YU WENHUA (中國典籍與文化) [CHINESE CLASSIC AND CULTURE] 89–90 (1995) (providing contextual basis for the uniqueness of the analysis in this Article).

¹⁷ See K.C. Chang, *Introduction*, in *FOOD IN CHINESE CULTURE: ANTHROPOLOGICAL AND HISTORICAL PERSPECTIVES* 1, 11 (K.C. Chang ed., 1977) (explaining that the Chinese culture is food oriented—dining was not only the emperor’s pleasure but also a serious matter—and the importance of the kitchen in the emperor’s palace is emphasized in *Rites of Zhou*, a Confucianist classic).

¹⁸ *Id.*

officials responsible for feeding the emperor can indeed allow us to better understand Tang administrative law.

This Article makes two major arguments. First, I argue that, based on my reading of the TLD, the main offices directly involved in supplying raw ingredients for the emperor's food are: the Court of the Imperial Stud (太僕寺), the Court of the National Granaries (司農寺), and the Directorate of Waterways (都水監).¹⁹ The main offices directly involved in preparing and serving food for the emperor's consumption are: the Palace Food Service (尚食局) within the Palace Administration Department (殿中省), the Food Service (尚食局) within the Palace Domestic Service (内官宫内侍省), the Court of Imperial Entertainments (光祿寺), and the Ministry of Rites (禮部) (which had a coordinating role among the Palace Administration Department, the Palace Domestic Service, and the Court of Imperial Entertainments, at least in the realm of food preparation and food service). Second, from this analysis of administrative regulations on the emperor's personal food bureaucracy, along with a discussion of pertinent penal statutes in the Tang Code, I argue that one key role of administrative law in the Tang was to protect and enhance the prestige and image of the emperor.

The Article proceeds in this manner: first, it discusses certain methodological issues—namely, terminology (what I mean by “administrative law” in this paper) and also certain controversies regarding the TLD as a historical source; second, it provides a quick overview of the Tang central government administrative apparatus so as to better contextualize those offices involved in feeding the emperor amidst the bureaucratic hierarchy; third, it lays out and explains the offices and officials involved in feeding the emperor (both supplying the ingredients and preparing & serving the food), as well as the pertinent administrative and bureaucratic regulations (note that this section will be necessarily more descriptive, given that there has been no existing scholarship which has set out and described the emperor's food bureaucracy); fourth, it discusses important penal law provisions on feeding the emperor in the Tang

¹⁹ Unless otherwise indicated, in this Article, I generally follow and use Charles Hucker's translations of offices and official titles. See CHARLES O. HUCKER, A DICTIONARY OF OFFICIAL TITLES IN IMPERIAL CHINA (1985).

Code to highlight administrative law's interaction with Tang criminal law; and fifth, it concludes by providing more general, macroscopic observations regarding Tang administrative law that can be gleaned through the TLD's provisions on feeding the emperor.

TERMINOLOGY AND CONTROVERSIES REGARDING THE TLD

It is first important to briefly explain how I use the term “administrative law” in this Article. “Administrative law” can be a tricky term, because today, it refers to a modern branch of law and an independent subject of legal study in most jurisdictions (e.g., American “administrative law,” Chinese “administrative law”), and thus, as a term, it may be loaded with certain assumptions and expectations, depending on the jurisdictional background of the reader.²⁰ The modern Chinese term for administrative law, *xingzhengfa* (行政法), was not used in Tang dynasty China. Some may object to the use of the term “administrative law” in this Article because it does not fit their own understandings of what “administrative law” entails in their modern legal jurisdictions.²¹ However, this does not mean we cannot use the term “administrative law” when discussing aspects of Tang (or any Chinese dynasty, for that matter) law. “Administrative law”—as I use it in this paper—broadly refers to rules and regulations on government structures, agencies, offices, and officials. Legal historians writing on China also use the term “administrative law” or the modern Chinese term *xingzhengfa* in a similar way.²² A more specific way of understanding what the term “administrative law” in the traditional Chinese legal context constitutes is set out by leading legal historian Zhang Jinfan (張晉藩), who explains that traditional Chinese administrative law can be divided into the following categories: 1) rules on structures, power limitations, functions, and procedures of central and local government; 2) rules relating to the

²⁰ For example, if an American legal scholar or legal historian hears and reads the term “administrative law” in describing some legal system, he or she may have certain expectations regarding that legal system. For example, such a legal system contains some processes or rules relating to judicial review of the actions of administrative agencies.

²¹ I am thankful to Nicholas Frayn, Danya Reda, and Philip McConnaughay for making me aware of these possible objections.

²² See generally the scholarly literature cited in *supra* note 14.

selection, function, examination, and punishment of officials; 3) rules relating to the forms and procedures of document-drafting and submissions; 4) rules on the supervision of state administrative and corresponding administrative penalties; 5) rules on revenue and taxes; 6) rules on science, technology, and education; 7) rules on religion and temples; and 8) rules on the administration of ethnic-minority areas.²³ Zhang further explains that traditional Chinese administrative law seeks to delimit the functions of state offices, defines the duties of officials, which are in turn buttressed with penal law sanctions.²⁴

As will be shown in the Article, the TLD precisely lays out rules on officials and offices involved in feeding the emperor, defining their duties, their functions, as well as delimiting their authorities. Corresponding penal sanctions in the Tang Code seek to guarantee compliance. Indeed, there is not much difference in how I use the term “administrative law” and how the term is used in modern legal discourse today, e.g., in U.S. legal discourse. In U.S. legal discourse, “administrative law” broadly means “the study of the roles of government agencies in the U.S. legal systems, including the relationships between agencies and the other institutions of government”,²⁵ “the law of government administration”,²⁶ and can be “defined as including all those branches of public law which relate to the organization of government administration”²⁷ The TLD, as a law code, also fits into these definitions. It is not my objective here to point out the similarities between Tang administrative law and U.S. administrative law, but rather to hopefully put to rest any disquiet with how the term “administrative law” is used in this paper.

Second, some controversies regarding the historical status of the TLD must also be discussed, as most existing scholarship on the TLD has engaged in such controversies (although that is not the main purpose of this Article). The major long-standing debate in Chinese-language and Japanese-language scholarship on the TLD has been whether the TLD was an administrative legal code put into

²³ CHEN, *supra* note 9, at 210–211.

²⁴ *Id.* at 211.

²⁵ RICHARD J. PIERCE, JR., *ADMINISTRATIVE LAW* 1 (2nd ed. 2012).

²⁶ KEITH WERHAN, *PRINCIPLES OF ADMINISTRATIVE LAW* 2 (3rd ed. 2019).

²⁷ KRISTIN E. HICKMAN & RICHARD J. PIERCE, JR., *FEDERAL ADMINISTRATIVE LAW: CASES AND MATERIALS* 2 (1st ed. 2010).

practice, or simply a reference book or compendium of government posts and offices in the Tang.²⁸ The former view is held by scholars such as Yang Honglie (楊鴻烈),²⁹ Zhang Jinfan (張晉藩),³⁰ Wang Qian (汪潛),³¹ Wang Chao (王超),³² and Han Changgeng (韓長耕),³³ whereas the latter view is held by scholars such as Chen Yinke (陳寅恪),³⁴ Qian Daqun (錢大群),³⁵ and Naito Kenkichi (内藤乾吉).³⁶ Unfortunately, there is no scholarly consensus today given the conflicting historical evidence. The latter group of scholars largely relies on statements made by Wei Shu (韋述) (d. 757) (one of the compilers of the TLD) and also Qing dynasty scholar Ji Xiaolan (紀曉嵐) (1724–1805) (one of the compilers of the *Precis of the Four Treasuries* (四庫全書), the largest collection of books in Chinese history that was compiled in the Qing dynasty), that the TLD was a book that remained in the academy where it was compiled and was not put into effect.³⁷ This group of scholars also points to statements made by Prime Minister Zheng Yin (鄭綱) (752–829) under Tang dynasty Emperor Xianzong (唐憲宗) (r. 805–820). Zheng had commented that the TLD was ineffective and was not implemented, and therefore requested that Emperor

²⁸ It is not the aim of this Article to provide a detailed examination and an overview of this debate in the TLD historiography. For a good overview of this debate in English, see Wang, *The Six Codes*, *supra* note 6 at 141–147. For a good overview of this debate in Chinese, see Wang Miao (王淼), *Lun Tang Liu Dian zhong de falü sixiang* (論《唐六典》中的法律思想) [On the Legal Thought of the Tang Liu Dian] (May 18, 2010) (unpublished M.A. thesis, Qingdao University) (on file with Qingdao University), 3–5.

²⁹ YANG HONGLIE, *ZHONGGUO FALÜ FADA SHI* (中國法律發達史) [HISTORY OF THE DEVELOPMENT OF CHINESE LAW] 359 (1990).

³⁰ ZHONGGUO FAZHISHI (中國法制史) [CHINESE LEGAL HISTORY] 102–103 (Zhang Jinfan (張晉藩) et al. ed., 2007).

³¹ See generally WANG QIAN (汪潛), *TANG DAI SIFA ZHIDU: TANG LIU DIAN XUAN ZHU* (唐代司法制度：《唐六典》選注) [THE JUDICIAL SYSTEM OF THE TANG DYNASTY: EXCERPTS FROM THE TANG LIU DIAN, WITH ANNOTATIONS] (1985).

³² WANG, *The Six Codes*, *supra* note 6.

³³ See generally Han Changgeng (韓長耕), *Guanyu Da Tang Liu Dian Xing Yong Wenti* (關於《大唐六典》行用問題), 1 *ZHONGGUO SHI YANJIU* (中國史研究) [J. CHINESE HIST. STUD.] (1983).

³⁴ See generally CHEN YINKE (陳寅恪), *SUI TANG ZHIDU YUANYUAN LUELUN GAO* (隋唐制度淵源略論稿) [A DISCUSSION ON THE ORIGINS OF THE SUI-TANG SYSTEM] 204 (1963).

³⁵ See generally QIAN, *Tang Liu Dian Bu Shi Xingzheng Fadian*, *supra* note 14; QIAN & Li, *supra* note 14.

³⁶ See NAITO, *supra* note 14.

³⁷ See WANG, *The Six Codes*, *supra* note 6, at 142, 144 (“Since its completion . . . the book has remained in the Academy and not been put into effect”).

