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# A Judge at the Crossroads of Cultures: Shi Tianlin

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**Abstract:** Shi Tianlin is one of only two known officials who was appointed to act as judge both in the West and the East of the Mongol Empire, during the period of the united empire when officials were often appointed cross-regionally. Coming from near today's Beijing, he came to prominence for his knowledge of languages, and was granted a Mongol name. He was a judge in a Western campaign, probably that of Batu against the Qipchaqs and Russians. Later, he was sent by Möngke Khan to Qaidu in Central Asia, and detained there for 28 years, before returning to Yuan China. Despite his long absence from China and though his activity as judge was very short (he declined to be re-appointed as judge when he arrived back in China), the prestige of the appointment stuck, and his son and grandson were both judges in China. The *shendaobei*, or Spirit-Way Inscription, of Shi Tianlin is particularly interesting for the way in which it explains Mongol concepts in Chinese terms. One of these is the *jasagh* (held to be the law code of Chinggis Khan), which is equated with Chinese *falü* (statute or law code). Rather than explaining its contents however, the inscription talks about the importance of following “the *jasagh* of Confucius”, namely the *Lunyu* or *Analects* of Confucius. The inscription – and presumably Shi Tianlin during his lifetime – thus uses a widely-known Mongol concept to promote Chinese values, showing the complexities of intercultural communication and exchange during the Mongol era.

**Keywords:** Mongol law, Envoys, foreign relations, multilingualism, judges

## 1 Introduction

Shi Tianlin was an official who spanned the transition between the United Mongol Empire, when officials were routinely appointed across the regions encompassed in the empire, and the khanates, when mobility was still high but more confined to within the khanates themselves. He first came to

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prominence during Ögödei's reign, and he and his descendants eventually gained positions in the Yuan Dynasty.

Shi Tianlin came from Shunzhou 順州, today in the north-east of Beijing, which was conquered by the Mongols together with the rest of Beijing [then known as Yanjing, later Dadu] in 1215<sup>1</sup>; he was born just after its conquest by the Mongols, in 1216 or 1217.<sup>2</sup> His entry to office was through an audience with Chinggis Khan's heir Ögödei (r. 1229–1241), an honor he obtained due to the illustrious background of his family. The Spirit-Way inscription recounts the increasing prominence of his family; although it is not known whether their posthumous titles were granted during the Jin dynasty or retroactively during the Yuan. His great-grandfather was titled Marquis, his grandfather Duke of the Second Degree and his father Duke of the First Degree.<sup>3</sup> Additionally his father's full title was Duke of the First Degree of Shun 順, implying a strong connection with the place where the family was based; and the inscription says that even at only 14 years old Tianlin used to assist his father in administering Shun. It was in other words a local family of notables from which Tianlin came, though in the service of the Mongols he rose to entirely new heights and served in lands far distant from his birthplace.

As a result of the audience with Ögödei he entered the *keshig* or guard, and could have had a rather ordinary career had he not added to his profound Chinese education all the benefits of mixing with those from other ethnicities and linguistic groups. He tirelessly studied languages – which ones is not specified – studying “the books of all nations, there was no language he did not understand”<sup>4</sup> and “among the written scripts of sundry countries, there was none which he did not know.”<sup>5</sup> His linguistic skills must have included, of course, Mongolian. It was this which ensured his rise to prominence, for under the new regime of the Mongols, a knowledge of languages could bring promotion and honor where many other, previously valued accomplishments would fail.<sup>6</sup>

His first appointment, though, was nearer home as he became Assistant to Yelü Chucai, the influential Kitan official in charge of North China under Ögödei. While the years of Tianlin's appointment are not specified, he must have served before Yelü Chucai's death in 1244. He was probably appointed during Ögödei's reign, when he would have helped Yelü Chucai with administrative reforms,

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1 Song 1370/1976 [hereafter *Yuanshi*] 150: 3555–57.

2 *Yuanshi* 153: 3620.

3 Xiao Hu 1999: 757; Farquhar 1990: 30.

4 Xiao Hu 1999: 757.

5 *Yuanshi* 153: 3619.

