INFORMATION AND POWER:
PRINTING, LAW, AND THE MAKING OF CHINESE LEGAL CULTURE, 1644-1911

by

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Abstract

This dissertation explores the production and circulation of legal knowledge, and the role of legal information in the formation of early modern Chinese legal culture. It combines the methodologies of print culture and legal history. Based on a detailed examination of 131 different editions of the *Great Qing Code* and many other legal imprints, including administrative guides for officials and manuals for legal lectures, many previously unknown and unexamined, it reveals that the Qing government did not monopolize the production and circulation of authoritative legal information. Commercial publishers and non-official editors played a leading role in supplying judicial officials with access to printed, up-to-date editions of the Qing Code. Commercial editions of the Code were not only published in larger quantities and of better quality, but also included additional legal information, such as private commentaries, administrative regulations, and case precedents. By the 1800s, based on popular editions published in Hangzhou, commercial publishers had established a standard format for compiling and publishing the Code, a format quite different from that of imperial editions. These Hangzhou editions quickly dominated the book market and became the most widely-used and authoritative texts in the Qing judicial system and society.

This dissertation demonstrates that the commercial printing revolution in early modern China fundamentally transformed the Qing judicial system and legal culture. The commercialization of legal knowledge enhanced the judicial authority of unofficial commentaries and case precedents. Qing officials frequently referred to them when
making judicial decisions. County magistrates, who received no professional legal training and could not receive copies of the Code from the state, could easily buy commercial copies in the book market and locate specific provisions when sentencing a case, thanks to the reader-friendly arrangement of texts in commercial legal imprints. The book market, rather than the Qing state, played the leading role in the production and dissemination of legal information. Qing officials and the common people had access to accurate and newest legal information through commercial legal imprints and state-sponsored community legal lectures, and many of them were quite familiar with the laws.

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Introduction

In the summer of 1695, a farmer named Du Huai liang 杜懷亮 in Liaocheng 聊城 County, Shandong Province, turned himself in to the County Magistrate. He reported that he had just caught his wife and his wife’s lover having sex in his house. He claimed that he had known something “fishy” was going on with his wife and his former neighbor, Chen Wenxian 陳文現, for a long time. He testified that on the night in question, when he was sleeping in the courtyard to guard his cattle, suddenly he heard some noises coming from his bedroom. He quickly got up, picked up a hatchet, and rushed into the room, where he found his wife in bed, and Chen, stark naked, trying to get away. Naturally he was outraged, he explained to the magistrate, and so he blocked the door and hacked his wife and Chen to death.

The magistrate was shocked, and he soon launched an involved investigation. The magistrate went to Du’s house to collect evidence. He personally examined the two corpses and questioned the neighbors. As a result of his extensive investigation, he discovered that Du had made up the whole story—and the truth was even more sordid. Du had been having an affair with Chen’s wife—not the other way around—for three years. Du found himself deeply in love with her, and wanted to live with her. After Chen’s wife refused to keep up their illicit relationship, Du desperately wanted to get his lover’s husband, Chen Wenxian, and his own wife out of the way so that he could live openly with Mrs. Chen. He knew about a legal loophole that excused homicide by a husband if he caught his wife and her lover en flagrante delicto. According to the Qing
Code, “If a wife or concubine commits adultery with another man and her own husband catches the adulterers at the place in the very act of adultery and immediately kills both of them, there is no punishment.”¹ Du was a farmer, and had probably received little formal education. But obviously he knew something about the law. He lured Chen to his house for a visit and got him drunk. He then killed his guest with a hatchet, and hacked his own wife to death. He took off their clothes to make it look like they had been having sex when he killed them. Du later confessed: “I hoped that if it seemed as though I had killed them while they were committing adultery, I wouldn’t be charged with a crime.”² Du’s hope was in vain because Mrs. Chen’s confession sold him out, and the magistrate was smart enough to see through his scheme. The magistrate sentenced him to be beheaded according to a precise provision in the Great Qing Code on the crime of premeditated murder.³

Qing legal records contain a surprisingly large number of cases like this one—cases that suggest that ordinary people, as well as officials judging them, were quite familiar with the law. These cases raise several major questions about legal knowledge and Qing society: How did Qing officials—like the magistrate in Du’s murder case—get informed about the laws? How did commoners—like the murderer Du—know about the law? How did legal information circulate in society? How did legal knowledge influence people’s actions and decisions? Did the Qing state try to control the dissemination of legal information? What were the cultural, political, and judicial implications of the circulation of legal knowledge in late imperial Chinese state and society?

Previous studies have not really addressed these questions, because scholars have usually assumed that most Qing subjects knew little about the law—after all, there was no easily recognizable system of legal education. Scholars have also assumed that the Qing state monopolized the production and circulation of accurate legal information, and kept the common people in the dark, with little access to precise and up-to-date legal knowledge. These assumptions date back to the Orientalist roots of social science. For example, Max Weber argued that Qing officials received no professional legal training and knew nothing about the law. The Qing legal system was a total disaster, because it was run by these “amateur officials” with little legal knowledge, in contrast to Western Europe’s efficient legal system run by “professionals.” Similarly, in Wejen Chang’s “Legal Education in Ch’ing China,” published in 1994, the most comprehensive study to date of Qing legal knowledge, he argues that the Qing state disappointingly lacked formal legal education for both officials and the common people. As a result, he concludes, Qing officials had no real, workable legal knowledge; the common people could only get some fragmented and imprecise ideas about law through sources like low-brow novels, plays, and operas.

This “failure” narrative about legal education and legal knowledge is in accord with the once dominant assumption that the traditional legal system of China had failed. The Qing laws and legal institutions had lacked “separation of power, due process, respect for individual rights, and civil law,” in sharp contrast to the “dynamic and progressive” law and legal system of modern Western Europe. Qing law was viewed as “a tool of autocratic control,” and most of the populace found the law and the legal

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5 Wejen Chang, “Legal Education in Ch’ing China,” in Benjamin Elman and Alexander Woodside eds., *Education and Society in Late Imperial China, 1600-1900* (University of California Press, 1994).
system too intimidating to turn to when they had problems. In recent years, however, based on newly opened local legal archives in Mainland China, scholars have systematically challenged this “failure” narrative about the traditional Chinese legal system, especially on the level of judicial practice. They have found that Qing society was more litigious than previously thought. Quite unlike the old image that the law and legal institutions were distant from people’s lives, scholars have found that it was not at all unusual for people to turn to the court to resolve their disputes. For example, in his path-breaking research on Qing civil justice, Philip Huang estimates that “roughly one in every ten households had someone involved in litigation,” and he further argues that “there is no question that formal law played a major role in the lives of the majority of the population.” Moreover, the cost of going to court to solve disputes was not as intimidating as scholars previously thought. Local magistrates usually resolved both criminal cases and civil cases according to the statutes and substatutes of the Great Qing Code. Local legal institutions were not as corrupt as previous research indicated.