Xianzong re-edit the TLD.³⁸ The former group of scholars however point to other historical evidence. For example, Song dynasty Emperor Shenzong (宋神宗) (r. 1067–1085) considered the TLD as an administrative law code and attempted to model his government off the TLD system.³⁹ Additionally, they argue that Wei Shu's words should be understood in its historical context and that his statement that the TLD did not go into effect only referred to the years when Emperor Xuanzong left government affairs in the control of Li Linfu (李林甫) (d. 753) and Yang Guozhong (楊國忠) (d. 756) during the An Lushan Rebellion (安祿山之亂) (which occurred sixteen years after the TLD's compilation).⁴⁰ As for Zheng Yin's statements, scholars in the former group argue that they should not be given much merit, as again, they referred to the An Lushan Rebellion's effects on the TLD.⁴¹ Furthermore, these scholars have looked at Zheng Yin's motivations behind his statements, arguing that Zheng Yin made those statements to increase his own authority and to please Emperor Xianzong, since it was customary for new emperors to re-edit and re-issue law codes to glorify their own reign.⁴² As for Ji Xiaolan, since he based his opinion of the TLD also on statements by Tang officials such as Wei Shu, this group of scholars argue that Ji's comments are also wrong.

In short, the historical controversy regarding the TLD's status has no clear answer and continues to sharply divide legal historians today. In this Article, I proceed under the assumption that the TLD was indeed an actual administrative law code and not merely a reference book or organizational chart of government offices. However, even if the TLD is one day proven beyond any doubt to have been only a reference book, I believe that this Article would still contribute to the scholarly literature by setting forth at least what an idealized image of government bureaucracy regarding feeding the emperor would be, which would still help us better

³⁸ *Id.* at 142.

³⁹ *Id.* at 143.

⁴⁰ *Id.* at 145.

⁴¹ *Id.* at 146.

⁴² *Id.*

understand the philosophy behind Tang administrative law and government structure.⁴³

A QUICK OVERVIEW OF THE TANG CENTRAL GOVERNMENT DURING THE REIGN OF EMPEROR XUANZONG

This section provides a very brief overview of the Tang central government⁴⁴ as located in the main Tang capital, Chang'an (長安), during the reign of Emperor Xuanzong.⁴⁵ It will help contextualize the discussion on officials and agencies involved in feeding the emperor.

At the top of the Tang central government was naturally the emperor, who held the highest executive, judicial, and legislative authority. He was assisted by the Three Preceptors and the Three Dukes (三師三公), who gave advice on important matters of state.⁴⁶ The “executive-administrative core” of Tang central government was comprised of the Secretariat (中書省) and the Chancellery (門下省).⁴⁷ They oversaw the flow of government documents to and from the emperor, gave advice to the emperor, drafted imperial edicts, and debated policy.⁴⁸ During Emperor Xuanzong’s reign, members of the Secretariat and Chancellery also met and deliberated in a combined office called the Secretariat-Chancellery

⁴³ Indeed, I should point out that historians of China continue to rely on the TLD to describe what they believe to be actual, real-world offices and government institutions in the Tang. *See, e.g.*, STEPHEN F. TEISER, *THE GHOST FESTIVAL IN MEDIEVAL CHINA* 78 (1988) (stating that while there may be doubts as to whether the TLD was actually implemented, it nevertheless in other respects “presents an accurate picture of administrative theory and practice under [Xuanzong]”).

⁴⁴ This section does not cover the Tang local government bureaucracy. For an overview of Tang territorial administration, *see* HUCKER, *supra* note 19, at 31-34.

⁴⁵ The Tang also maintained an Eastern Capital where the emperor sometimes moved when there were supply issues in Chang’an. *See* HUCKER, *supra* note 19, at 28 (stating that when supplies were short in Chang’an, the whole imperial court often moved to Luoyang, the auxiliary Eastern Capital). This section of the paper is largely based on HUCKER, *supra* note 19, at 28-37; Wang Chao, *The Six Codes*, *supra* note 6, at 123; and ZHONGGUO LIDAI GUANZHI DACIDIAN (中國歷代官制大辭典) [DICTIONARY OF OFFICIALS AND TITLES IN PREMODERN CHINA] 1006–1007 (Zhang Zhenglang (張政娘) & Lü Zongli (呂宗力) eds., 2016).

⁴⁶ HUCKER, *supra* note 19, at 29.

⁴⁷ *Id.*

⁴⁸ *Id.*

(中書門下), a political council located in the palace.⁴⁹ Whereas the Secretariat, Chancellery, and the Secretariat-Chancellery were responsible for policy evaluations and issuing orders, the Department of State Affairs (尚書省) was responsible for executing those orders.⁵⁰ The Palace Library Department (秘書省) (overseeing palace archives and maintaining the emperor's official documents⁵¹), Palace Administration Department (殿中省) (overseeing various matters relating to palace administration and the emperor's daily life, such as food, drink, lodging, and clothing⁵²), and Palace Domestic Service Department (內官宮官內侍省) (led by eunuchs and in charge of the emperor's harem and consort women⁵³) were nominally on the same level as the Secretariat, Chancellery, and Department of State Affairs (all were classified as *sheng* (省) or departments), but they were not involved in national policy-making matters.⁵⁴

The Department of State Affairs in turn supervised six ministries—the Ministry of Personnel (吏部) (focusing on personnel, official titles, military titles, and evaluations of officials⁵⁵), the Ministry of Revenue (民部) (focusing on budget, revenue, and money and measurement matters⁵⁶), the Ministry of Rites (禮部) (focusing on imperial sacrifices, rituals, and ancestral memorial matters⁵⁷), the Ministry of War (兵部) (focusing on military matters⁵⁸), the Ministry of Justice (刑部) (focusing on legal punishment and administration of criminal law matters⁵⁹), and the Ministry of Works (工部) (focusing on forestry, water conservation,

⁴⁹ WANG, *The Six Codes*, *supra* note 6, at 120; HUCKER, *supra* note 19, at 30, 193.

⁵⁰ WANG, *The Six Codes*, *supra* note 6, at 120.

⁵¹ HUCKER, *supra* note 19, at 378.

⁵² VICTOR CUNRUI XIONG, *HISTORICAL DICTIONARY OF MEDIEVAL CHINA* 120 (2009).

⁵³ HUCKER, *supra* note 19, at 350.

⁵⁴ XIN YI: TANG LIU DIAN, *supra* note 14, at 1187.

⁵⁵ WANG, *The Six Codes*, *supra* note 6, at 121.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

and construction matters⁶⁰).⁶¹ Each ministry in turn was divided into four bureaus with various specialized functions.⁶²

Under the top-tier offices described above, the central government was also comprised of two groups of specialized service agencies: the Nine Courts (九寺) and the Five Directorates (五監).⁶³ The Nine Courts refer to: the Court of Imperial Sacrifices (太常寺) (focusing on ancestral temples, imperial tombs, divination, and sacrificial offerings⁶⁴), the Court of Imperial Entertainments (光祿寺) (focusing on cooking for official banquets and other important occasions⁶⁵), the Court of Imperial Regalia (衛尉寺) (focusing on matters related to manufacturing tents, weapons, and military regalia⁶⁶), the Court of the Imperial Clan (宗正寺) (focusing on maintaining imperial genealogy and overseeing activities of the emperor's relatives⁶⁷), the Court of the Imperial Stud (太僕寺) (overseeing horse and certain livestock pasturages, herds, and stables⁶⁸), the Court of Judicial Review (大理寺) (reviewing case reports and decisions from all levels of the judiciary, recommending to the emperor which cases should be retried or heard by the emperor himself⁶⁹), the Court of State Ceremonial (鴻臚寺) (overseeing court receptions for visiting envoys, state funerals, and other court rituals⁷⁰), the Court of the National Granaries (司農寺) (overseeing granaries and the government's grain supply⁷¹), and the Court of the Imperial Treasury (太府寺) (helping manage non-grain receipts and disbursements as well as trade in Chang'an marketplaces⁷²). The Five Directorates refer to: the Directorate for Imperial Manufactories (少府監) (overseeing workshops making

⁶⁰ *Id.*

⁶¹ HUCKER, *supra* note 19, at 29.

⁶² *Id.*

⁶³ *Id.* at 31.

⁶⁴ WANG, *The Six Codes*, *supra* note 6, at 121.

⁶⁵ *Id.*

⁶⁶ HUCKER, *supra* note 19, at 565.

⁶⁷ *Id.* at 530.

⁶⁸ WANG, *The Six Codes*, *supra* note 6, at 121; HUCKER, *supra* note 19, at 481.

⁶⁹ HUCKER, *supra* note 19, at 468.

⁷⁰ *Id.* at 264.

⁷¹ *Id.* at 453.

⁷² *Id.* at 477.

goods for the palace⁷³), the Directorate for Palace Buildings (將作監) (overseeing palace construction and maintenance⁷⁴), the Directorate for Armaments (軍器監) (overseeing the storage and manufacture of weapons⁷⁵), the Directorate of Waterways (都水監) (overseeing the operation and maintenance of irrigation systems and waterways⁷⁶), and the Directorate of Education (國子監) (overseeing various schools located in the capital which instructed, *inter alia*, men in preparation for careers in officialdom⁷⁷).

The other important institution in Tang central government was the Censorate (御史臺), which functioned independently from the above institutions and supervised and maintained surveillance over the Tang government as a whole.⁷⁸ It had the authority to submit impeachment reports directly to the emperor and could even ignore the emperor's orders if they were unlawful.⁷⁹

Now that we have briefly covered the main structure of the Tang central government, some background information on its officials is in order. There was a total of approximately 11,312 officials staffing the Tang central government.⁸⁰ According to the TLD, officials were selected primarily through written imperial examinations. The examination process was run by the Ministry of Rites and the actual appointment was conducted by the Ministry of Personnel.⁸¹ Officials were then classified under the so-called “nine-rank system (九品),” comprised of nine ranks (one to nine, with one being the highest). These nine ranks were in turn subdivided into two classes—frequently translated as “upper” and “lower”, or “full” and “associate”, and represented by “a” for “upper or full” and “b” for “lower or associate”—and then in turn divided into another “upper” and “lower” categories at least for the fourth rank down, which are represented in the scholarly literature by “one” and “two” respectively.⁸² There were also unranked sub-

⁷³ *Id.* at 415.

⁷⁴ *Id.* at 140.

⁷⁵ *Id.* at 200.

⁷⁶ *Id.* at 542.

⁷⁷ *Id.* at 299.

⁷⁸ HUCKER, *supra* note 19, at 31; Wang Chao, *The Six Codes*, *supra* note 6, at 131.

⁷⁹ WANG, *The Six Codes*, *supra* note 6, at 131.

⁸⁰ This figure is taken from WANG, *The Six Codes*, *supra* note 6, at 122.

⁸¹ *Id.* at 131–132.