6 Allsen 2000: 25–49; Li Zhi'an 李治安 2009: 25.

perhaps including the census in 1234–36. Interestingly, his involvement in this census would have meant that he came into contact with Shigi Qutuqu – the first<sup>7</sup> and most famous *jarghuchi* or judge appointed by Chinggis Khan himself,<sup>8</sup> who at this time (1234) was also made *duanshiguan* (an alternative Chinese expression for *jarghuchi*) of northern China.<sup>9</sup>

Tianlin's role as assistant to Yelü Chucai brought more immediate benefits however, namely, a new name: he was granted the Mongol name of Mangghudai 蒙古達. This name, with a suffix ‘-dai’ appended to the word ‘*Mangghu*’ or ‘*Mongol*,’ illustrates even more than other names how name-granting was used in the Mongol Empire as a state-building mechanism. Through the granting of Mongol names or nicknames, people who were not Mongol by ethnicity were in effect included in the Mongol elite, by becoming Mongols. Such people are known in the research literature as ‘honorary Mongols,’ and illustrate how the Empire had a cosmopolitan and ethnically mixed governing elite. Shi Tianlin was granted this name because “regardless of how difficult the matter, in every case one could rely on him.”<sup>10</sup>

## 2 Shi Tianlin and the ‘Western Campaign’

After serving under Yelü Chucai Tianlin participated in a ‘Western campaign’, and was also appointed *duanshiguan* or judge. The *Yuanshi* biography is vague, recording merely that “The imperial prince(s) went on campaign to the Western regions; Tianlin was made *duanshiguan*.”<sup>11</sup> The *shendaobei* (spirit-way inscription) has more detail: “When the prince(s) led the army in attacking the Western regions, the prince(s) requested an assistant, and [the Emperor] ordered [Shi Tianlin] to go and assist them, and therefore assigned him to be *duanshiguan*, as well as tutor for the prince’s sons.”<sup>12</sup>

While *xiyu* (西域), the term used for ‘Western regions’, could point to a number of regions in the Western Steppe, Central Asia the Middle East, or even

<sup>7</sup> Except for Belgütai, Chinggis Khan’s brother, who is sometimes counted as the first, though his appointment was more by way of a punishment and exclusion from the councils of the imperial princes, rather than the creation of a new institution or position. *The Secret History of the Mongols* 2004: § 154; *Yuanshi* 117: 2905–6.

<sup>8</sup> Rachewiltz 1993: 155.

<sup>9</sup> *Yuanshi* 2: 34.

<sup>10</sup> Xiao Hu 1999: 757; Biran 2015: 164–166.

<sup>11</sup> *Yuanshi* 153: 3619. The punctuation in the Academia Sinica version (which is not original), implies that the two events are linked.

<sup>12</sup> Xiao Hu 1999: 758. 王帥師征西域, 王以裨佐爲請, 命公輔行, 縱是分隸爲斷事官, 兼教諸王子。

Europe (i. e. everywhere west of China), the involvement of one or perhaps several princes in this campaign, and the fact that Tianlin was back with Möngke shortly after he came to the throne, suggests that the campaign was the one which departed in 1235 to conquer the Qipchaqs, Alans, Bulgars, and Russians. This campaign was led by princes from each Chinggisid branch including Batu, Güyük, and Möngke.<sup>13</sup> Unfortunately it is not known whose sons Tianlin was teaching.

At the same time as going on this campaign, Tianlin was appointed as *duanshiguan*, or judge, joining a number of non-Mongols who were appointed as judges by the Mongol Emperors. His new Mongol name and thus elevation to the dignity of 'Mongol' must have contributed to making this possible, though there were a number of other non-Mongol judges as well – in the time of Ögödei these included the Uighurs Eren Temür 岳璘帖穆爾 and (probably) Tang Guzhi and Bül-Qaya, and the Central Asian Muslims Sayyid Ajall and Ismā'il.<sup>14</sup>

The *shendaobei* further states that: "When Xianzong [Möngke] came to the throne, [he] recognized [Shi Tianlin's] talent and righteousness, and again selected him as *duanshiguan* of all the routes."<sup>15</sup> As *duanshiguan* under Möngke, Tianlin would have been a colleague of the much more powerful Menggeser, who is the person who actually conducted many of the politically important trials under Möngke<sup>16</sup>; unfortunately there is no record of Tianlin's actual activities during this period.