Many of these “New Qing Legal History” studies imply that both officials and the common people were more or less familiar with law and legal procedure—after all, the proper functioning of this massive and sophisticated legal system required its participants to have some legal knowledge. But none of these studies has directly addressed questions such as how legal information circulated in society and how officials and the common

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8 For those arguments, see Philip Huang, *Civil Justice in China*; Kathryn Bernhardt and Philip Huang, eds., *Civil Law in Qing and Republican China* (Stanford University Press, 1994); Bradly Reed, *Talons and Teeth: County Clerks and Runners in the Qing Dynasty* (Stanford University Press, 2000); Melissa Macauley, *Social Power and Legal Culture: Litigation Masters in Late Imperial China* (Stanford University Press, 1998).
people got access to legal knowledge. Even as law has gained presence, the “failure” narrative of Qing legal education and legal knowledge has not been seriously challenged, leaving a big gap in our understanding of the dynamic legal system and vibrant legal culture, as exposed by local legal archives.

In this dissertation, I will explore the flow of legal information in the Qing state and society, with a focus on the production and circulation of legal knowledge, and the role of legal information in the formation of early modern Chinese legal culture. I show that knowledge of the law played an important role in Qing judicial administration. The functioning of the Qing legal system relied on timely distribution of the *Great Qing Code*—a huge book containing almost all the penal and civil laws promulgated by the central government. On the one hand, the imperial government enthusiastically updated the laws. The number of substatutes increased from about 436 in the early Qing to nearly 1,900 in the late Qing. These new laws could not be effectively implemented unless they were efficiently communicated. On the other hand, the imperial government rigorously required all judicial officials to sentence criminal cases according to precise and updated provisions in the Code. All major cases would go through a rather strict process of review in upper-level courts. Any mistakes in trials or in sentences would lead to harsh administrative sanctions. Therefore, for every judicial official (and their private legal secretaries), it was important to have access to up-to-date legal information (e.g., an updated edition of the *Great Qing Code*), and it was important to cite the Code carefully, matching the crime to statutes or substatutes when judging a case. In Qing society, legal

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10 See Derk Bodde and Clarence Morris, *Law in Imperial China: Exemplified by 190 Ch‘ing Dynasty Cases* (Harvard University Press, 2007), 113-143; Chiu Peng-sheng, *Dang falü yushang jingji: Ming Qing Zhongguo de shangye falü* (Wunan tushu chuban gongsi, 2008), 103-117.
information was also powerful, as we have seen from Du Huailiang’s murder case, in which legal information could have real consequences—since Du used his knowledge to justify killing both his own wife and his lover’s husband. Knowledge about the law could influence people’s actions and decisions. When disseminated in society, legal knowledge in many ways redefined the relationship between the state and its subjects.

This dissertation will examine the production, circulation, and reception of accurate legal knowledge through both textual and oral channels. The most important carrier of reliable legal information in the Qing was books, especially printed ones. The late Ming commercial publishing revolution, which continued in the Qing, had a huge impact on the way legal information circulated. Before the late Ming, most books related to the state’s laws were published by official publishing agencies, and accurate legal information was by and large confined within the government. Beginning in the late Ming, however, more and more commercial publishing houses engaged in compiling, printing, and selling legal books, including the Code—the most authoritative legal text in the judicial system. As a matter of fact, the Qing period witnessed a “publishing boom” in books related to the law. According to Zhongguo falü tushu zongmu (General index of China’s legal books), there were all together 226 different titles of books related to laws (including 71 titles produced in the Ming period) produced in the over two thousand years of Chinese history before the Qing; in the Qing period, the number skyrocketed to 907.11 Most Qing legal books were printed by commercial publishing houses and sold freely on the book market, available to anyone who could afford to buy.

11 The number refers to the titles of books related to “traditional” Chinese law and legal system. It does not include several hundreds of other titles printed in the late Qing period which related various treaties between the Qing and foreign powers, books introducing Western and Japanese legal systems, and those
No research thus far has seriously explored Qing legal publishing industry. Historians of print culture usually focus on the Song and late Ming periods, when there were important technological breakthroughs and when many elegant editions were produced. The publishing history of the Qing period has long been ignored because of the perception of stricter government censorship, the diminished quality of books and illustrations, and the decline of lavish publishing centers in the Jiangnan area. However, as Cynthia Brokaw argues in her recent work on the publishing industry in Sibao—a rural printing center in Fujian in the Qing period—the decline of the quality of books and the decline of Jiangnan printing centers accompanied a sharp rise in the quantity of printed books, a much broader reading audience, lower prices of books, and an expanding publishing industry in other areas of the Qing Empire. In this dissertation, I will systematically explore the Qing legal publishing industry, especially the compilation, printing, and circulation of the *Great Qing Code*. I will examine the rise of legal printing centers in Hangzhou, Beijing, and Shanghai; powerful legal editor/publisher communities; expanding readership of law books; and the dynamic relationship between the state and commercial legal publishing industry, with a focus on the following questions: Who published legal books? Where were legal books printed and sold? Who were their target readers? How were legal books read? How did the commercial legal publishing industry

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contribute to the circulation of legal knowledge? And how did the dissemination of commercially printed legal books influence the law, legal culture, and judicial practice?

I will combine the methodologies used in recent scholarship in the fields of print culture and legal history. In the first three chapters I will examine the history of the printing, publishing, circulation, and reading of the legal Code of the Qing dynasty (1644-1911). As the most important and authoritative book in the Qing legal world, the Great Qing Code (Da Qing lü jijie fuli 大清律集解附例 or Da Qing lüli 大清律例) was frequently updated, revised, and published in various editions by both official and commercial publishing houses. I have found about 131 different editions of the Code printed in the Qing. Among them, only 8 were published by the imperial publishing house in Beijing—and only 3 were published by local governments. Officials editions of the Code were updated slowly, printed in a very limited number, and issued only to high-ranking officials. In other words, official editions could not meet the demand of officials and commoners who wanted—and needed—to get precise legal knowledge from the Code. In this context, commercial editions flourished and filled the gap. I have found about 120 different commercial editions of the Code printed in the Qing. These commercial editions far outnumbered the 11 official editions published during the same period. An increasingly competitive market for published copies of the Qing Code, centered in Hangzhou, took shape by the mid-Qing period (around the 1790s) as commercial publishing houses gradually took the place of official publishing houses in editing, printing, and publishing the Code.