⁸² *Id.* at 132; HUCKER, *supra* note 19, at 4–5.

officials who served in various government offices.⁸³ An official's rank determined his standing in the government bureaucracy, his clothes, and his salary (which was comprised of grain, copper coins, silk, and other commodities⁸⁴). Officials could be promoted, demoted, impeached, and/or prosecuted for criminal offenses.⁸⁵ Retirement age was generally set at seventy.⁸⁶

GOVERNMENT BUREAUCRACY INVOLVED IN FEEDING THE EMPEROR, ACCORDING TO THE TLD—SUPPLYING THE RAW INGREDIENTS

The task of feeding the emperor (or anyone, for that matter) can be divided into two separate jobs: supplying the raw ingredients and then actually cooking, preparing, and serving the food. This section first covers those offices involved in supplying the raw ingredients, according to the TLD. Based on my reading of the TLD, three institutions were involved: The Court of Imperial Stud (specifically, its Office of Herds (典牧署) and Directorate of Horse Pasturages (諸上牧監)), the Court of National Granaries (specifically, its Office of Imperial Parks (上林署), Imperial Granaries Office (太倉署), Office of Imperial Parks Products (鈎盾署), Office of Grain Supplies (導官署), Directorate of Bamboo (司竹監), and the Imperial Capital and Eastern Capital Gardens Directorate (京、都苑總監)), and the Directorate of Waterways (都水監) (specifically, its Office of Rivers and Canals (河渠署)).

For each office, I will first provide a table I have designed which summarizes the various relevant officials, their titles, their numbers, and their ranks (as stipulated in the TLD), which is then followed by an explanation of their duties and responsibilities (as stipulated in the TLD). Again, Chinese characters for official titles in all tables in this Article shall only be provided the first time the titles are mentioned in the tables.

⁸³ Ulrich Theobald, *Jiupin* (九品) [*the Nine-Rank System of State Offices*], CHINA KNOWLEDGE.DE—AN ENCYCLOPAEDIA OF CHINESE HISTORY, LITERATURE AND ART (June 6, 2016), <https://www.chinaknowledge.de/History/Terms/jiupin.html> [<https://perma.cc/RCY8-NP3K>].

⁸⁴ HUCKER, *supra* note 19, at 4.

⁸⁵ WANG, *The Six Codes*, *supra* note 6, at 132.

⁸⁶ *Id.*

*The Court of Imperial Stud***Court of the Imperial Stud (太僕寺) (total relevant staff: 1134)⁸⁷**

One Minister (卿) (rank three-b), two Vice Ministers (少卿) (rank four-b-one), four Aides to the Ministers (丞), two Recorders (主簿), two Overseers (錄事), seventeen Repositors (府), thirty-four Scribes (史), six hundred Veterinarians (獸醫), one Erudite of Veterinary Medicine (獸醫博士), 100 Students (學生), four Managing Clerks (亭長), six Clerks (掌固) (773 staff).⁸⁸

Office of Herds (典牧署) (281 staff)⁸⁹

Three Directors (令) (rank eight-a-two), four Aides to the Directors (丞) (rank nine-a-one), four Repositors (府), eight Scribes (史), eight Office Attendants (監事) (rank nine-b-two), sixteen Managers (典事), seventy-four Charioteers (主略), one hundred and sixty Coachmen (駕士), and four Clerks (掌固).⁹⁰

Directorate of Horse Pasturages (諸上牧監) (eighty staff)⁹¹

Large Pastures (上牧) (more than 5000 horses): one Director (監) (rank five-b-two), two Assistant Directors (副監) (rank six-a-two), two Aides to the Director (丞) (rank eight-a-one), one Recorder (主簿) (rank nine-a-two), one Overseer (錄事), three Repositors, six Scribes, eight Managers, and four Clerks.⁹²

Ordinary Pastures (中牧) (3000–4999 horses): one Director (rank six-a-two), one Assistant Director (rank six-b-two), one Aide to the Director (rank eight-b-two), one Recorder (rank nine-b-one), one

⁸⁷ LI LINFU (李林甫) ET AL., TANG LIU DIAN (唐六典) [THE TANG LIU DIAN] 17.476-499 (Liu Xian (柳憲) & Zhonghua Shuju (中華書局) eds., 2014) 738-739 [hereinafter, TLD].

⁸⁸ *Id.* at 17.476-480.

⁸⁹ *Id.* at 17.484-485.

⁹⁰ *Id.* at 17.476-478.

⁹¹ *Id.* at 17.485-488.

⁹² *Id.* at 17.485-486, 17.476-478.

Overseer, three Repositors six Scribes, eight Managers, and four Clerks.⁹³

Small Pastures (下牧) (fewer than 3000 horses): one Director (rank six-b-two), one Assistant Director (rank seven-a-two), one Aide to the Director (rank nine-a-one), one Recorder (rank nine-b-two), one Overseer, three Repositors, six Scribes, eight Managers, and four Clerks.⁹⁴

The Court of Imperial Stud was headed by a minister (rank three-b) and oversaw all imperial herds and also the provision of the palace and central government with milk and meat products.⁹⁵ There were two relevant offices within the Court of Imperial Stud: the Directorate of Horse Pasturages and the Office of Herds. The Directorate of Horse Pasturages, comprised of eighty officials, provided the actual animals and meat for the emperor's consumption⁹⁶ and was in charge of and supervised livestock matters, including the collection of young livestock and domesticated animals from herdsmen on pasturages.⁹⁷ The TLD divides these pasturages into three categories based on their size, specifically, the number of horses in each pasturage—as the TLD notes, “the distinction among the pasturages shall be made as follows: pasturages with greater than or equal to 5000 horses are considered large pasturages, pasturages with greater than or equal to 3000 horses but under 5000 horses are considered ordinary pasturages, and pasturages with under 3000 horses are considered small pasturages.”⁹⁸

The animals and products from the Directorate of Horse Pasturages then went up the chain to the Office of Herds, an intermediate office comprised of 281 officials which provided raw meat for the imperial court's consumption, sending livestock and other meats to the other food service offices which actually prepared

⁹³ *Id.* at 17.486, 17.476-478.

⁹⁴ *Id.*

⁹⁵ HUCKER, *supra* note 19, at 505.

⁹⁶ XIN YI: TANG LIU DIAN, *supra* note 14, at 1859.

⁹⁷ TLD, *supra* note 87, at 17.486.

⁹⁸ *Id.* at 17.486. Unless otherwise indicated, translations of passages from the TLD into English are mine. Again, for translations of offices and titles, I generally follow Hucker; see HUCKER, *supra* note 19 and accompanying text.

the emperor's food in the palace, such as the Court of Imperial Entertainments and the Palace Food Service.⁹⁹ As the TLD notes, "the responsibility of the Director of the Office of Herds is to supervise matters relating to the receiving and distribution of various livestock sent up by the Directorate of Horse Pasturages"¹⁰⁰

Based on my count, the total relevant staff in the Court of Imperial Stud involved in providing meat and livestock for the emperor's consumption numbered 1134.

The Court of National Granaries

Court of the National Granaries (司農寺) (total relevant staff: 562)¹⁰¹

One Minister (rank three), two Vice Minister (rank four-b-one), six Aides to the Minister, two Recorders, two Overseers, thirty-eight Repositors, seventy-six Scribes, three Accounts Clerks (計史), nine Managing Clerks, seven Clerks (146 staff)¹⁰²

Office of the Imperial Parks (上林署) (sixty-six staff)¹⁰³

Two Directors (rank seven-b-two), four Aides to the Director (rank eight-b-two), seven Repositors, fourteen Scribes, ten Office Attendants (rank nine-b-two), twenty-four Managers, five Clerks¹⁰⁴

Imperial Granaries Office (太倉署) (eighty-one staff)¹⁰⁵

Three Directors (rank seven-b-two), six Aides to the Director (rank eight-b-two), ten Repositors, twenty Scribes, ten Office Attendants (rank nine-b-two), twenty-four Managers, eight Clerks¹⁰⁶

Office of Imperial Parks Products (鈎盾署) (sixty-one staff)¹⁰⁷

⁹⁹ TLD, *supra* note 87, at 17.484; XIN YI: TANG LIU DIAN, *supra* note 1414, at 1859.

¹⁰⁰ TLD, *supra* note 87, at 17.484.

¹⁰¹ *Id.* at 19.519–554.

¹⁰² *Id.* at 19.519, 19.523–525.

¹⁰³ *Id.* at 19.525–526.

¹⁰⁴ *Id.* at 19.525–526, 19.519.

¹⁰⁵ *Id.* at 19.526–527.

¹⁰⁶ *Id.* at 19.526–527, 19.519–520.

¹⁰⁷ *Id.* at 19.527, 19.520.

Two Directors (rank eight-a-one), four Aides to the Director (rank nine-a-one), seven Repositors, fourteen Scribes, ten Office Attendants (rank nine-b-two), nineteen Managers, five Clerks¹⁰⁸

Office of Grain Supplies (導官署) (sixty-nine staff)¹⁰⁹

Two Directors (rank eight-a-two), four Aides to the Director (rank nine-a-two), eight Repositors, sixteen Scribes, ten Office Attendants (rank nine-b-two), twenty-four Managers, five Clerks¹¹⁰

Directorate of Bamboo (司竹監) (forty-five staff)¹¹¹

One Director (rank seven-a-two), Deputy Director (rank eight-a-two), two Aides to Director (rank eight-b-two), one Recorder, two Repositors, four Scribes, thirty Managers, four Clerks¹¹²

Imperial Capital and Eastern Capital Gardens Directorate (京、都苑總監) (ninety-four staff)¹¹³

Each capital: one Director (rank five-b-two), one Deputy Director (rank six-b-two), two Aides to the Director (rank seven-b-two), one Overseer (rank nine-b-one), two Recorders, eight Repositors, sixteen Scribes, six Managers, four Managing Clerks, six Clerks¹¹⁴

The Court of the National Granaries was headed by a minister (rank three) and it was responsible for overseeing granaries and imperial forests, as well as distributing raw ingredients under its purview (mostly fruits, vegetables, and grains) and stored foodstuffs needed for court meetings, imperial sacrifices, the emperor's personal consumption, and also to other officials in the government (e.g., the Court was responsible for distributing official salaries that were paid in rice and grain).¹¹⁵

Six of the Court's lower offices were directly involved in providing ingredients for the emperor's personal consumption. The Office of Imperial Parks, which had a staff of sixty six, oversaw

¹⁰⁸ *Id.*

¹⁰⁹ *Id.* at 19.528.

¹¹⁰ *Id.* at 19.528, 19.520.

¹¹¹ *Id.* at 19.529.

¹¹² *Id.* at 19.521, 19.529.

¹¹³ *Id.* at 19.530, 19.522.