It should be specified that during this time of the early Mongol Empire, the position of 'judge' carried broad responsibilities, not all of which related to legal matters. For example when Ögödei came to the throne an Uighur, Eren Temür, was appointed *da duanshiguan* or 'great judge' of central China "because there were lots of bandits there,"<sup>17</sup> and it is clear that his tasks included catching the bandits as well as putting them on trial. Even in the late Yuan dynasty, some 'judges' are described primarily as military leaders, and to what extent they dealt with legal cases remains open to question.<sup>18</sup> Nevertheless, based on the

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<sup>13</sup> *Yuanshi* 2: 34.

<sup>14</sup> *Yuanshi* 125: 3065; 3070 (the text says that Buyruq Qaya was appointed "soon after" 1231); 134: 3253–4 (Tang Guzhi was appointed by Sorghaghtani Beki, but it is not certain when); 144: 3435. Ismā'il was appointed judge but did not take up the position, *Yuanshi* 120: 2970.

<sup>15</sup> Xiao Hu 1999: 758. The *shendaobei* thus implies that Tianlin's participation in a Western campaign took place before Möngke came to the throne, another reason to associate him with the earlier campaign.

<sup>16</sup> Allsen 1986: 510; Allsen 1987: 35.

<sup>17</sup> *Yuanshi*, 124: 3050.

<sup>18</sup> For example Boro-Temür 孝羅帖木兒 *Yuanshi* 132: 3210; Baida-Sha 伯答沙 *Yuanshi* 32: 718; Ököcher 月闊察兒 *Yuanshi* 44: 929.

descriptions of *duanshiguans* dealing with legal cases, as well as the career trajectory of Tianlin's descendants (discussed below), it would seem that the element of being qualified to judge was never totally absent from this role.

If Tianlin joined the campaign in 1235, he was probably back by 1242. The period of time between then and Möngke's reign is passed over in silence by the *shendaobei* and the biography. It could be that Tianlin found himself on the wrong side of the political squabbles of his day, or perhaps he was not granted any new office the biographers considered important enough to mention.<sup>19</sup>

### 3 Envoy to Qaidu

The next episode in his service for the Mongols took Tianlin to Central Asia, to the Qayaliq seat of the grandson of Ögödei Khan, Qaidu. Sent there in 1256 by Möngke Qa'an as an envoy, Tianlin was detained by Qaidu for 28 years. He was detained even though Qaidu's hostility towards Möngke and the Toluid faction he represented, which had vanquished the descendants of Ögödei and killed many of them in their power grab, was otherwise manifested only years later during the qa'anship of Qubilai. However the fact of sending an embassy in itself may have been threatening, similarly to Möngke's 1257 embassy to Qubilai which aimed at keeping him in his place, and perhaps this was the reason why Tianlin was detained.<sup>20</sup>

Both Tianlin's membership of the *keshig* and his appointment as *duanshiguan* would have prepared him for the task of envoy, as both indicated that he was a highly valued and trusted member of Möngke's entourage.<sup>21</sup> While in the *keshig* he had learned Mongolian but perhaps more importantly he had been appointed first by Ögödei, Qaidu's grandfather, and this connection would have ensured that Qaidu would not kill him. He could not have expected to be for so long with Qaidu, however he seems to have adapted quickly and ingeniously to his new situation. His *shendaobei* and biography, written during the Yuan dynasty, reflect a pro-Toluid viewpoint, and maintain that he enlightened Qaidu about the virtues of the Toluids. "Tianlin became intimate with his officials and therefore told them about the kindness and righteousness of the imperial family and the rules of rebellion

<sup>19</sup> For example the biography of Bujir 布智兒 *Yuanshi* 123: 3021–2. The compilers of the *Yuanshi* seem to have had a negative view of Güyük's reign as lacking in law and order (Kim 2005: 310–311).