Commercial editions were not simply reprinted copies of official editions. The printing format, structure, and content of commercial editions gradually departed from
and even improved upon official editions. Commercial publishers included much more additional legal information, especially private legal commentaries and case precedents, in their editions of the Code. This additional legal information not only helped readers easily locate and understand statutes and substatutes of the Code, but also strongly influenced their readers’ understanding of the law. The most popular design for commercial editions of the Code usually had three registers per page. It had cross indexes in the upper registers; private commentaries, administrative regulations, and case precedents in the middle registers; and the original text from the imperial editions of the Code in the lower registers. This format—three registers of text with extensive supplementary information—became the standard for printing the Code in the mid-and-late Qing period, a period when the commercial publishing houses dominated the Code market. Almost all commercial editions published after the 1790s adopted this three-register printing format and included similar additional legal information. This format proved so influential that the provincial publishing bureaus (guanshuju 官書局) established by provincial officials after the Taiping Rebellion discarded the original design of the imperial editions and adopted this new multi-register printing format.

Readers could easily buy commercial editions of the Code in bookstores in major cities such as Hangzhou, Beijing, Suzhou, Nanjing, and Shanghai. A large number of commercial publishers engaged in printing and selling the Code. The market for the Code was quite competitive, especially in the late Qing period. The Code was not cheap—the price was around 4 to 6 taels of silver. It might have been difficult for ordinary people to afford them, but these books only cost a small fraction of the annual incomes of their main target readers—officials and their private legal secretaries (muyou 幕友).
Commercial editions were more comprehensive, easier to buy and read, and updated more frequently, and thus they took the place of official editions and became the most widely-used and authoritative legal texts both within the Qing judicial apparatus and in society at large.

Apart from the Code itself, this dissertation will demonstrate that commercial legal publications flourished in the Qing period and were widely available on the book market. Officials, scholars, and commoners could easily buy legal books, including the Code, legal treatises and handbooks, and popular legal imprints. Thus, literate people who could afford to buy books had convenient access to accurate and up-to-date legal information from printed texts. But most of the Qing populace was illiterate (the murderer Du was probably among the illiterate). Were there any reliable channels for such people to learn about the law?

Previous scholarship says no. But I have demonstrate that the common people, whether literate or not, had access to accurate legal information presented orally in community lectures (xiangyue 鄉約), intended to prevent crime and promote morality. Chapter 4 of this dissertation will explore these popular legal lectures in the community lecture system in the Qing. Based on community lecture manuals and local gazetteers, I have found that community lectures not only included “boring” moral indoctrination, but also introduced legal principles and a large number of statutes and substatutes from the Great Qing Code, taught orally to the common people.

The laws taught in community lectures were carefully selected from the Great Qing Code. Lecturers usually chose to speak about laws relevant to the common people, such as those regarding homicide, theft, fighting, rape, adultery, land, tax, inheritance,
and marriage. The laws taught in community lectures thus covered a large portion of the written laws in the Code that the common people would encounter. Lecturers also simplified the laws so that people with no formal education could catch the meaning. The goal of these popular legal lectures was to enhance moral education and maintain social order in local society. Lecturers usually emphasized harsh punishments and sought to inculcate respect for the laws in local society by instilling fear of punishment. In this process, however, such lecturers usually communicated specific and accurate information about the law to the general populace.

This dissertation will examine several genres of primary sources regarding Qing law, the judicial system, the publishing industry, and legal and administrative culture. They include:

(1) 131 different editions of the *Great Qing Code*. I have collected these editions from several major libraries around the world, including the National Library of China, the Library of Congress, the Library of the Institute of Oriental Culture in the University of Tokyo, the Harvard-Yenching Library, the Library of Waseda University, and the Hathitrust Digital Library. Many of these editions of the Code are previously unknown or unexamined. They are the core source for this dissertation. These editions, either printed by official publishing houses or by commercial publishing houses, provide us with valuable information on their compilers, editors, revisers, publishers, printers, and target readers, from these editions’ titles, prefaces, general editorial regulations, and the quality of paper and printing. The printing format, structure, and content of these editions of the Code also provide us with clues about how legal information was transformed during the process of communication and dissemination.
(2) Documents about official and commercial legal publishing industries. The Imperial Publishing House has left us plentiful documentation regarding its daily operation, printing process, publication lists, costs/profits, book prices, circulation channels, and in some instances the names and titles of specific buyers. Most of the archives of the imperial publishing house are included in *Archives for Book Compiling and Printing in the Wuyingdian* (*Wuyingdian xiushu dang* 武英殿修書檔) in China’s No.1 Historical Archives in Beijing.\(^\text{14}\) Combining these documents and published imperial editions of the Code, this dissertation will trace the whole story of the production and circulation of imperial editions of the Code in the Qing state and society. Compared with those about official publishing houses, historical materials about commercial publishing houses in the Qing period are scarcer and less systematic. But there is useful information on commercial printing houses and publishers in published legal books. Other information about commercial publishers can be found in memoirs of several established book merchants that include full details of the book industry in Beijing’s Liulichang Street—the largest book market in North China and one of the emerging printing centers of Qing legal books.\(^\text{15}\)

(3) Legal and administrative handbooks for officials (*guanzhen shu* 官箴書). One of popular genres of Qing legal books was legal and administrative handbooks for officials. The authors of official handbooks were usually officials and private legal secretaries, as well as their target readers. Many authors recorded where and how they

\(^\text{14}\) A large number of Qing official documents on book printing and publishing by the imperial publishing house have been collected in Weng Lianxi’s *Qing neifu keshu dang ’an shiliao huibian* (Guangling shushe, 2007).

\(^\text{15}\) These books include Li Wenzao’s *Liulichang shusiji* (1769); Miao Quansun’s *Liulichang shusi houji*, Zhongguo shudian (1925); and Sun Dianqi’s *Liulichang xiaozhi* (Beijing chubanshe, 1962).
bought legal books. Several authors mentioned the book titles in their personal law
library or recorded their reading lists of legal books. Many wrote about their experience
when reading the Code, and some systematically introduced their methods of reading the
Code—a book notoriously difficult to read—to their readers. These official handbooks
thus have left us valuable records from the readers’ perspective on where the Code was
bought, how the Code was read, and how legal knowledge in the Code was consumed.