¹¹⁴ *Id.*

¹¹⁵ *Id.* at 19.525.

matters relating to imperial parks (including animal parks) and gardens.¹¹⁶ The TLD specifies that all fruits and vegetables grown in the imperial parks and gardens are for supplying court meetings, sacrifices, as well as the emperor's consumption; the Office of Imperial Parks is to provide these raw fruits and vegetables to each recipient according to the specified amounts.¹¹⁷

The Imperial Granaries Office oversaw matters relating to the storage of the nine grains.¹¹⁸ The TLD also stipulates that when granaries are constructed and other storage facilities are opened underground, information concerning the type and amount of grain stored, as well as the precise year, month, and day when items are first stored and the names of officials who put in (and take out) stored grains, must all be etched onto the bricks of the granaries.¹¹⁹

The Office of Imperial Parks Products provided the imperial household and court with firewood, lumber, and water birds from the imperial parks and gardens.¹²⁰ The TLD stipulates that "geese, ducks, chickens and pigs shall be reared by laborers of the Director [of the office]."¹²¹

The Office of Grain Supplies was responsible for providing the emperor and imperial palace with various dried foods and the hulling of rice for palace consumption.¹²² As the TLD stipulates, "the responsibility of the Director [of the Office of Grain Supplies] is to select wheat and grain for the emperor's consumption . . . as for the nine grains, some need to be roasted into dried grains, some need to be fermented into wine,¹²³ and some are made into flour."¹²⁴ The TLD also requires that the grains and how they were fabricated (e.g., whether they are roasted, fermented, etc.) depended on factors

¹¹⁶ *Id.* at 19.525-526.

¹¹⁷ *Id.* at 19.526. The TLD does not provide information on what the "specified amounts" are.

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.* at 19.527; HUCKER, *supra* note 19, at 281.

¹²¹ TLD, *supra* note 87, at 19.527.

¹²² *Id.* at 19.528; HUCKER, *supra* note 19, at 489.

¹²³ It is important to note that although "wine" is the mainstream, common English translation for *jiu* 酒 in traditional China, we must avoid thinking of "wine" in the Tang context using the Western modern definition of wine. Specifically, most wines in the Tang were not fermented from fruit but rather from wheat products, such as cereals, grain, and millet. Edward H. Schafer, *T'ang*, in *FOOD IN CHINESE CULTURE: ANTHROPOLOGICAL AND HISTORICAL PERSPECTIVES*, *supra* note 17, at 87, 119.

¹²⁴ TLD, *supra* note 87, at 19.527.

such as the fineness and coarseness of a particular grain, although the TLD does not provide further specifics.¹²⁵ Here we can see that Tang administrative law separated out the functions of storing the grains (which fell within the purview of the Imperial Granaries Office) and the selection of the grain for the emperor's consumption (the purview of the Office of Grain Supplies), thus providing an additional layer of protection for the emperor.

The Directorate of Bamboo was an office within the Court of National Granaries which specialized solely in bamboo and bamboo products, a testament to the vegetable's status in the Tang. According to the TLD, the responsibility of the director of the Directorate of Bamboo was to "oversee matters relating to the growing and cultivation of bamboo shoots in the imperial bamboo gardenThe Director's staff of craftsmen is [also] responsible for selecting, making, and supplying all bamboo curtains, baskets, square baskets, and coffers to the palace. The bamboo shoots grown and cultivated in the garden shall also be provided [by the Directorate], in accordance with the seasons, to the Food Service [for the emperor's consumption]" ¹²⁶

The sixth office under the Court of National Granaries involved in supplying raw ingredients for the emperor's table was the Imperial Capital and Eastern Capital Gardens Directorate-General, which oversaw matters relating to parks and ponds in Chang'an and also the eastern capital. The TLD stipulates that the Directorate-General supervised all fish, fowl, and fruits that are grown or fished from the capital parks and ponds, which eventually make their way to the emperor's table.¹²⁷

Based on my count, the total relevant staff in the Court of National Granaries involved in providing fruits, vegetables, and grains for the emperor's consumption numbered 562.

¹²⁵ *Id.*

¹²⁶ *Id.* at 19.529.

¹²⁷ *Id.* at 19.530.

*The Directorate of Waterways***Directorate of Waterways (都水監) (total relevant staff: 300)¹²⁸**

Two Commissioners of Waterways (使者) (rank five-a-one), two Aides to the Commissioners (rank seven-b-one), one Recorder (rank eight-b-two), one Overseer, five Repositors, ten Scribes, one Managing Clerk, four Clerks (twenty-six staff).¹²⁹

Office of Rivers and Canals (河渠署) (274 staff)¹³⁰

One Director (rank eight-a-two), one Aide to the Director (rank nine-a-two), three Repositors, six Scribes, six Dikes Commissioners (河堤謁者), three Managers, four Clerks, ten Career Fishermen (長上魚師), 120 Rotational Fishermen (短番魚師), 120 Specially Gifted Fishermen (明資魚師).¹³¹

The Directorate of Waterways, one of the five directorates (specialized service agencies), was headed by a Commissioner of Waterways (who held a lower rank than the ministers of the Court of Imperial Stud and Court of National Granaries). It supervised the operation and maintenance of waterways, irrigation canals, dams, lakes, and dikes, as well as water conservation policies and presenting seafood caught from lakes and rivers for banquets and sacrifices.¹³² It operated under policy guidelines issued by the Ministry of Works.

The TLD stipulates that one of its lower offices—the Office of Rivers and Canals—was responsible for supplying fish (and sauces made from the fish) from the lakes and ponds.¹³³ The Director of this office also had the authority to decide how much to limit or restrict fishing when orders came down from above.¹³⁴ The TLD also makes clear that this office was responsible for supplying

¹²⁸ TLD, *supra* note 87, at 23.598–639.

¹²⁹ *Id.* at 23.598–600, 23.592.

¹³⁰ *Id.* at 23.592–593, 23.600.

¹³¹ *Id.*

¹³² *Id.* at 23.599; HUCKER, *supra* note 19, at 542.

¹³³ TLD, *supra* note 87, at 23.600.

¹³⁴ *Id.*

fish on a daily basis to the Palace Food Service, as well as dried fish and fish sauces for ritual ceremonies.¹³⁵

Based on my count, the total relevant staff in the Directorate of Waterways involved in providing fish and seafood for the emperor's consumption numbered 300.

GOVERNMENT BUREAUCRACY INVOLVED IN FEEDING THE EMPEROR, ACCORDING TO THE TLD—PREPARING, COOKING, AND SERVING THE FOOD

Having discussed the government institutions responsible for supplying the raw ingredients for the emperor's personal consumption, this section examines those institutions involved cooking, preparing, and serving the food. Based on my reading of the TLD, three institutions were involved: the Palace Food Service (within the Palace Administration Department), the Food Service (within the Palace Domestic Service), the Court of Imperial Entertainments, and the Catering Bureau (within the Ministry of Rites).

As I did with the previous section, for each office, I will first provide a table which summarizes the various relevant officials, their titles, their numbers, and their ranks (as stipulated in the TLD), which is then followed by a narrative explanation of their duties and responsibilities (as stipulated in the TLD).

Palace Administration Department – The Palace Food Service

Palace Administration Department (殿中省) (total relevant staff: 784)¹³⁶

One Director (rank three-b), two Vice Directors (rank four-b-one), two Aides to the Director (rank five-b-one), two Secretaries (rank nine-b-one), four Clerks (令史), twelve Clerical Scribes (書令史), eight Managing Clerks, eight (Sub-)Clerks (掌固) (thirty-nine staff total). ¹³⁷
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<i>Palace Food Service (尚食局) (745 staff)</i>
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¹³⁵ *Id.*

¹³⁶ *Id.* at 11.320.

¹³⁷ *Id.* at 11.320, 11.322–323.

Two Chief Stewards (奉御) (rank five-a-two), five Assistant Stewards (直長) (rank seven-a-one), two Clerical Scribes, four Scribes, eight Dieticians (食醫) (rank nine-a-two), sixteen Cooks (主食), 700 Waiters (主膳), eight Clerks.¹³⁸

The Palace Food Service, part of the Palace Administration Department (as mentioned previously, one of the departments overseeing various matters relating to palace administration and the emperor's daily life, such as food, drink, lodging and clothing), was responsible for providing food solely for the emperor's daily consumption.¹³⁹ It was overseen by two chief stewards. Despite the fact that it served only one customer, there were a total of 745 staff members working in the Palace Food Service, a testament to its importance. Below is a translation of the relevant passage from the TLD which lays out the responsibilities of the Palace Food Service—the added commentary which comprises part of the TLD is italicized:

The responsibility of the Chief Steward[s] of the Palace Food Service is to provide the emperor's daily foods. In accordance with each season of the year, he must pay attention to certain taboo food items and adjust the most appropriate flavor for the [particular] seasons. *The liver in spring, the heart in the summer, the lungs in the autumn, the kidneys in the winter, and the spleen in all four seasons—seasonal taboo food items shall not be eaten by the emperor.*¹⁴⁰ Whenever food is presented to the emperor, the Chief Steward[s] must first taste the food. For any and all

¹³⁸ *Id.* at 11.320, 11.323–324.

¹³⁹ XIN YI: TANG LIU DIAN, *supra* note 14, at 1200.

¹⁴⁰ This refers to the traditional Chinese belief that certain organ meats should not be eaten in particular seasons, namely, that heart should not be eaten in the summer, lungs should not be eaten in the fall, kidneys should not be eaten the winter, and spleen should not be eaten in any season. The reason for these taboos was the belief that these organs governed one's life and system in each particular season. That is, the heart was the governing organ in the human body in the summer, the liver in the spring, the kidney in the winter, the lungs in the fall, and the spleen year-round. CHARLES BENN, CHINA'S GOLDEN AGE: EVERYDAY LIFE IN THE TANG DYNASTY 125–126 (2002). Other taboos are also discussed in Benn's book.

delicacies presented to the emperor from across the kingdom, the names of the food items and their amount must all be clearly ascertained and stored appropriately and be ready to [actually] served to the emperor at any time. The Assistant Steward[s] serve as the deputies to the Chief Steward[s]. On the New Year and winter solstice day when a grand banquet is held for various officials, the Palace Food Service Chief Steward[s] and the Provisioner of the Court of Imperial Entertainment will each present food and wine, respectively, to the emperor and officials. The food and the drink for the officials shall be presented based on their rank. If the emperor bestows a dinner banquet below the ranks of prince or duke, or on foreign leaders, then the Chief Steward's responsibilities are the same as enumerated above. As for memorial feasts on the first day and fifteenth day of the lunar month at the various royal tombs, the Chief Steward must travel to the royal tomb in person to inspect the preparation of the food and drink, and only after his inspection can the food items be offered. *Each royal tomb must present food in accordance with the regulations. The Palace Administration Department shall assign 30 cooks to each royal tomb, who will take turns carrying out duties there. Each quarter, the Palace Administration Department shall dispatch officials to carry out inspections, and the food shall be made and presented near the royal tombs themselves*¹⁴¹

Dieticians were another key official staff member in the Palace Food Service; the TLD provides that their responsibility was to adjust the flavor and type of foods presented the emperor in accordance to the seasons to ensure his good health.¹⁴² Cooks prepared food and also oversaw waiters, who were in turn

¹⁴¹ TLD, *supra* note 87, at 11.324.

