

Faith and the Law: Cultural Exchange and Religious Influence on the Law under the Mongol Empire

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This talk will examine cultural exchange in the area of law and specifically, how religious ideas were transferred and adopted during the Mongol empire. It will show how in the process of cultural transfer, both Mongol rulers and their subjects exercised agency in fostering or blocking particular influences.

As the conquerors of much of Asia, the Mongols were confronted with many different legal systems, and needed to find ways to work with these legal systems. This was particularly the case in the Ilkhanate and in Yuan China, where the closer involvement of Mongol khans with the peoples they ruled meant they were often confronted with the question of which laws to apply. This paper will look at diverse religious influences on the law, including influences from shamanism, from Buddhism, and from Islam, which each gained influence in new areas through the cultural exchange under the Mongol empire.

Shamanism pervaded many aspects of Mongol life, including some aspects of law. Its influence can be seen in an aversion to the shedding of blood, which was considered sacred, in executions of khans and 'nobles.' The idea that blood should not be shed took hold in Persia and may have influenced also executions in China, despite the fact that the shamanistic reasons for it were often not understood by those who adopted the practice. Buddhism was influential through the persistent requests of Buddhist monks to grant general amnesties of prisoners, not only in China but also in the Ilkhanate. Islamic influence on law can also be seen in the Mongol empire, through a limited application of Islamic law in China, and influence on Mongols living in Persia. Each of these influences was shaped and brought about by diverse factors, such as the beliefs of the khans, the presence of Buddhist monks through imperial request in the Ilkhanate or the communities of Muslims who had migrated to settle in China. Thus the paper will show how khans and subjects together shaped which particular practices would be influential.