(4) Manuals for Community Lectures. Manuals for community lectures are
important records on popular legal education in the Qing period. Thus far I have found
about 30 different community lecture manuals printed in the Qing period—many
collected in Zhou Zhenhe’s Shengyu guangxun: jijie yu yanjiu (The Sacred Edict:
collective annotations and research). The authors of these manuals were usually local
officials or gentry. A large percentage of such manuals contained detailed legal
knowledge—usually abridged statutes and substatutes from the Code. Some manuals
even provided colloquial explanations to the laws. Local lecturers usually read the laws
and explanations aloud to local people in community lectures. This was an important
channel, as I will argue in Chapter 4, for ordinary people with little or no
education to get access to reliable legal knowledge.

(5) Documents related to government policies on printing and selling legal books,
newly-appointed officials’ legal exams, and popular legal education in community
lectures. In this dissertation, I will examine a large number of imperial edicts, official
memorials, and administrative regulations regarding law/legal knowledge, usually
selected from the Archives of Imperial Edicts (Shangyu dang 上諭檔), the Archives of
Palace Memorials (Gongzhong dang 宮中檔), Veritable Records (Shilu 實錄), Collected
Statutes of the Great Qing with Precedents and Substatutes (Da Qing huidian shili 大清會典事例), and other sources. Based on these sources, I explore the state’s changing regulations on, and officials’ complicated attitudes toward, the professional and popular dissemination of legal information in the bureaucracy and society.

Besides an introduction and a conclusion, there are four chapters in this dissertation:

Chapter 1, “Qing Legislation and Imperially Authorized Editions of the Great Qing Code,” introduces the Qing legislative process and traces the production and circulation of the imperial editions of the Code. Based on all eight extant imperial editions of the Code printed in the Qing as well as a variety of official documents, including the archives of the Wuyingdian Imperial Publishing House, I argue that although the Qing state revised its laws frequently, it did not provide the bureaucracy with updated and easy-to-use imperial editions of the Code. The Wuyingdian publishing house printed its books slowly and expensively. It usually took years for the Wuyingdian to publish an edition of the Code, and its copies were only issued to the offices of high-ranking officials. I conclude that the quantity and quality of the imperial editions of the Code could not meet the demand of officials and of the people outside the bureaucracy who wanted to obtain precise legal knowledge from the Code.

Chapter 2, “Commercial Publications of the Great Qing Code,” examines 120 different commercial editions of the Code. It demonstrates that commercial editions far outnumbered official editions, and most commercial editions did not adhere to the content and format of the imperial editions, instead enriching their offerings with new substatutes, private commentaries, administrative regulations, and case precedents. By
the 1790s, commercial editions printed in Hangzhou dominated the book market. Almost all commercial editions printed after the mid-Qing discarded the format followed by the imperial editions and closely mimicked the three-register printing format of Hangzhou’s editions. Commercial editions were usually compiled by private legal secretaries, and sold at an affordable price in bookstores in several major book markets. Many leading judicial officials strongly supported the compilation and publication of commercial editions, and wrote prefaces for them. Thanks to the efforts of legal secretaries and book merchants and with the support of officials, commercial editions, especially Hangzhou’s *Tongzuan jicheng* (Comprehensive complete compilation) editions, became the most widely-used and authoritative texts in the Qing judicial system and society.

Chapter 3, “Reading the Great Qing Code,” discusses the legal reading habits of Qing officials, analyzing which books they read and introducing evidence as to how they read them. The Qing state emphasized that officials should have sufficient legal knowledge, and encouraged officials to buy and read legal books, and provided chances for new magistrates to receive legal training. The Code and a number of other commercially printed books formed a widely-accepted “core bibliography” that established a foundation of legal and administrative knowledge for Qing officials. The three-register printing format popular among commercial editions of the Code helped Qing officials without extensive training to comprehend the meaning of laws and locate specific provisions when drafting a sentence in a legal case. Commercial imprints also redefined the relationship between the imperially promulgated laws and other legal information, enhanced the judicial authority of unofficial commentaries and case precedents, and influenced Qing judges’ judicial decisions.
Chapter 4, “Popular Legal Education in the Qing Empire,” explores the dissemination of accurate legal information through oral channels, focusing on state-sponsored popular legal education in local communities. Contrary to the conventional assumption that the Qing state provided no legal education to its populace, I argue that the Qing state and its officials made serious effort in educating the common people with accurate legal knowledge from the Code. State-sponsored community lectures not only incorporated moral indoctrination, but also contained a significant portion of the statutes and substatutes from the Code. The state’s laws were carefully selected and imparted to men and women, young and old, literate and illiterate, Han and non-Han, around the Qing Empire. These lectures enabled people with limited education to understand basic laws and legal procedures.

In conclusion, this dissertation demonstrates that compared with previous dynasties when legal information was usually confined within the government, the Qing populace had much easier access to accurate legal knowledge, in the forms of texts, speeches, and lectures, thanks to commercial legal imprints and community lectures. Officials like the country magistrate in Du Huailiang’s murder case could not easily obtain usable copies of the Code from the state, but they could conveniently buy a commercial copy from a book seller. Having bought the Code, they could locate specific provisions when sentencing a legal case, thanks to the reader-friendly arrangement of texts in these commercial editions of the Code. Commoners like the murder Du not only could get precise legal information from printed legal texts sold on the book market, but also could learn accurate knowledge about law through community lectures. The commercial printing revolution in early modern China fundamentally transformed the
judicial system and legal culture. Legal knowledge was widely available in the Qing, and both officials and commoners had ready access to it. The flourishing trade in commercial legal imprints contributed to the formation of a new legal culture in the Qing; its features included the free flow of accurate legal information, the rise of non-official legal experts, and a large law-savvy population.
Chapter 1

Qing Legislation and Imperially Authorized Editions of the Great Qing Code

Qing lawmakers made great efforts to promulgate up-to-date laws for the bureaucracy and society. In the Qing period, at least eight imperially authorized (qinding 欽定) editions of the Great Qing Code were compiled and published, as well as more than twenty editions of the Expanded Substatutes of the Great Qing Code (Da Qing lü xuzuan tiaoli 大清律續纂條例) We may say that the Qing laws were frequently updated, with the establishment of a large number of new substatutes in the Code.¹ The laws in the Code were dynamic. Not only were they adapted to social practice, but also they were the tool with which the Qing state implemented political and social reforms. Law-making matters, of course. But the circulation and reception of law matters as much. As Thomas Metzger points out in his book on the Qing bureaucracy, laws could not be effectively implemented unless they were effectively communicated.² This chapter will briefly introduce the history of Qing legislation and then discuss in detail the compilation, printing, publication, and circulation of the imperially authorized editions of the Qing Code and the Expanded Substatutes.