¹⁴² *Id.*

comprised mostly of unranked serving men who worked at banquets and other ceremonial occasions.¹⁴³

As one can see, even within the Palace Food Service itself, there were multiple protections for the emperor's food provided by the TLD. The Palace Food Service was run by two chief stewards, most likely to avoid one chief steward from becoming too influential or powerful. Responsibilities for certain banquets were also shared with the Court of Imperial Entertainments (discussed later in this Article), most likely again to prevent one institution from gaining too much control over the emperor's food. The TLD also makes it very clear that the chief stewards were to taste all the emperor's food—this was of course designed to ensure the emperor's safety from poisoning. There is also a big emphasis on the emperor's health and eating proper seasonal foods in the TLD provisions, which highlights the large influence of traditional Chinese medical values and beliefs on food consumption.¹⁴⁴

One question not related to administrative law but nevertheless important that should be addressed here is—what did the emperor eat on a daily basis? Unfortunately, official historical sources do not record the specific details of the emperor's daily diet, and only a few banquet menus from the 8th century AD have survived. The emperor's daily food was more than likely very simple fare and echoed what would have been eaten by rulers in Chinese antiquity—staff set his table based on classical imperial precedents, and most of his daily food would have probably been plain and very traditional.¹⁴⁵ We know, for example, that pickles were a popular and traditional food of the Tang emperors.¹⁴⁶

Based on my count, the total relevant staff in the Palace Administration Department involved in preparing food for the emperor's consumption numbered 784.

¹⁴³ *Id.*; HUCKER, *supra* note 19, at 183.

¹⁴⁴ For an overview of traditional Chinese medicine and its influence and values on and regarding food, see E.N. ANDERSON, FOOD OF CHINA 229–43 (1990).

¹⁴⁵ SCHAFFER, *supra* note 123, at 133.

¹⁴⁶ *Id.*

The Food Service (within the Palace Domestic Service)

<p>Food Service (尚食局) in the Palace Domestic Service (内官宫官内侍省) (total relevant staff: forty-five)¹⁴⁷</p> <p>Two Head Directress(尚食) (rank five-a) ¹⁴⁸</p>
<p><i>Office of Foods(司膳司)</i> (fourteen staff)</p> <p>Four Directresses of Foods(司膳) (rank six-a), two Manager of Foods(典膳) (rank seven-a), four Food Stewardess(掌膳) (rank eight-a), four Female Scribe (女史)¹⁴⁹</p>
<p><i>Office of Wines(司醞司)</i> (ten staff)</p> <p>Two Directresses of Wines(司醞) (rank six-a), two Managers of Wines (典醞) (rank seven-a), two Wine Stewardess (掌醞) (rank eight-a), two Female Scribes (女史)¹⁵⁰</p>
<p><i>Office of Medicine (司藥司)</i> (ten staff)</p> <p>Two Directresses of Medicines (司藥) (rank six-a), two Managers of Medicines (典藥) (rank seven-a), two Medicine Stewardess (掌藥) (rank eight-a), four Female Scribes (女史)¹⁵¹</p>
<p><i>Office of Provisions (司饈司)</i> (ten staff)</p> <p>Two Directresses of Provisions Office (司饈)(rank six-a), Two Managers of Provisions (典饈)(rank seven-a), two Provisions Stewardess (掌饈) (rank eight-a), four Female Scribes (女史)¹⁵²</p>

The Palace Domestic Service—which, in contrast with the Palace Administration Department that focused on serving only the emperor’s needs, such as providing the daily necessities for the inner quarters of the emperor’s imperial consorts and concubines

¹⁴⁷ TLD, *supra* note 87, at 12.343, 12.353.

¹⁴⁸ *Id.* at 12.353.

¹⁴⁹ *Id.* at 12.343, 12.353.

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

within the imperial palace¹⁵³—also contained a Food Service Office (to be distinguished from the Palace Food Service above). Given that the emperor regularly visited his imperial consorts and concubines, it is highly likely that he would have also eaten foods prepared by the Palace Domestic Service Food Service Office. Hence, this office is also included in the Article.

The Palace Domestic Service Food Service was led by two head directresses, who oversaw four subsidiary offices—the Office of Foods, the Office of Wines, the Office of Medicine, and the Office of Provisions. It is important to note that these staff members were female (since they served the emperor’s consorts and concubines). According to the TLD, the Head Directresses’ responsibility was to, in accordance with regulations, provide the various types and correct amounts of delicious foods within the palace (in the quarters) and to oversee the directresses of food, wine, medicine, and provisions.¹⁵⁴ The TLD also—similar to the Palace Food Service in the Department of Palace Administration—requires the head directresses to first taste any food that is presented to the emperor.¹⁵⁵

As for the subsidiary offices for the Palace Domestic Service Food Service, the TLD stipulates that the Directresses of Foods’s responsibility was to cut apart raw ingredients, to cook, to stew, and to season food.¹⁵⁶ The Directresses of Wine oversaw alcohol and beverage matters; the Directresses of Medicine dealt with all affairs involving medication; and the Directresses of Provisions oversaw matters relating to providing fuel, charcoal, and serving the food to the inner quarters of the emperor.¹⁵⁷

Based on my count, the total relevant staff in the Palace Domestic Service involved in preparing food for the emperor’s consumption numbered forty-five.

¹⁵³ XIN YI: TANG LIU DIAN, *supra* note 14, at 1305.

¹⁵⁴ TLD, *supra* note 87, at 12.353.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

*The Court of Imperial Entertainments***The Court of Imperial Entertainments (光祿寺) (total staff: 2779)¹⁵⁸**

One Chief Minister (rank three-b), two Vice Ministers (rank four-b), two Aides to the Ministers (rank six-b), two Recorders (rank seven-b), two Overseers (rank nine-b), eleven Repositors, Twenty-one Scribes, six Managing Clerks, six Clerks (fifty-three staff)¹⁵⁹

Office of Banquets (太官署) (2,447 staff)

Two Directors (rank seven-b), four Aides to the Director (rank eight-b), four Repositors, eight Scribes, ten Head Cook (監膳) (rank nine-b), fifteen Second Cook (Sous Chef) (監膳史), 2400 Servers (供膳), four Clerks¹⁶⁰

Office of Delicacies (珍羞署) (twenty-nine staff)

One Director (rank eight-a-two), two Aides to the Director (rank nine-a-two), three Repositors, six Scribes, eight Managers, five Confectioners (Pastry Chefs) (錫匠), four Clerks¹⁶¹

Office of Fine Wines (良醞署) (172 staff)

Two Directors (rank eight-b), two Aides to the Director (rank nine-a-two), three Repositors, six Scribes, two Office Attendants (rank nine-b-two), twenty Wine Stewards (掌醞), thirteen Wine Makers (酒匠), 120 Wine Vessel Stewards (奉觶), four Clerks¹⁶²

Office of Spices (掌醢署) (seventy-eight staff)

One Director (rank eight-a-two), two Aides to the Director (rank nine-a-two), two Repositors, four Scribes, ten Spice Keepers (主醢), twenty-three Sauce Makers (醬匠), twelve Vinegar Makers (酢

¹⁵⁸ *Id.* at 15.441–456.

¹⁵⁹ *Id.* at 15.441, 15.443–444.

¹⁶⁰ *Id.* at 15.441, 15.444.

¹⁶¹ *Id.* at 15.441–442, 15.447.

¹⁶² *Id.* at 15.442–447–448.

匠), twelve Bean-sauce Makers (豉匠), eight Picklers (菹醢匠), four Clerks¹⁶³

The Court of Imperial Entertainments—a specialized service agency and one of the nine courts—had the largest number of staff charged with preparing and serving food to the emperor out of any food-related institution in the Tang central government. Whereas the Palace Food Service and the Palace Domestic Service Food Service institutions focused primarily on feeding the emperor himself, the Court of Imperial Entertainments was the principal Tang bureaucratic organ responsible for preparing and serving food and drink for imperial banquets (including those banquets honoring foreign dignitaries) and other official events (although as discussed earlier, the Palace Food Service also provided food for certain official events, such as grand banquets for officials).¹⁶⁴ It was comprised of four subsidiary offices: the Office of Banquets, the Office of Delicacies, the Office of Fine Wines, and the Office of Spices.

Before delving into the TLD regulations on the structure and organization of the Court of Imperial Entertainments, I briefly discuss the official banquets in the Tang to provide a context for the Court of Imperial Entertainments. In the Tang, there were generally two types of official, imperial banquets—regular banquets, where dates were fixed, such as for the emperor’s birthday and important festivals such as Lunar New Year and winter solstice reception banquets for officials; and irregular banquets, which took place upon the occurrence of a specific event or at the emperor’s personal whim, such as to celebrate the birth of an heir, the arrival of a foreign dignitary, or a military victory.¹⁶⁵ As to what the emperor and other guests ate at such banquets, a few menus have survived from the 8th century AD, most famously the “Tail Burner Banquet” dating to the reign of Emperor Zhongzong (唐中宗) (r. 705–710).¹⁶⁶ Dishes served there included shrimp roast, multiple varieties of wontons, thinly sliced crab rolls, cold clam soup, fish fermented in milk, roasted sheep and deer tongues, water frogs with beans,

¹⁶³ *Id.* at 15.442 448–449.

¹⁶⁴ ZHANG, *supra* note 16, at 39–40; HUCKER, *supra* note 19, at 288.

¹⁶⁵ BENN, *supra* note 140, at 132. XIN YI: TANG LIU DIAN, *supra* note 14, at 1692, 1694.

¹⁶⁶ BENN, *supra* note 140, at 135.

chicken marinated in milk, rabbit, roasted pigeon, lamb, pork, bear, deer, cakes, pastries, Noble Consort's Rouge (a pink, flavored clotted cream) and steamed shortbreads.¹⁶⁷

The Court of Imperial Entertainments was headed by a Chief Minister. The TLD stipulates his responsibilities this way:

The Chief Minister of the Court of Imperial Entertainment's responsibilities are to: oversee matters related to various beverages and foods for national events and to supervise the four lower offices (the Office of Banquets, Delicacies, Fine Wines, and Spices) . . . and to carefully prepare and store foodstuffs & ingredients, as well as to strictly control their supply and distribution. Vice Ministers serve as his assistants. For any matter involving national-level large-scale sacrifices & offerings, the Court of Imperial Entertainments must carefully inspect the tripods and cauldrons used for sacrifices and to ensure their washing is clean. If the Three Dukes are carrying out the offering/sacrifice, then the Chief Minister should present the final offering in the ceremony. When organizing state visits and banquets, the Court of Imperial Entertainments must prepare and present the correct amounts and types of food in accordance with the hierarchy and rank of the attending officials.¹⁶⁸

As one can see from the above passage, not only did the Court of Imperial Entertainments oversee food and beverage matters, it was also tasked with taking care of certain vessels used for serving at state ritual ceremonies and offerings.