<sup>20</sup> Biran 1997: 20; Biran 2008: 381, 384.

<sup>21</sup> Miao Dong 2009: 92–96.

and obedience, disaster and happiness pertaining to officials.”<sup>22</sup> It should be noted that during the Qing dynasty, Shi Tianlin was seen as the epitome of loyalty because of his supposed total devotion to the Yuan, so much so that the great poet and historian Zhao Yi (1727–1814) included him in his *Reading Notes of Twenty-Two Historical Books* 廿二史札記 among ‘those who remained faithful in foreign countries’.<sup>23</sup>

This was almost certainly not the whole story. Although Tianlin may well have instructed Qaidu about Qubilai, what is also true is that he adapted strongly to his new environment. Though some of his sons and daughters may have been born before he arrived in Qayaliq, many of them bore Mongolian names, including one who was apparently named after Qaidu. This suggests more than simple opportunism in order to improve his childrens’ career prospects, it suggests a certain identification with the Central Asian Mongols. It is also worth noting that the *shendaobei* at one point combines Tianlin’s Chinese and Mongol names as Shi Manggu[dai] 石蒙古達.<sup>24</sup>

Tianlin eventually was allowed to return to Dadu around 1284,<sup>25</sup> allegedly because Qaidu ‘repented’ in response to Tianlin’s admonishment.<sup>26</sup> In reality, his release may have had more to do with the release of Qubilai’s son Nomughan from the Golden Horde and the general Antong by Qaidu, who both returned together with Tianlin. He was received cordially by Qubilai, who offered him the position of *duanshiguan* again, but he declined due to his age. However, Tianlin continued before Qubilai the work of cultural and personal mediation which he had commenced with Qaidu. When Antong was criticized for earlier accepting an official rank and titles from Qaidu, “Tianlin memorialised and said: ‘Qaidu is a true member of the imperial family; even if by chance there are words to the contrary, he is not to be compared with an enemy. That Antong did not refuse [the titles] was in order to allay [Qaidu’s] suspicions, and to guide him along the way of obedience [to the Yuan]. The emperor was angry and then understood.’<sup>27</sup> It seems that despite the periodic warfare between the Yuan dynasty and Qaidu, Shi Tianlin was arguing, and maybe others also believed, that despite their differences, and

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22 *Yuanshi* 153: 3619.

23 Miao Dong 2009: 93.

24 Xiao Hu 1999: 757. See also Humble’s article in this volume.

25 A Shi Tianlin 石天麟 who was part of the Mongol campaign against the Southern Song in 1275–6 is a different person. *Yuanshi* 6: 178; *Yuanshi* 107: 3105; Zhang Jianwei 張建偉/Wang Haini 王海妮 2013: 28 n. 2.

26 *Yuanshi* 153: 3619.

27 *Yuanshi* 153: 3619.

Qaidu's attempt to create an independent khanate in Central Asia, he was also "family" and not an external enemy.<sup>28</sup>

## 4 Resolving other cultural conflicts

Besides defending Antong, Tianlin was also involved in further conflict resolution after he returned to Dadu. Mongol and Chinese viewpoints clashed again on the issue of legitimization of the new dynasty. His biography states:

In Jiangnan [the area south of the Yangtze] a statue in a Daoist temple was concealing a Song imperial portrait; and there were Buddhist monks who became hostile to the Daoist priests. When this issue came up, they were about to be executed. The emperor consulted Tianlin and he answered: "The bronze statues of the Liao dynasty lords and queens are in Xijing [today Datong, the 'Western capital' of the Liao dynasty],<sup>29</sup> they are still there today, and I have not heard that there is any prohibition." Then the matter died down.<sup>30</sup>