¹ Thomas Metzger also argued that the Qing rulers had a more flexible attitude than rulers of previous dynasties on modifying laws, especially substatutes, to make them adapt to social and political changes. See Thomas Metzger, The Internal Organization of Ch’ing Bureaucracy: Legal, Normative, and Communication Aspects (Harvard University Press, 1973), 84-85.
² Thomas Metzger, The Internal Organization of Ch’ing Bureaucracy, 95.
Publishing and Printing of the Codes before the Qing Period

Codified law has a long history in the Chinese legal system. As Derk Bodde and Clarence Morris pointed out in their path-breaking work *Law in Imperial China*, traditional China produced “a large and intellectually impressive body of codified law.”

Judicial officials at all levels used the codified law as a standard and authority to judge cases and pass sentences in the judicial process. Because the codified law was one of the symbols of the emperors’ political authority as well as a tool of imperial control over state and society, the authority to compile and issue the dynastic Code belonged to the throne. The state was also responsible for issuing the validated Code and other regulations widely enough so that the members of bureaucracy could implement and follow it.

Early laws circulated in the form of handwritten documents. One of the most famous such documents was found in the tomb of a clerk of the Qin dynasty (221-207 BCE) in Shuihudi, in modern Hubei province. These handwritten bamboo documents included the provisions of the Qin Code, which the tomb owner used as a handbook to deal with local cases when he was in office. At that time, the body of the legal texts was not as enormous as in the later imperial period, and relatively few scholar-officials could read the law. Invented in the Tang period (618-907), woodblock printing first mainly produced Buddhist scriptures; only in the Northern Song period (960-1127) did the government systematically print legal codes and various administrative regulations; the Song government issued about 20 different printed legal books to its officials and

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government students.\(^4\) The central government insisted on its exclusive right to print such books, strictly banning the private printing of law books.\(^5\) In 1042, for instance, a magistrate in Hangzhou prefecture privately printed *Xingtong lüshu* （Song repertory of penal Law, with explanations on statutes), changed its title to *Jinke zhengyi* （Corrected explanations of the laws), and sold it to the public. When the news reached the central government, the magistrate was harshly punished, and the woodblocks of the book were destroyed.\(^6\) An imperial edict issued in the Qingyuan period (1195-1200) states: “Whoever privately prints the penal Code, statutes, regulations, ordinances, or classified statutes is to be punished by 100 blows of the heavy bamboo,” and “if a person reports this offense to the authorities, he will be rewarded with 50 strings of cash.”\(^7\) Despite the strict ban, some commercial publishers still “smuggled” books of current laws and regulations out of government offices, selected some parts of the books, and compiled them into examination manuals that were popular among examination candidates.\(^8\) However, it seems that individual and commercial publications of whole books of Song dynastic laws and regulations were rare. The Song government monopoly reflected the rulers’ attitude to the dissemination of legal knowledge. As Ichisada Miyazaki points out, “the philosophy of the Sung rulers was that the laws belonged exclusively to the emperor and were never to be made accessible to the people,” and the

\(^4\) Zhang Xiumin, *Zhongguo yinshua shi*, 195.

\(^5\) Along with other court archival and historical compilations, the Song law books like *Huiyao* （Collected statutes) were prohibited from circulating outside the government. For the details of these court prohibitions, refer to Hilde De Weerdt, “Byways in the Imperial Chinese Information Order: The Dissemination and Commercial Publication of State Documents,” *Harvard Journal of Asiatic Studies*, Vol. 66, No. 1, 155-156.

\(^6\) Zhang Xiumin, *Zhongguo yinshua shi*, 195.


\(^8\) Hilde De Weerdt, “Byways in the Imperial Chinese Information Order,” 163, 167, 173-177.
Song rulers feared that “if the people knew the law, they could devise means to circumvent it.”

In the Yuan period (1271-1368), the central government still assumed the responsibility of publishing the dynastic Codes but loosened control over private printing. During the late Yuan period, some private publishing houses in the famous printing center of Jianyang in Fujian Province began to print and sell books of dynastic laws and governmental regulations. However, no formal Code was established in the Yuan period, and law books printed in the Yuan period are rare. Only a few titles are extant for scholars to study Yuan law today, and there is still debate about which one of these served as “the Yuan Code.”

The first Ming emperor Zhu Yuanzhang (r.1368-1398) set a rather different policy from the emperors in the Song period with regard to the publication of the Code and dissemination of legal knowledge among the populace: He was extremely enthusiastic about promulgating the newly established Ming Code and other laws to his subjects, including both officials and commoners. He even established a new statute on “explaining and reading the Code” in the Great Ming Code. According to this statute, not only would officials be punished if they were not familiar with the Code, but commoners could be rewarded for knowing the law:

> If persons such as laborers or artisans of all sorts can thoroughly read, explain, or understand the meaning of the Code, and if they commit negligent offenses or they are found guilty as accessories to crime, they shall all be exempted from the

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10 Zhang Xiumin, Zhongguo yinshua shi, 298.
punishment for one time, regardless of the seriousness of the offense. If the matters involve plotting rebellion, great sedition, or treason, this law shall not be applicable.\textsuperscript{13}

This was a powerful message. Throughout the Ming period, books about the dynastic laws were popular. The imperial court and the central government were still the major publishers of the Code, but many local administrations began to be involved in the printing and publishing of the Code and various handbooks to help local officials and commoners to read and understand the laws as well. In the late Ming period, along with the commercial publishing boom, some private and commercial publishing houses began to publish law books, including various explanations and commentaries of statutes, official handbooks on judicial process, popular legal readings, and so on. However, based on the list of legal publications provided by Zhang Xiumin in \textit{Zhongguo yinshua shi}, the majority of editions of the Ming Code and other books that convey the dynastic laws were printed and published by various levels of the Ming government.\textsuperscript{14} Therefore, in the Ming period, legal knowledge began to spread throughout society thanks to the encouragement of the Ming court and in part to the development of the commercial publishing industry. Yet the Ming government remained the major publisher of the Ming Code and various Ming law books.