The first subsidiary office was the Office of Banquets, headed by a Director, who oversaw the provision of food for the banquets and events.¹⁶⁹ With over 2,400 staff members, the Office of Banquets was the largest subsidiary office within the Court of Imperial Entertainments; every year, they prepared and served food

¹⁶⁷ *Id.* at 135–136.

¹⁶⁸ TLD, *supra* note 87, at 15.443.

¹⁶⁹ *Id.* at 15.444.

for over seventy large, medium, and small-scale ritual ceremonies and banquets.¹⁷⁰

The Office of Delicacies was specifically in charge of providing special fish and meat dishes for court banquets.¹⁷¹ Of note is that it employed five pastry chefs on its staff, a position that was newly created in the Tang—a testament to the wealth and high status of the dynasty. The TLD goes into very specific details regarding the responsibilities of the Office of Delicacies and its director, down to the specific food items within its administrative purview:

The responsibility of the Director of the Office of Delicacies is to oversee the preparation and supply of delicacies and special dishes . . . and serve them in bamboo tazza and other ritual vessels. The categories of land-based delicacies are hazelnuts, chestnuts, and meat jerky. The categories of water-based items include fish, salt, water-nuts (water caltrop), and gorgon plant. The Director and the Aide to the Director must master each kind and number of items . . . and provide them for sacrifices, official meetings and banquets.¹⁷²

The Office of Fine Wines was responsible for the production, storage, and provision of wine for the palace and for sacrificial uses.¹⁷³ Headed by a director, its staff included wine stewards and also wine makers.¹⁷⁴ The TLD passage on the Office of Fine Wines as shown below not only gives information regarding its director's responsibilities, but more importantly, preserves and contains very detailed and specific administrative law regulations regarding specific types of wines and how they were to be served. This is in contrast to other sections of the TLD discussed earlier in the paper, many of which simply say “according to regulations” and do not preserve or stipulate the specific administrative regulations.

¹⁷⁰ XIN YI: TANG LIU DIAN, *supra* note 14, at 1681.

¹⁷¹ TLD, *supra* note 87, at 15.447; HUCKER, *supra* note 19, at 121.

¹⁷² TLD, *supra* note 87, at 15.447.

¹⁷³ *Id.* at 15.447–448. HUCKER, *supra* note 19, at 311.

¹⁷⁴ TLD, *supra* note 87, at 15.447.

Thus, because of the importance and uniqueness of this passage in the TLD, I translate it in full below:

The responsibility of the Director of the Office of Fine Wines is to supervise and oversee matters relating to the provision of the *wuji* (五齊) [The Five Grades of Wine]¹⁷⁵ and *sanjiu* (三酒) [The Three Wines] for ritual offerings. The Aide to the Director serves as his deputy. The *wuji* are: *fanji* (泛齊),¹⁷⁶ the *liji* (醴齊),¹⁷⁷ the *angji* (盎齊),¹⁷⁸ the *tiji* (醕齊),¹⁷⁹ and the *chenji* (沈齊).¹⁸⁰ The *sanjiu* are: *shijiu* (事酒),¹⁸¹ *xijiu* (昔酒),¹⁸² and *qingjiu* (清酒).¹⁸³ On days of great sacrifices and ceremonies to the gods, the Director of the Office of Fine Wines shall lead his staff to pour the wines in the covered wine vessel-goblets and the wine-vase. The type of wine used, along with the placement of the vessels and other decorations, shall follow a strict hierarchy. The relevant regulations are: in front of the altar of the Lord of Heaven, the *taizun* (太尊)¹⁸⁴ shall be placed right on the altar and the wine to be poured

¹⁷⁵ This was an ancient Chinese classification system for wine based on its cloudiness, originally found in the *Rites of Zhou*. See *Tian guan zhong zai* (天官冢宰) [The Rites of Zhou] 103, CHINESE TEXT PROJECT (Sept. 22, 2019), <https://ctext.org/rites-of-zhou/tian-guan-zhong-zai> [<https://perma.cc/SF7G-PK88>] (introducing the subordinates of Tian guan zhong zai and their functions).

¹⁷⁶ This was a type of ancient wine that has the darkest, most cloudy color—in the fermentation process, it is equivalent to the lees. XIN YI: TANG LIU DIAN, *supra* note 14, at 1708.

¹⁷⁷ This was a type of sweet ale. *Id.*

¹⁷⁸ This was a type of white-colored wine. *Id.*

¹⁷⁹ This was a fine, rose-colored wine. *Id.*

¹⁸⁰ This was a type of clear wine that sank to the bottom after fermentation. *Id.*

¹⁸¹ This was a type of wine fermented in winter and enjoyed in the spring. *Id.*

¹⁸² This was a type of wine with a very long fermentation process, with a stronger flavor than *shijiu*. *Id.*

¹⁸³ This was a type of wine with an even longer fermentation period than *xijiu*; its fermentation began in the winter and was finished in the summer. It had a stronger flavor than *xijiu*. *Id.*

¹⁸⁴ This was a type of pottery wine vessel made of clay, with a sharp pointed top, wide middle, and flat bottom. *Id.*

therein is the *fanji*. The *zhuzun* (簋尊)¹⁸⁵ shall be placed in the second position, and the wine to be poured therein is the *liji*. The *xizun* (犧尊)¹⁸⁶ shall be placed in the third position and the wine to be poured therein is the *angji*. The *xiangzun* (象尊)¹⁸⁷ shall be placed in the fourth position and the wine to be poured therein is the *tiji*. The *huzun* (壺尊)¹⁸⁸ shall be placed in the fifth position and the wine to be poured therein is the *chenji*. The *shanlei* (山壘)¹⁸⁹ shall be placed in the final, very bottom [lowest] position, and the wine poured therein is the *qingjiu*. For the altar for supplementary sacrificial offerings honoring Li Yuan (李淵) (r. 618–626), the founding emperor of the Tang dynasty, [the regulations provide that]: The *zhuzun* shall be placed on the very top of the altar and filled with *chenji*, then followed by *xizun* filled with *tiji*, then followed by *xiangzun* filled with *angji*, and *shanlei* shall be placed at the very bottom, filled with *qingjiu*. For the altars for the Five Emperors (as Directional Gods),¹⁹⁰ the sun, and the moon—the *taizun* shall be placed on all platforms, [and in all cases] what shall be poured therein is *chenji*. In the altar for the *Neiguan* (內官),¹⁹¹ fifty-five platforms [shall be set up and]

¹⁸⁵ This was another wine vessel with a flat bottom (no legs). *Id.*

¹⁸⁶ This was an ox-shaped wine vessel. *Id.*

¹⁸⁷ This was an elephant-shaped wine vessel decorated with elephant bones. *Id.* at 1708–1709.

¹⁸⁸ This was a kettle-shaped / pot-shaped wine vessel. *Id.* at 1709.

¹⁸⁹ This was a wine vessel decorated with the carved shapes of mountains and clouds. *Id.*

¹⁹⁰ Yoshihiro Nikaido gives a good explanation of the Five Emperors (as Directional Gods), which refer to “the five deities Dongfang Qingdi (東方青帝) [Blue-green Emperor of the East], Nanfang Chidi (南方赤帝) [Red Emperor of the South], Zhongyang Huangdi (中央皇帝) [Yellow Emperor of the Center], Xifang Baidi (西方白帝) [White Emperor of the West] and Beifang Heidi (北方黑帝) [Black Emperor of the North].” YOSHIHIRO NIKAIKO, *ASIAN FOLK RELIGION AND CULTURAL INTERACTIONS* 214 (2015).

¹⁹¹ This refers to the Inner Constellation—in Chinese astronomy it was believed that there was a connection between cosmos and events on earth, so Chinese astronomers divided stars/constellations up into “officials” as well, with ranks and hierarchies just like

xiangzun shall be used and filled with *liji*. For the *Zhongguan* (中官) [Center Constellation] [which is comprised of 159 platforms], *huzun* shall be used and the wine to be poured therein is the *chenji*. For the *Waiguan* (外官) [Outer Constellations] [comprised of 105 platforms set up within the Circular Mound], *gaizun* (概尊)¹⁹² shall be used and filled with *qingjiu*. As for the *Zhongxing* (眾星) [Assorted Stars] [comprised of 360 platforms outside the mound], then *sanzun* (散尊)¹⁹³ shall be used and filled with *xijiu*. When refilling the *wuji*, purified water shall be used. When refilling the *sanjiu*, clear, plain water shall be used. The vessels in the highest positions [on the altars] shall be the ones that are refilled. For sacrifices at the Imperial Ancestral Temple, *yuchang* (郁鬯)¹⁹⁴ shall be used and poured into the six *yi* (彝).¹⁹⁵ For the personal consumption of the emperor, *chunbao* (春暴),¹⁹⁶ *qiuqing* (秋清),¹⁹⁷ *tumi* (醢醢),¹⁹⁸ and *sangluo* (桑落)¹⁹⁹ shall be provided. *Commentary: Within the palace there is currently chunjiu made from Ying Prefecture (郢州).*²⁰⁰ *That place used to specialize in making delicious wine. In earlier days, Zhang Qushe (張去奢) served as Prefect of Ying Prefecture, and he presented the method of making Ying Prefecture wine to the throne. Now, the palace has hired people from Ying*

officials in the government. The emperor carried out sacrifices in the winter solstice to Heaven at the Inner Constellation Altar. XIN YI: TANG LIU DIAN, *supra* note 14, at 1709.

¹⁹² This was a type of wine vessel decorated with plant lacquer. *Id.*

¹⁹³ This refers to assorted wine vessels. *Id.*

¹⁹⁴ This was a type of fragrant wine, made with turmeric root. *Id.* at 1710.