While the conflict here mentioned may well have been an after-effect of the great Buddhist-Daoist debates, the last one of which had taken place only a few years previously in 1281, the way in which Tianlin resolved this particular conflict points to a direct answer to Mongol anxieties. The presence of a statue likely had not only symbolic significance for the Mongols; one need only recall the *ong-gons*, idols made of felt and kept in each household, and the life-size statues found at key places in the steppe, to which Mongols also presented sacrifices, especially of fat or butter.<sup>31</sup> Obviously such statues were believed to hold real power. Tianlin however responded directly to this viewpoint, asserting that there were likewise statues of previous rulers in Xijing, the former capital of the Liao dynasty, but that they held no real power. It seems no coincidence that the biography states immediately afterwards that Qubilai, apparently having accepted the powerlessness of material objects, granted Tianlin "a dragon-headed cane used by the Jin emperor."<sup>32</sup>

During the reigns of Qubilai's successors, Tianlin was more than an advisor. He accepted the position of Instructor 司徒 under Chengzong – thus recalling his earlier appointment as tutor to the princes on the Western campaign – and became Privy Councillor 平章政事 under Wuzong, though he later retired due to old age. He died in 1309 and was buried in his native town of Shunzhou. He was

<sup>28</sup> Kim 2009: 33–35.

<sup>29</sup> The statues were located at Huayansi monastery 華嚴寺 according to Steinhardt 1997: 126.

<sup>30</sup> *Yuanshi* 153: 3619.

<sup>31</sup> Charleux 2010: 5–9.

<sup>32</sup> *Yuanshi* 153: 3619.

granted a number of posthumous titles including Most Honored, Grand Preceptor and Supreme Pillar of State; was enfeoffed as Duke of the First Degree of Ji 冀, and granted the title of Outstanding Minister of Promoting Honesty, Showcasing Power, Preserving Morality and Assisting Loyalty; and styled Manifest Loyalty.<sup>33</sup>

## 5 Tianlin's descendants

The Yuanshi biography omits any reference to Tianlin's wives and mentions only two sons and a grandson,<sup>34</sup> but the *shendaobei* is more specific. It mentions four wives: a Lady Jin 金, Moleqili 摩勒齊哩, Lady Duan 端, and Helachechen 和拉徹臣, the first three of whom are recorded as having born him children. Some of his sons, including most of those born to lady Jin, bear Chinese names: Shi Yong 石用 and Shi Gui 石珪. Most however bear Mongol or Turkish names: Eleng Buqa 領稜布哈, Huitu 輝圖 (presumably the Qaidu 懷都 of the Yuanshi biography and the Yuan Dian Zhang), Tujian Ya'ermushen 圖戰雅爾穆什, and Heniqi 和尼齊 (Qonichi). His daughters were named Yan 燕, Dashenzhabu 達什札卜, Delü 德呼, and Toghto 托克托. His daughters seem also to have married people of diverse ethnicities, with names such as Hu Yue 胡渝, Halehaqi 哈勒哈齊 and Dai'erma 岱爾馬 (assuming these names actually reflected their ethnicity).<sup>35</sup>

Tianlin's descendants embodied much of the same cultural flexibility that he did. One of his sons, Qaidu 懷都, inherited the position of *duanshiguan*, and his grandson \*Qaramchi 哈藍赤 likewise inherited the same position. Confirmation of this is given by the *Yuan Dian Zhang*, a collection of difficult legal cases which were sent up to the central government for a ruling.<sup>36</sup> In this work, published privately after 1317 (republished 1323) and based on documents sent from the capital to the provinces, there is mention of a Qaidu 懷都 who was active in 1310, who due to bearing the same name (at least in the Yuanshi

<sup>33</sup> Xiao Hu 1999: 757.

<sup>34</sup> The relative absence of female personalities from official biographies has been noted before. See for example Bossler 2003. A stylometric (word-frequency) analysis of a limited number of *shendaobei* versus corresponding Yuanshi biographies also indicated that the term '夫人' (wife) was much more common in the *shendaobei* – more research could be done on this.