\textit{Early Qing Legislation and Official Publishing of the Code}

In 1644, when the Manchus conquered North China and took over the government, they temporarily applied traditional Manchu laws and punishments to the newly-conquered territory. Because Manchu society was less complex than late Ming

\textsuperscript{14} Zhang Xiumin, \textit{Zhongguo yinshua shi}, 251-398.
Chinese society, their laws and punishments were relatively simple. However, the Qing rulers soon found out that Manchu laws did not fit the more complex situation in Chinese society. Only one month after the Manchus occupied Beijing, Shuntian Governor Liu Yindong 柳寅東, a former Ming official now serving in the Qing court, submitted a memorial to the emperor, saying that the Manchu laws were too lax and the punishments too simple to make people fear them and deter criminals. The Qing government should promulgate its own Code as soon as possible. After Liu Yindong, various officials reported problems caused by the current laws and suggested that the Qing rulers compile a practical legal Code and establish formal legal standards for the officials and people in the empire.

The Regent Dorgon (1612-1650) soon came to agree. He first allowed officials to follow the Ming Code temporarily in judicial process; then he ordered the officials in the Board of Punishments and some other court officials to “analyze the Ming Code (xiangyi 明令)” and “refer to the current situation (canzhuo shiyi 參酌時宜),” in preparation for compiling the formal Code and promulgating it to “all under heaven.” In May 1645, the compilation of the first edition of the Qing Code (the Shunzhi Code) formally started. Wudahai 吳達海 (1601-1655), Minister of the Board of Punishments, led the compiling process. Officials in each of the Six Boards in the central government collected and compiled their Board’s own laws and regulations and sent drafts to the

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15 As the Shunzhi emperor acknowledged in his preface to the Qing Code: “When my grandfather and father established the Great Enterprise in the east, the people were honest and the laws were simple. Except for decapitation and whipping, there were no other punishments.” See Da Qing lü jijie fuli, 1670, “Preface: Imperial Edicts,” 1a. Modern scholars find that the Manchu laws were actually more sophisticated than what the Shunzhi emperor described here. But they were still significantly simpler than the Chinese laws. 
17 Ibid., juan 7, 74-75; juan 8, 84, 86; juan 10, 102; juan 14, 126; juan 15, 132; juan 16, 143; juan 26, 224.
18 Ibid., juan 7, 75.
19 Shen Jiaben, Jiyi wencun (Taiwan shangwu yinshuguan, 1976), juan 8 2267-2268.
Board of Punishments. When the drafts from the Six Boards arrived at the Board of Punishments, they were revised and compiled into a comprehensive manuscript. It took only about three months for the whole process. In August 1645, compilers finished the draft of the Code and sent it to the Three Palace Academies (Neiyuan 内院) for review.20

The process of carving and printing the Shunzhi Code began immediately after the Board of Punishments finished compiling the draft. An official at the Board of Punishments took charge of assembling the woodblock cutters and preparing the printing. It is possible that the woodblock cutting and printing were done in the Classics Depot (jingchang 經廠)—one of the major publishing institutions of the Ming court, which was inherited by the Qing court and served as the main official publishing institution in the early Qing period.21 The carving of the blocks of the Shunzhi Code was in progress already even when the Code was still under review in the Three Palace Academies. After revisions were completed, the Board of Punishments assigned an official to collate the woodblocks and correct mistakes.22 In 1646, the first edition of the Shunzhi Code was printed, and the book was sent to the throne for final review. However, the regent Dorgon seemed unsatisfied with the quality of the Code. He decided to send it back to the Three Palace Academies and ordered officials to scrutinize it again in a more careful “character-by-character” way. The process of revision and correction was finished a year later. In

20 The compilation process for the Shunzhi Code was recorded in Da Qing lü jijie fuli, 1670, “Preface: Memorials;” and in Wudai’s memorial in 1646, collected in Shen Jiaben, Jiyi wencun, 2267-8. Also see Qin Zheng and Guangyuan Zhou, “Pursuing Perfection: Formation of the Qing Code,” 313. Neiyuan refers to the Palace Historiographic Academy, the Palace Secretariat Academy, and the Palace Academy for the Advancement of literature. As Hucker points out, they were “the top echelon of the early Qing central government, providing counsel and editorial assistance in ways similar to those of the Ming Hanlin Academy and Grand Secretariat.” See Charles Hucker, A Dictionary of Official Titles in Imperial China (Stanford University Press, 1985), 348.
22 Shen Jiaben, Jiyi wencun, 2267-2268.
1647, the Shunzhi Code was finally published under the name *Da Qing lü jijie fuli* 大清律集解附例 (*Statutes of the Great Qing, with collected commentaries and appended substatutes*).\(^{23}\)

The Shunzhi Code may well have been the first imperially authorized book printed and published by the Qing central publishing institution.\(^ {24}\) Although the central government carefully preserved its documents, the original edition of the Shunzhi Code has, unfortunately, long been lost, possibly because of the limited print run.\(^ {25}\) Nowadays, scholars can only conjecture as to the form and content of the Shunzhi Code based on reprinted editions from the Kangxi period (1662-1722). It is estimated that there were thirty chapters (*juan 卷*) in the Shunzhi Code, including 459 statutes and 449 substatutes.\(^ {26}\) The form and content of the Shunzhi Code borrowed heavily from the Ming Code issued by the first Ming emperor, and it was also strongly influenced by various annotated editions of the Ming Code published by local governments and commercial publishing houses in the late Ming period. For example, the title of the Shunzhi Code—*Da Qing lü jijie fuli*—borrowed directly from late Ming editions of the Code that local governments and commercial publishing houses printed for profit; “*jijie*” 集解 (collected commentaries) usually refers to various private commentaries on the Ming Code, which were never formally approved by the Ming court. Private commentaries with updated substatutes often became a selling point for the Ming Code, and thus “*jijie fuli*” 集解附例 (collected commentaries with appended substatutes) was a popular title often added to

\(^{23}\) *Da Qing lü jijie fuli*, 1670, “Preface,” 2a.
\(^{24}\) Cao Hongjun, “Kang Yong Qian sanchao zhongyáng jìgōu keyín shú yánjiū,” 20.
\(^{26}\) Su Yigong, “Shunzhi lükào,” 43.
“Da Ming lü” 大明律 (The Statutes of the Great Ming)—the original title of the Ming Code—in the late Ming period by publishing houses. Qing lawmakers incorporated many late Ming private commentaries into the text of the Shunzhi Code and adopted this popular late Ming title for their Code.\textsuperscript{27}

As noted above, the print run of the Shunzhi Code seems to have been rather small. Only a small number of officials could get access to printed copies of the Shunzhi Code, including some high officials in the central government, and governors-general, governors, and provincial judicial commissioners in the provincial governments. Officials in the Shunzhi period complained that the Code was rare and difficult to obtain. For example, in 1655, Supervising Secretary (\textit{jishizhong} 给事中) Wei Yijie 魏裔介 (1616-1686) sent a memorial to the throne in which he complained: “Nowadays each government office only has one copy of the Code, locked up tightly and hidden in the inner room (\textit{bisuo shencang} 閉鎖深藏). It is not possible for people to see it.” He then suggested that the court order provincial governors to print more copies of the Code and at the same time order officials to explain the laws to government students and commoners, in order to warn them against committing crimes.\textsuperscript{28} However, it seems that the court did not seriously take his suggestion. Throughout the Shunzhi period, the copies of the Code, especially the ones printed by official publishing houses, remained very limited in their circulation.