¹⁹⁵ These were wine vessels in the shape of certain animals, e.g., chicken, elephant, serpent, etc. *Id.*

¹⁹⁶ This was a type of wine fermented in the spring. *Id.*

¹⁹⁷ This was a type of *qingjiu* fermented in the winter and matured in the summer. *Id.*

¹⁹⁸ This was a double-fermented wine. *Id.*

¹⁹⁹ This was a type of wine made using mulberry. *Id.*

²⁰⁰ Ying Prefecture was located in present-day Hubei province. *Id.*

*Prefecture as the wine craftsmen/brewers, in order to provide wine to the emperor and the officials.*²⁰¹

As the above passage illustrates, administrative regulations on wines were extremely detailed and specific, clearly indicating the type and placement of wine vessels and varying types of wines for each specific altar and ritual ceremony. The importance of antiquity as a legitimizing basis for the TLD is also apparent here, as the *wuji* and *sanjiu* wines used for the above rituals, as well as the various vessels mentioned above, all can be described as conservative on matters of ritual—its emphasis is not on innovation but rather on honoring ancient practices.²⁰²

The final subsidiary office in the Court of Imperial Entertainments was the Office of Spices, headed by a Director and in charge of matters relating to spices, mincemeats, salts, sauces, and other seasonings.²⁰³ The TLD stipulates that:

The responsibility of the Director of the Office of Spices is to oversee and supervise the provisioning of two categories of seasonings—vinegars²⁰⁴ and meat-pickles²⁰⁵—and to distinguish the various types and kinds [of spices and seasonings]. The different types of meat-pickle are: venison meat-pickle, rabbit meat-pickle, lamb meat-pickle, and fish meat-pickle. When seasoning and marinating foods, the correct type and amount of mold used [for the fermentation process] shall be properly controlled in accordance with the type and amount of ingredient. For all sacrifices to the gods, to ancestral temples, or to shrines of the ruling house, salted or pickled vegetables and meat-pickles shall be used, and the stemmed bowl shall be filled to capacity. For

²⁰¹ TLD, *supra* note 87, at 15.447–448.

²⁰² *Id.*

²⁰³ HUCKER, *supra* note 19, at 109.

²⁰⁴ There were many types of vinegar in the Tang, including vinegars made from wheat, rice, peaches, and grapes. SCHAFER, *supra* note 123, at 113.

²⁰⁵ Meat-pickles were very important seasonings made by mixing chopped-up/minced meat, salt, and fermenting it in some mold and/or acid. Modern equivalents include fermented fish paste and Southeast Asian fish sauce, which are both still used in Asian cooking today. *See* SCHAFER, *supra* note 123, at 115.

banquets for visiting dignitaries and officials, meat-pickles shall be used to season soups and the various dishes.²⁰⁶

Based on my count, the total relevant staff in the Court of Imperial Entertainments involved in preparing food and drink for the emperor's consumption numbered 2,779.

The Ministry of Rites and its Catering Bureau

Ministry of Rites (禮部) (total relevant staff: fifty-two)²⁰⁷

One Minister (尚書) (rank three-a), one Vice Minister (侍郎) (rank four-a-two), one Director (郎中) (rank five-b-one), one Vice Director (員外郎) (rank six-b-one), two Secretary (主事) (rank eight-b-two), five Clerks (令史), ten Clerical Scribes (書令史), six Managing Clerks, seven Clerks (thirty-five staff)²⁰⁸

The Catering Bureau (膳部) (seventeen staff)

One Director (膳部郎中) (rank five-b-one), one Vice Director (員外郎) (rank seven-b-one), two Secretary (主事) (rank nine-b-one), four Clerks (令史), nine Clerical Scribes (書令史)²⁰⁹

The Ministry of Rites—one of the six ministries in the Tang bureaucracy—and its Catering Bureau—while not directly involved the actual sourcing of ingredients and cooking of foods, nevertheless held a coordinating role in the emperor's food bureaucracy. Specifically, we know it took orders from higher-ranked offices (such as the Department of State Affairs) and passed them along to agencies discussed previously in the Article, such as the Palace Administration Department's Palace Food Service and the Court of Imperial Entertainments.²¹⁰ More specifically, the Catering Bureau of the Ministry of Rites shared responsibility with

²⁰⁶ TLD, *supra* note 87, at 15.448–449.

²⁰⁷ *Id.* at 4.107–148.

²⁰⁸ *Id.* at 4.107, 108–111.

²⁰⁹ *Id.* at 4.107-108, 127–128.

²¹⁰ XIN YI: TANG LIU DIAN, *supra* note 14, at 496.

the Palace of Administration Department's Palace Food Service and the Court of Imperial Entertainments for presenting foods in important state sacrificial ceremonies and rituals.²¹¹ The TLD provides that: "the responsibility of the Director and Vice Director [of the Ministry of Rites Catering Bureau] are to oversee the sacrificial offerings, sacrificial vessels, and food and drink for national sacrifices and rituals, and to allot the proper type and amount based on the requirements of the particular ritual in question."²¹² While it does have this broad coordinating authority, the TLD indicates that specific issues fell within the purview of other offices—for example, wine vessels (the type of wine vessels to be used in sacrificial ceremonies) fell within the ambit of the Office of Fine Wines in the Court of Imperial Entertainments.²¹³ The TLD also stipulates, for example, that "exotic ingredients" from across the Tang empire, which were to be used for state sacrifices (although it does not list out what constitutes "exotic ingredients"), fell within the administrative purview of the Palace Domestic Service Food Service, which inspected and preserved the exotic ingredients for use.²¹⁴ Unfortunately, the TLD does not provide specifics on what would happen when there were possible conflicts of authority among the Ministry of Rites Catering Bureau and other food service agencies. But again, we do know that one of the most important functions of the Ministry of Rites was to pass along orders to the food service agencies we have discussed in this paper. As a gateway for orders, it therefore held some supervisory power.

TANG ADMINISTRATIVE LAW AND TANG PENAL LAW INTERACTIONS: TANG CODE PROVISIONS ON FEEDING THE EMPEROR

Tang administrative law was buttressed by Tang penal law, as set forth in the separate Tang Code. Violators of administrative law and regulations could be prosecuted and suffer criminal liability, depending on the nature of their offense. This section discusses key Tang Code provisions that are relevant to the task of feeding the emperor.

²¹¹ HUCKER, *supra* note 19, at 405.

²¹² TLD, *supra* note 87, at 4.137–138.

²¹³ *Id.* at 4.138.

²¹⁴ *Id.*

The two key articles in the Tang Code which specifically deal with preparation and inspection of the emperor's food are Articles 103 and 107. Article 103, "Violations of the Dietary Proscriptions in Preparing the Emperor's Food," sets forth four separate offenses. First, under Article 103.1, if there were violations of the dietary proscriptions due to error in preparing the emperor's food, those in charge should be punished by strangulation.²¹⁵ The Tang Code explains that preparation of the emperor's food must be in accordance with certain prohibitions—such as the prohibition against mixing dried meat with rice or the prohibition on mixing green vegetables with turtle meat—and that the emperor's food must not be improperly prepared.²¹⁶ If the emperor's food or drink contained "unclean articles," Article 103.2 would mandate a punishment of two years of penal servitude.²¹⁷ Third, under Article 103.3, should the ingredients selected be not pure or if the food was presented to the emperor at the wrong season, the punishment was one year of penal servitude.²¹⁸ The Tang Code explains the meaning of "not pure" in the statute—it means that the rice and vegetables that were selected were not "fine or good."²¹⁹ As for presenting food at the wrong season, the Tang Code specifies that "according to the rites, rice is under the control of the spring season, therefore it should be warm; soup is under the control of the summer season, therefore it should be hot, and so forth."²²⁰ The Tang Code also criminalizes presenting food at the wrong time of day or at an improper temperature.²²¹ Fourth, under Article 103.4, if dishes had not been tasted, the guilty party would be punished with 100 blows of the heavy stick (recall that the TLD stipulates that certain officials—namely, the Chief Stewards in the Palace Administration Department's Palace Food Service and the Directresses of the Palace Food Service of the Palace Domestic Service had to first taste any food served to the emperor).²²² Their failure to taste would have resulted in criminal liability under this Article 103.4. The Tang Code also notes that dishes that had not

²¹⁵ THE T'ANG CODE, VOLUME II, *supra* note 3, at 73.

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ *Id.*

²²¹ *Id.*

²²² *Id.*

been tasted refers to “sour, salty, bitter, and pungent flavors not being properly used in seasoning the dishes.”²²³ Thus, Article 103.4 would conceivably also create criminal liability for officials such as those in the Office of Spices (Court of Imperial Entertainments) or cooks in the Palace Administration Department’s Palace Food Service for not seasoning the food properly.

It is also important to note that this Article 103 is also listed as an example of the crime of “Great Irreverence,” which was one of the Ten Abominations—the ten crimes that are considered the most heinous under the Tang Code.²²⁴ The Tang Code indicates that “Great Irreverence” included crimes such as stealing objects from the emperor, and also the crime under Article 103—i.e., violating dietary proscriptions by error in making the emperor’s food.²²⁵

A careful reading of the above Article 103 also reveals that there was no *mens rea* requirement—in other words, intent to harm the emperor was not a required element. Simply making a mistake—acting “by error” (to use the language of the statute) was enough to bring about criminal liability under Article 103.²²⁶ The lack of the intent requirement in the criminal statute further emphasizes the importance of the emperor’s food safety.

Article 107—“Offenses Committed by Inspecting Officials and Those in Charge of the Emperor’s Food”—is the second key article in the Tang Code which deals specifically with feeding the emperor. It criminalizes the act of mistakenly bringing “drugs” into food preparation areas, indubitably in order to protect the emperor from food contamination and poisoning: “[a]ll cases of inspecting officials or those in charge of the emperor’s food who by error bring drugs to the place where the emperor’s food is prepared are punished by strangulation.”²²⁷ The Tang Code explains that “drugs” refer to “those that are combined to make medicine that is intended to be eaten. If they have a poisonous nature, even if they have not been combined, they are considered as drugs.”²²⁸ In other words, “drugs” was defined quite broadly as anything with a “poisonous

²²³ *Id.*

²²⁴ GEOFFREY MACCORMACK, *THE SPIRIT OF TRADITIONAL CHINESE LAW* 44 (1996).

²²⁵ *THE TANG CODE*, VOLUME II, *supra* note 3, at 71, 73.

²²⁶ *Id.*

²²⁷ *Id.* at 76.

²²⁸ *Id.*

nature” for purposes of Article 107. As for “place where the emperor’s food is prepared,” the Tang Code glosses “places” as those areas where inspecting officials must be present, specifically, the imperial kitchens where food was prepared, and also the site of food preparation and service to the emperor.²²⁹ It is important to note that Article 107—like Article 103—uses the same language “by error” and hence does not require intent for the imposition of criminal liability.