<sup>35</sup> Xiao Hu 1999: 757, 759. The text reads: 兩夫人皆冀國也。夫人端氏未封。男六人: 曰額稜布哈, 蕤城縣達嚕噶齊; 曰用, 禮部侍郎; 曰珪, 大司農。女曰燕, 適傅氏。皆夫人金氏所出。男曰輝圖, 京南宣慰使; 曰圖戰雅爾穆什, 山東宣慰同知; 曰和尼齊, 常熟州達嚕噶齊。女曰達什札卜'適總管胡渝。皆夫人默呼德呼所出。女曰德呼, 適司徒哈勒哈齊; 曰托克托, 適總管岱爾馬, 夫人端所出。

<sup>36</sup> On the *Yuan Dian Zhang*, see Birge 2002: 212–217.

biography) and being a *duanshiguan*, is almost certainly Shi Tianlin's son. Described as a *duanshiguan* of the Department of State Affairs, the description fits also because is called a *duanshiguan* and not a *jarghuchi/zhaluhuchi*, like judges in the 'Mongol' Court for Judges *dazong zhengfu* 大宗正府.<sup>37</sup> Like the office of judge itself which evolved from a powerful office with very general responsibilities to much more defined responsibilities, Tianlin's family seems to have followed the trajectory, because in the case of his son (as opposed to Tianlin himself) we get specific details of involvement in a legal case; and though the grandson Halanchi may have done excellent work in the law, he was definitely less prominent and less important a personality than Tianlin himself.

The case in which Shi Qaidu was involved concerned false rumours about the end of Mongol rule, and took place in the third year of Zhida (1310–1311). The accused was a certain Muslim farmer named Mubārak (*Mubala* 木八刺)<sup>38</sup> who had made a false allegation against several Han Chinese individuals from the same village, named Ma San 馬三, Xiao Jia 小甲, and Lan Shi 攏十, accusing them of interpreting astronomical or other signs of the times as justification to launch an attack against Mongol rule.

Qaidu, *duanshiguan* of the Department of State Affairs, was sent to judge this case together with Dorji 朵兒只, *duanshiguan* of the Heir Apparent's Bureau. The collaboration of two different officials, from two different offices, on the same matter is typical of the Yuan dynasty,<sup>39</sup> and they were ordered to report together on the results to the Bureau of Military Affairs. In fact, the Pacification Commission of Fujian province, the Branch Secretariat of Jiangzhe province, the Department of State Affairs and the Ministry of Punishments were all also involved in the case. In the end, Mubārak was convicted of making these and many other false allegations, while another individual, \*Alamsha 阿藍沙, was also convicted of falsely saying that the Han villagers planned to rebel. Mubarak and \*Alansha were beaten with the heavy stick in the market center.<sup>40</sup>

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<sup>37</sup> Jagchid, *Menggu shi luncong*, 291. In the *Yuanshi*, judges in the *dazong zhengfu* (an office set up specifically for the judges appointed by the Yuan Emperors) are called *zhaluhuchi* – which resembles the Mongol word *jarghuchi* – while others, those appointed to other government offices or appointed by princes, are referred to by the meaning-based translation of the role, *duanshiguan* or 'officials who decide matters.'

<sup>38</sup> He is described as *huihui* 回回. This term in fact is used to refer to people from the 'Western Regions', including non-Muslims; but from the name Mubarak, it is likely, though not certain that he was Muslim.

<sup>39</sup> Endicott-West 1989: 45, 49.

<sup>40</sup> Iwamura and Tanaka 1964–1972: 41: 78–80, 亂言平民作歹.

Tianlin's other descendants held diverse official positions, though mostly in the vicinity of Dadu or in the eastern provinces of China. Eleng Buqa and Heniqi /Qoniqi were *darughachis*, representatives of the Mongol rulers at the local level.<sup>41</sup> Of lady Jin's sons, Eleng Buqa held office in Gaocheng, in the Central Province (today Hebei province), Shi Yong was Vice Minister of the Ministry of Rites in Dadu, while Shi Gui 石珪 was employed as Censor, Director of the Bureau of Military Affairs (these two positions would have been in Dadu), as well as Right Minister of the Henan branch secretariat. Gui's role of Censor indicates some connection with legal practice, indeed a number of judges also held positions in the Censorate before or after serving as judges.<sup>42</sup> Of Moleqili's sons, Huitu, who was Pacification Commissioner in Jingnan near Dadu is presumably the Qaidu of the *Yuanshi* biography who was duanshiguan and later Pacification Commissioner, though of Jinghu beidao in modern Hubei<sup>43</sup>; Tujian Ya'ermushen held a minor position in the Pacification Office of Shandong, and Qonichi was *darughachi* of Changshou in Jiangzhe province, near today's Shanghai. What is notable is how these positions span both former northern China (the Jin empire) and southern China (the Song empire), thus showcasing the reunification brought about by the Mongols, as well as the Mongol policy of dispersing their supporters across the realm, thus avoiding strong local power bases.

