Lecture Abstract

The conflict between justice and consistency is common to many legal orders, everywhere there are instances where criminals guilty of the same crime are justly punished in inconsistent ways, and conversely where consistency in sentencing produces unjust results. In an empire where the final decisions in legal cases are made by a single monarch, the issue of justice and consistency becomes especially vexed. Is judicial inconsistency in such instances a product of a monarch’s personal predilections or an inevitable by-product of the attempt to apply fixed laws to all human contingencies? The desire for justice is surely universal, and the capacity to provide justice is one basis of imperial legitimacy. But the arguments for justice may take very different forms in different cultural contexts. How imperial legal systems worked through this problem highlighted in vivid terms the character of the legal orders they preserved, and the political and cultural constraints that shaped those orders. This lecture will argue that in Chine, justice was due to communities as well as individuals.

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