While the above two Tang Code articles are the principal criminal law statutes on feeding the emperor, other articles may also be relevant. A quick overview of these articles will suffice for the purposes of this paper. For example, Article 198 (“Being in Charge of Government Animals that Become Sick”) punishes cases where government animals become sick and whose care and treatment are not according to rules, as well as cases where government animals die; the punishment ranged from 30 blows with the light stick to 100 blows with the heavy stick.²³⁰ Article 200 (“Sacrificial Animals for the Great Sacrifice Not Conforming to the Rules”) punishes instances where sacrificial animals offered for great state sacrifices are not cared for or fed according to rules, leading to their emaciation, injury or death; offenders can be punished with up to 100 blows with the heavy stick or more.²³¹ Article 214 (“Damage to the Contents of a Granary, a Warehouse, or a Storage Area”) punishes instances where granary contents are not maintained properly or not aired/dried at the proper time, resulting in harm and loss; offenders can be punished with up to 2 years of penal servitude.²³² Article 429 (“Fires Inside Warehouses, Treasuries or Granaries”) punishes fires in granaries with up to 1 year of penal servitude.²³³ Article 219 (“Causing Delays or Difficulties in the Disbursement or Reception of Goods”) most likely also covers the delivery of raw ingredients to the food service agencies, punishing officials who cause delays or difficulties in the disbursement or reception of goods with up to one year of penal servitude.²³⁴ Article 418 (“Utensils, Articles for Use, and Silk or Cotton Goods that are

²²⁹ *Id.*

²³⁰ *Id.* at 183.

²³¹ *Id.* at 185–186.

²³² *Id.* at 203.

²³³ *Id.* at 493.

²³⁴ *Id.* at 206.

Defective or Made from Inferior Material”) most likely covers serving vessels, punishing, *inter alia*, articles and utensils that are defective or made from inferior material for private or state use; offenders could be subject to 60 blows of the heavy stick.²³⁵

Poisoning the emperor was also a concern under the Tang Code, given that poison naturally could be introduced through food. Besides Articles 103 and 107, the making or keeping of poison was considered part of the crime of “Depravity,” one of the Ten Abominations.²³⁶ The Tang Code criminalized not only the act of poisoning someone under the “Depravity” offense, but also the mere preparation or keeping of poison, even if you did not actually poison someone.²³⁷

In short, as we can see from the above provisions, the Tang Code buttressed the TLD regulations on feeding the emperor, criminalizing improper behavior by officials involved not only in the preparation and service of food, but also in the storage of raw materials (e.g., the articles on granaries). Like the TLD, the Tang Code served to protect the emperor and his food supply.

CONCLUSIONS: GENERAL, MACROSCOPIC OBSERVATIONS REGARDING TANG ADMINISTRATIVE LAW FROM THE LENS OF THE FEEDING THE EMPEROR

Having gone through in detail in the preceding section the various offices directly involved in feeding the emperor, as well as relevant criminal law provisions in the Tang Code, this section provides some general, macroscopic observations about Tang administrative law that I believe can be gleaned from the TLD provisions on feeding the emperor.

First, from both a qualitative and quantitative point of view, the Tang emperor’s food bureaucracy was extremely important, and

²³⁵ *Id.* at 480.

²³⁶ THE T’ANG CODE, VOLUME 1, *supra* note 2, at 68–69. Indeed, it is traditionally believed that Emperor Zhongzong of the Tang was poisoned in a criminal conspiracy led by his second wife, Empress Wei (韋皇后) (d. 710) and her daughter, the Anle Princess (安樂公主) (c. 684–710). According to sources, they enlisted the help of a vice minister of the Court of Imperial Entertainments and placed poison in a pastry, which was served to Emperor Zhongzong. See ZHONGHUA FA AN DACIDIAN (中華法案大辭典) [DICTIONARY OF LEGAL CASES IN CHINESE HISTORY] 280 (Guo Chengwei (郭成偉) & Xiao Jinquan (肖金泉) eds., 1992) (describing the murder case of Emperor Zhongzong).

²³⁷ *Id.*

Tang administrative law emphasized his food safety. Given that the emperor was not only the highest-ranking political figure but also considered a religious figure connecting Heaven and Earth, this emphasis on his food safety is not surprising. From a purely quantitative perspective, the total number of official staff in the offices described in the preceding section was approximately 5656, which constituted approximately fifty percent of the 11,312 total officials in the central government.²³⁸ In other words, half of all official staff in the Tang central government were involved in the task of feeding the emperor. The Court of Imperial Entertainments had an official staff of 2779, which was huge compared to the 285 staff in the Court of Judicial Review, 191 in the Ministry of Justice, or 244 for the Ministry of War—again, a sign of the importance the TLD placed on feeding the emperor.²³⁹ In addition, the relatively high rank of officials involved in feeding the emperor (as compared to other government departments) also emphasized the importance of the emperor's food safety. For example, the Chief Steward in the Palace Administration Department's Palace Food Service was ranked five a—the same rank as the Erudites (leading scholars and teachers) in the Directorate of Education, which was tasked with the important task of educating and training officials.²⁴⁰

Second, the TLD spread out the responsibility of feeding the emperor across various institutions. There was an attempt to balance between centralization and decentralization. This would have further enhanced the emperor's food safety as no one institution (or one official) had too much power or influence. The ingredient supplying institutions (e.g., the Court of Imperial Stud, the Court of National Granaries, the Directorate of Waterways) were separated from food preparation and service agencies (e.g., the Palace Food Service in the Palace Administration Department, the Food Service in the Palace Domestic Service, the Court of Imperial Entertainments) in the TLD. Different categories of ingredients—seafood, grain, vegetables, fruits, and meats—were spread across various food supply institutions, and different purposes of eating—e.g., personal consumption or ritual ceremony—were also spread across various food preparation institutions. Even within the

²³⁸ See WANG, *supra* note 6, at 122.

²³⁹ WANG, *The Six Codes*, *supra* note 6, at 125–130.

²⁴⁰ TLD, *supra* note 87, at 21.559.

institutions themselves, the TLD protected against over-centralization, spreading responsibilities across various offices. For example, within the Court of National Granaries, one office handled bamboo, another office handled fowl, another office handled rice, and another office handled grain. There was also overlap at times between offices within a single institution, which would have been a further check against over-centralization or monopolization of power. For example, the Court of the National Granaries, the Imperial Capital and Eastern Capital Gardens Directorate, as well as the Office of Imperial Forests, all helped supply fruits to the emperor's table. Furthermore, the task of feeding the emperor was spread across institutions of different characters and categories—the Nine Courts (e.g., the Court of Imperial Stud), the Five Departments (e.g., the Palace Administration Department's Palace Food Service), the Five Directorates (e.g., the Directorate of Waterways) and also the Ministries (e.g., the Ministry of Rites). This also would have protected against too much influence being concentrated in one category of government institution. Yet, there was also a certain level of centralization provided, which would have protected against over-decentralization or certain institutions or offices going rogue. The Ministry of Rites, for example, was responsible for sending orders from above to the various food preparation agencies and functioned therefore as a coordinating institution. And let us not forget the Censorate, the independent institution in charge of overseeing all officials and official conduct in the Tang empire.

Third, the importance of ritual and ritual propriety (*li*) is also apparent in Tang administrative law; Tang administrative law as seen through the TLD was not only built on notions of ritual morality, but also helped to promote ritual morality as well. For example, the detailed regulations in the TLD for the Office of Fine Wines in the Court of Imperial Entertainments on the types of wine and vessels to be used and their placement on different altars was based ultimately on ancient precedents in the *Rites of Zhou*.

Fourth, the specificity of the TLD in laying out responsibilities of each government office and the number of officials might complicate the usual common descriptions and received wisdom of traditional Chinese law, which often emphasize the importance of ritual and ritual propriety (*li*) as the “primary

regulator” for the state and social order²⁴¹ with law as a secondary, supplementary tool.²⁴² While that description may be true for traditional Chinese penal law, the TLD regulations on feeding the emperor suggested that law and specificity of law was very important in delineating the responsibilities and structure of government offices.

Fifth, while administrative law and penal law were separated in the Tang, we can see that they shared similar goals and functions. Most immediately, the entire food bureaucratic structure as set forth in the TLD was enforced by the Tang penal code, with its extremely strict provisions protecting the emperor against food contamination. For example, mere error in violating the emperor’s dietary proscriptions was considered and punished as one of the “Ten Abominations,” the most serious and heinous crimes in imperial Chinese law. More broadly, as Wallace Johnson has argued, the Tang Code “reflects the position of the emperor as the most important link between the human and the natural worlds as well as the head of the government.”²⁴³ Indeed, as Johnson notes, offenses against the emperor were considered on a completely “different level from those against other persons” and that punishments for offenses against the emperor were much more severe and lacked procedural protections available for defendants accused of other crimes not involving the emperor.²⁴⁴

Combining the above discussions, I would argue that the TLD, and Tang administrative law more broadly, also has the same core theme as the Tang Code—that is, one of the purposes and reflections of the TLD was to highlight and further enhance the power, prestige, and image of the emperor as the most important person in Chinese society. This is reflected in the TLD through the huge amount of official staff in the central government involved in the task of feeding the emperor himself—in other words, serving just one person in the government—and also the various other protections (e.g., the balance between centralization and decentralization discussed earlier) built into the TLD to protect the emperor’s safety. In addition, the TLD enhanced the emperor’s image also by showing him—and his food and beverage

²⁴¹ CHEN, *supra* note 9, at 21.

²⁴² *Id.*

²⁴³ THE T’ANG CODE, VOLUME 1, *supra* note 2, at 11.

²⁴⁴ *Id.*

consumption—as grounded in antiquity and ritual propriety (e.g., the detailed regulations on wine placement in sacrificial ceremonies carried out by the emperor). In this sense, the TLD showed the emperor not just as a political figure, but a ritual and religious leader in the Tang, faithfully carrying on ancient ritual and historical practices. In short, we see the Tang Code and the TLD (Tang administrative law) forming a symbiotic legal nexus reflecting the power and prestige of the emperor in Tang society.

Finally, I would just mention that while the focus of this Article is on legal history, the general themes expressed in the Article—specifically, the notion of a specialized, detailed, and separate food provisioning bureaucracy—continues to have contemporary valence and relevance in modern Chinese law today. For example, under Chinese law, China has a special, separate system for exports of food (unlike most other exporting countries), where export food standards are higher than that of food sold to domestic Chinese customers; thus, foreign markets, as well as China’s special administrative regions Hong Kong and Macau, can basically enjoy better quality food than China’s domestic citizens.²⁴⁵ This has been criticized as unfair to domestic Chinese consumers.²⁴⁶ Regardless of what one’s views are on China’s export food system, one can see some administrative and legal continuities from the Tang bureaucratic system on food supply to the emperor, who of course enjoyed safer and higher standard food than others in the Tang world.

²⁴⁵ Francis Snyder & Yi Seul Kim, *China’s 2015 Food Safety Law: An Overview – Crossing the River, but Feeling the Stones and Avoiding Low Branches?*, CHINESE J. COMP. L. 1, 42–43 (2018).

²⁴⁶ *Id.* at 42.