## 6 The *jasagh* of Confucius

A final, important note needs to be added regarding some differences between the Spirit-Way Inscription of Shi Tianlin and his *Yuanshi* biography. The biography is in fact shorter, with less detail, however it would seem that the kind of detail that gets left out is not simply accidental. One of the hallmarks of the Yuan dynasty was a cultural openness, reflected in the inscription in several remarks where Mongol concepts or practices are compared with Chinese ones, or explained in Chinese terms. It seems that the comparison served to make the Mongol practices understandable, and perhaps acceptable, to a Chinese audience.

Firstly, the *shendaobei* explains that the granting of a Mongol name to Shi Tianlin is like when Chinese emperors would give Chinese names to their non-

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<sup>41</sup> On *darughachis* see Endicott-West 1989.

<sup>42</sup> These include Temür-Buqa 鐵木兒不花 *Yuanshi* 26: 592; Fu Shou 福寿 *Yuanshi* 144: 3441–2; Örög Temür 月魯帖木兒 *Yuanshi* 144: 3433–5; Cösgem 撈思监 *Yuanshi* 205: 4585–8; Dorjibal 朵爾直班 *Yuanshi* 139: 3355–60.

<sup>43</sup> *Yuanshi* 153: 3620; Xiao Hu 1999: 759.

Han subjects. Thus it explains the Mongol practice in terms of a long-standing and well-understood Chinese practice, implying that Mongol ways are not that different from Chinese ways. “Therefore [Shi Tianlin] was granted the name Mangghudai. In Chinese [this name] means ‘like the dynastic clan’ [i.e. Mongol]. This is [like] the habitual practice of previous dynasties of granting [Chinese] surnames.”

Secondly, when Tianlin is appointed *duanshiguan*, the *shendaobei* specifies that this was equivalent to the role of minister (*xiang* 相) in a Chinese government. The statement shows the importance of the role through giving a Chinese equivalent which readers could easily understand. “At that time the Secretariat and Ministries had not yet been established, and [the position of *duanshiguan*] was like that of a minister.”<sup>44</sup>

Finally, the *shendaobei* also deals with the Mongol term ‘*jasagh*’ (*zhasake* 札薩克). While originally meaning ‘order, command’,<sup>45</sup> the word also denotes the law code ascribed to Chinggis Khan or a law code in general. The *shendaobei* explains the word in Chinese terms, stating that it is like ‘*falü*’ 法律, like a Chinese law code, or at least to be equated with statutes promulgated by the Emperor.<sup>46</sup> While this may be a later Chinese understanding of Mongol law,<sup>47</sup> it does imply that they believed the *jasagh* to be written, and that however unknown its contents may have been, the concept was familiar to the Chinese. The passage is worth quoting in full:

The advisor to the heir apparent Wang Taiheng<sup>48</sup> said: “Shi Tianlin used to speak to assembled guests saying: ‘For people to be people, the only [really important thing is that] the *jasagh* of Confucius must not be disobeyed.’ The *jasagh* is like *falü* in Chinese. [Some] asked [Shi Tianlin] whether he had it [the *jasagh* of Confucius], and he said: ‘Yes.’ Then he would go and show it to his guests, and it was bound with soft leather, like books from the Western Regions, and it was the *Lunyü*. Ah! Today, who would read the *Lunyü*, and not consider it as *falü* to be kept?” [Such words as these] they only heard from [Shi Tianlin].”<sup>49</sup>

<sup>44</sup> Xiao Hu 1999: 758.

<sup>45</sup> Aigle 2004: 39–44; Chogt 2010: 48–9.