In the Kangxi reign the Qing court engaged in more book printing and cultural production. In 1680, the court established the Wuyingdian Manufacture Department

\textsuperscript{27} Zheng Qin, “Da Qing lüli kaoxi,” in Yang Yifan ed. \textit{Zhongguo fazhishi kaozheng (jiabian)}, Vol.7, 43, 47.  
(\textit{Wuyingdian zaobanchu} 武英殿造辦處), located at the southwest corner of the Imperial Palace.\textsuperscript{29} It soon replaced the Classics Depot and became the major book printing and publishing institution of the Qing court. The Kangxi emperor (r.1662-1722) enthusiastically printed and published books, especially the Confucian classics, dictionaries, and collections of literary works, viewing it as a method to win the support of Han literati and establish the court’s cultural authority. Over the Kangxi reign, about 56 different titles, altogether 5,596 volumes, were printed and published under the court’s sponsorship.\textsuperscript{30} The court-printed books of this period are famous for their high quality: the court hired calligraphers to write in “soft-style” (\textit{ruanti} 軟體) characters which were considered aesthetically more beautiful but much more expensive than popular “craftsman-style” (\textit{jiangti} 匠體) on the manuscripts for printing; the woodblocks were carefully carved; and the “kaihua paper” (\textit{kaihuazhi} 開化紙)—a high quality paper produced in Zhejiang province—rather than the common and cheaper “bamboo paper” (\textit{zhuzhi} 竹紙) was widely used in court printing.\textsuperscript{31} Jin Zhi 金植 (1663-1740), a famous early Qing scholar, highly valued the books printed by the Kangxi court, saying that the beautiful calligraphic style in these books “surpassed all the past and future books,” and the quality of these books was even better than the books printed in the Song period.\textsuperscript{32}

Compared with the flourishing enterprise of book printing by the Kangxi court, legislation and publication of the updated Code in the Kangxi reign was a struggling

\textsuperscript{29} Cao Hongjun, “Kang Yong Qian sanchao zhongyang jigou keyin shu yanjiu,” 20.
\textsuperscript{31} See Cao Hongjun, “Kang Yong Qian sanchao zhongyang jigou keyin shu yanjiu,” 22.
\textsuperscript{32} Jin Zhi, \textit{Buxiadai bian}, in \textit{Qingdai shiliao biji congkan} (Zhonghua shuju, 1982), juan 4, 65. Jin Zhi was commenting on the books printed by Yangzhou Poetry Bureau (\textit{Yangzhou shiju}), a sub-branch of the Kangxi imperial publishing institutions in Yangzhou. Books printed in the Song period were highly valued by Qing bibliographers for their beautiful printing and high quality.
process. The Kangxi emperor seemed not quite as interested in equipping his bureaucracy with the updated Code as in providing the literary world with high quality editions of classics and literature. He also did not intend to make use of the developing printing institutions of the court to print the Code. The legislation process in the Kangxi period was painfully slow. Although in the late years of the Shunzhi reign the emperor felt it necessary to revise the Code and ordered officials to prepare for compiling the updated substatutes and regulations into the Code, this process was not formally finished until 1725 (Yongzheng 3), when the second edition of the Qing Code (the Yongzheng Code) was published, about seventy years later. The major legislative work done during the Kangxi period was the compilation of the *Substatutes for the Board of Punishments in Operation* (*Xingbu xianxing zeli* 刑部現行則例). Because the Shunzhi Code was compiled in a hurry, many outdated statutes and substatutes directly adopted from the Ming Code were not deleted or revised. Moreover, a large number of precedents and new regulations that originated in legal and administrative practices in the Shunzhi and Kangxi periods postdated the Shunzhi Code and their conflict with the outdated statutes and substatutes had already became an obstacle to the proper functioning of the bureaucracy and legal system.

When the Kangxi emperor began his personal rule, in 1667, it seems that he paid closer attention to the newly established precedents and regulations, especially the ones

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33 In 1658, the fifth month, the Board of Punishments proposed to revise the Code. In the twelfth month, the Shunzhi emperor formally appointed officials to take charge of the revision process. In 1660, the first step of collating the Code was finished: The officials edited various new substatutes, including some imperial edicts, Manchu regulations (also called Shengjing 盛京 regulations), and the Board regulations that were proper to be incorporated into the Code; all of them were compiled into four volumes in both Chinese and Manchu, and sent to the court for imperial review. The process, however, was suspended due to the death of the Shunzhi emperor in 1661. See *Qing shilu*, Vol.3, *Shizuzhang huangdi shilu*, juan 117, 913, juan 122, 944, juan 134, 1036, juan 142, 1096.
of the Board of Punishments. In 1668, only one year after he had expelled the powerful regents from the court, the Kangxi emperor ordered the Board of Punishments to “compile the current statutes in operation, sort them out, and send them to the throne for imperial review.” In 1679, the emperor felt that some newly established statutes were too strict and needed to be revised:

We established strict statutes beyond the original statutes in order to deter the people from committing crimes. However, in recent years there still have been a large number of people who have violated the laws; and the evil and crimes have not decreased. People’s lives are of great significance; and I deeply sympathize with [those people who were punished by the laws]. The original statutes do not need to be discussed. But for all of the statutes, such as cases where a crime does not deserve the death penalty but the new statute makes it punishable with the death penalty, or a crime was punished by a lighter penalty originally but the new statute calls for a harsher penalty, the officials should discuss and decide which statutes to keep and which ones to delete.

The officials soon started to revise the current statutes according the emperor’s order. One year later, in 1680, the updated statutes were published under the title *Substatutes of the Board of Punishments in Operation*.

The *Substatutes in Operation* and the Qing Code were separate books throughout the Kangxi period. Both were published by the Board of Punishments for a small number of high-ranking officials who had responsibility for judicial administration. These officials probably included top officials of the Six Boards and the Censorate (Duchayuan 都察院), Manchu generals in frontier regions, governors-general, governors, and judicial officials.

