

Discussion on the 'Time' in the Tang Code

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Abstract

This article aims to analyze the 'Date' 'Year', and 'Daytime' 'Night-time' concepts and their values under the law of Tang Dynasty, and observe any behaviors that against the work & rest schedule established by the government. The division of time and the values added to it reflects the authority of a government. The legal meaning of 'Date' and 'Year' was not entirely based on the change of natural time. The 'Hundred Quarters within A Day' concept reviewed the government had the total control on its definition and the absolute power on its setting. The '360 Days a Year' regulation relate to the swap between 'Punishment and Labour' concept in the legal system. The legal demarcation of the day and night involves the government's demands on the people's daily routines, while the natural night, the statutory night, the curfew night were not in fact the same.

This article focuses on four kinds of nocturnal crimes, such as curfew, enter private premise at night time without reason, nocturnal Buddhist worship, and night gang robbery that violate the government's rules and routines. Tang Code formulated that it was an offense if someone was found wandering in the street during night time, and it applied not only to ordinary people but also included officials. Tang Code stated clearly that person would be found guilty if entering others' premises without reason at night, but not in the day time and the owner could kill the suspect instantly without being prosecuted. All these show the law was intended to protect personal safety, maintain social stability, but not to protect the residence from being invade. The two important time elements - "Night" and

“Instant” were originated from the “Han Law”. “Sù xiāo (宿宵)” refers to the Buddhist worship held at night, which seems to be related with Maitreya beliefs, Moonlight Child, and often involved in the riots. The term was found in the Wu Hou of the Tang Dynasty. The government issued order frequently to ban this type of events during the Xuan Zhong period, and classified such events same as Ten Abominations and murder cases to indicate its degree of seriousness from the official point of view. “The Night Gang Robbery” refers to rob people in gang at night time, and this would cause great panic to the public and their target would be the whole village instead of one or two families. This crime constituted a serious damage to the social security; therefore government issued a new rule to punish these criminals.

Keywords: Tang Dynasty, Tang Code, Legal Time, Curfew, Sù xiāo, The Night Gang Robbery