<sup>46</sup> Xiao Hu 1999: 759. 札薩克, 華言猶法律也.

<sup>47</sup> Hodous 2013: 34–56. The sources that do indicate most clearly which laws were part of a law code, have been shown to be deliberately misleading. For a different view on the *jasagh*, see Morgan (2005).

<sup>48</sup> Wang Taiheng was Minister of the Ministry of Punishments in 1300, when he was sent to Korea to deliver a reprimand to their king. He became Privy Councillor in the Central Secretariat. *Yuanshi* 38: 822, 208: 4623.

<sup>49</sup> Xiao Hu 1999: 759. 太子賓客王泰亨言, 公嘗告坐客曰:「人之爲人, 惟孔夫子札薩克不可違耳。」札薩克, 華言猶法律也。問公有之乎? 曰:「有。」俾取示客, 則編之以韋, 如西域書, 乃《論語》也。嗚呼! 今孰不讀《論語》, 以之爲法律當守者, 獨聞于公。

Here, the *jasagh* is equated with a written document, representing the foundational moral law of the state. It is the concept representing the force and legitimacy of Mongol law. However, as in other instances, the elusive *jasagh* does not actually materialize. In its place we find the *Lunyu*, or *Analects* of Confucius.

In substituting a Chinese work for what was supposed to be a Mongol law code, Shi Tianlin was far from alone. A law code was such an important legitimating element for the Chinese that the absence of such a code caused considerable consternation among the Yuan literati. It is for this reason that many looked to existing works – in particular, in fact, the *Spring and Autumn Annals* – as a conceptual substitute for a law code.<sup>50</sup> Such a viewpoint enabled them to remain true to Chinese culture while at the same time remaining very familiar with, and speaking the language of, the Mongol conquerors.<sup>51</sup>

All the explanations mentioned here of Mongol terms and practices disappear in the *Yuanshi* biography, replaced by a bare statement of facts. While one could argue that the meaning of *duanshiguan*, for example, is explained elsewhere in the *Yuanshi*, the omissions would seem to be more than random. They are explained much more plausibly by the dates of composition of the two texts. The author of the *shendaobei*, Xiao Hu, lived from 1241–1318.<sup>52</sup> His text therefore reflects conditions under the mid-Yuan dynasty and, it would seem, a noted openness to other cultures and cultural translation. The *Yuanshi* on the other hand was written in 1368–9, just after the Ming dynasty had come to power and, partially, rejected the Mongol legacy. Though the *Yuanshi* biographies were compiled quickly, this was not done without certain ideological criteria,<sup>53</sup> one of which, it would seem to be, was to restore a degree of ‘otherness’ of the Mongols – by denying that they could be like the Chinese in any way or that their practices or laws could be equivalent to Chinese practices and laws.

## 7 Conclusion

Through the present study it has been possible to reveal Shi Tianlin’s role as cultural mediator. With his Chinese-and-Mongol education and names, his

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<sup>50</sup> Birge 2010: 389–390, 394, 398–400; Langlois 1982: 119–131. The *Spring and Autumn Annals*, the court chronicle of the Zhou Dynasty state of Lu, like the *Lunyu*, is ascribed to Confucius. It was held that the judgments of Confucius could be discovered by studying the text.

<sup>51</sup> Li Zhi’an 2009: 45.

<sup>52</sup> *Quanyuanwen*, vol. 10: 719.

<sup>53</sup> On the editing of inscriptions for the official history, see Humble (forthcoming 2017).

service in places as far distant as the Qipchaq Steppe and Beijing, and his enforced stay in Central Asia, he became the person who could enlighten Qaidu about Chinese principles of governance and defend association with Qaidu in Beijing, without at the end of his life even incurring the suspicion of being disloyal. After his many travels he came full circle and was buried in his native town of Shunzhou. He was a product of the Mongol empire, traveling far both physically, and culturally, and his descendants reflected this mobility though on a smaller scale, serving in both southern and northern China. Shi Tianlin's physical mobility reflects the cross-cultural communication under the Yuan dynasty, reflected more in the inscription commemorating his life than in the later Yuan history.

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