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35 *Qing shilu*, Vol.4, juan 89, 1130.
36 As the first Qing Code printed in the Shunzhi period, the 1680 edition of *Substatutes of the Board of Punishments* has also been lost. Now most of the content of the books can be recovered from Collection of Illustrations and Writings from the Earliest to Current Times (*Gujin tushu jicheng*). See Zheng Qin, “Kangxi xianxing zeli kao,” *Lishi dang’an*, Vol.3, 2000, 28.
37 The Qing Code printed by official publishing institutions is also difficult to find. According to *Qing shilu*, Vol.4, *Shengzuren huangdi shilu*, juan 13, 195, juan 38, 505, the Board of Punishments issued the Code and updated statutes to provincial-level officials in 1664 and 1672, but I have not seen any such edition of the Code printed in the Kangxi period.
commissioners in the provinces.\textsuperscript{38} It seems that the Board of Punishments did not assume responsibility for providing the Code to sub-provincial officials, such as prefects (\textit{zhifu 知府}) and county magistrates (\textit{zhixian 知縣}), who also had to deal with the laws and legal cases as a part of their routine work. The Board used to suggest that provincial governments reprint the Code for distribution to these sub-provincial officials; but extant editions of the Code show little evidence that the provincial governments actually engaged in printing and distributing the Code to local officials in the Kangxi period.

Besides the scarcity of the officially printed copies of the Code in the Kangxi bureaucracy, contemporary officials faced another major problem: the separation, and sometimes incompatibility, of the Code and the \textit{Substatutes in Operation}. Even before the \textit{Substatutes in Operation} was compiled, some officials began to notice the problems caused by the contradictions between the Code and newly established laws. In 1664, some judicial officials of the Board of Punishments suggested that the current precedents and regulations be incorporated into the Code and that the revised Code be sent to high provincial officials for their reference.\textsuperscript{39} The throne approved this suggestion but no evidence shows that it was applied in practice. Again, in January 1671, Zhang Weichi 張惟赤 (d.1676), Supervising Secretary of the Board of Punishments, pointed out in a memorial that the separation of the Code and newly established statutes caused problems, urging the court to compile a “complete book” (\textit{quanshu 全書}) of all the

\textsuperscript{38} 
\textit{Qing shilu, Vol.4, Shengzu ren huangdi shilu, juan 38, 505.}

\textsuperscript{39} 
\textit{Qing shilu, Vol.4, juan 13, 195.}
updated statutes and substatutes for the people of the whole realm to observe.\(^{40}\) He wrote in this memorial:

> Our dynasty has created the institutions and established the laws. In the early years of the Shunzhi reign, the Board officials compiled the *Great Qing Code*... However, in recent years, every time new substatutes were established, it was said that it was not necessary to incorporate them into the Code. Therefore, nowadays, the Code and the [new] substatutes are separated from and inconsistent with each other.\(^{41}\)

Then Zhang Weichi narrated two examples of such problems when he reviewed the provincial legal case reports. He identified the cases where different provincial governments issued different punishments for similar crimes based on the Code or new substatutes. He also noticed that although official editions of the Code did not include the new substatutes, several commercial editions did include new substatutes. According to Zhang, this was rather troublesome, because these commercial editions were “not approved by the imperial government” and only contained a portion of the new substatutes: “None of the substatutes established after the third year of the Kangxi reign were included.”\(^ {42}\) Thus they could easily lead to confusion and by no means could be called the “complete book” (*quanshu* 全書) or “definitive edition of the dynasty (*yidai dingben* 一代定本)).”\(^{43}\) In his opinion, this situation not only harmed the empire-wide judicial system, but also led to corruption among officials and clerks who could use these inconsistencies in the laws to serve their personal interests. The court should order officials to compile the “complete book” of the laws, and publish it as soon as possible. As he pointed out in this memorial:


I suggest that Your Majesty order the Board to collate the original Code and the new statutes immediately. As for the new statutes that have been approved and are appropriate [in legal practice], incorporate them into their proper categories and make them follow their original statutes in the Code according to the method when the Code was compiled. Make sure that they are in proper arrangement. In this way, both the Code and the new statutes will be incorporated into a single book. As for the officials who take responsibility of hearing cases, each of them should have one such book. They can refer to the book at any time and get everything at one glance, which would save them time and trouble as well as prevent them from giving wrong sentences.44

Unfortunately, the emperor ignored Zhang’s advice, probably because at that time the court was too preoccupied with other more serious problems such as how to consolidate territory and suppress rebellions and how to cement an alliance with Confucian-educated Chinese literati.

The troublesome situation caused by the separation of the Code and new statutes continued. In 1689 when the empire was basically pacified, Sheng Fusheng 盛符升 (1615-1700), Investigating Censor (yūshí 御史) of the Censorate, brought up the issue of incorporating the updated statutes into the Code again. In his memorial, Sheng suggested:

The statutes and statutes that are separated from each other should be integrated. The old and new statutes that are incompatible with each other should be corrected. The lightness and heaviness of penalties that are discussable should be reconsidered. When everything is perfect, they should be compiled and printed as a definitive edition of the Code.45

This time the throne adopted the suggestion. In the same year, the Kangxi emperor appointed several high officials of the Board of Punishments as chief editors and the process of revising the Code formally started. The major tasks of the revision were: (1) to incorporate the Substatutes in Operation into the Code; (2) to correct the mistakes in the Manchu translations of the Code; (3) to delete repetitive and outdated statutes and statutes.

44 Zhang Weichi, Rugao Bian, juan 3, 16b.
45 Da Qing lü jijie fuli (1725), 6a-6b.
substatutes; (4) to select and incorporate new administrative regulations into the Code; (5) to select and add explanations and commentaries to the Code in order to clarify the meanings of obscure statutes.\textsuperscript{46}

The revision process, however, went slowly. Only after six years, in 1695, was the draft of the first chapters finally finished and submitted for imperial review. After another two years, in 1697, the editors got a response from the emperor, in which he said that he had read the chapters and the high officials in the capital should also review them; he also ordered the Board of Punishments to add to the drafts new substatutes established after the beginning of the revision. It took another ten years for the editors to finish revising the rest of the chapters. In 1708, the manuscript of the whole Code was finally completed and submitted to the emperor.\textsuperscript{47} However, the emperor had lost interest, probably because he was preoccupied with solving his succession disputes among his sons and he was agonizing about the cruelty and punishments of the laws. He never returned or responded to the manuscript. The revision process was then suspended, and the officials’ efforts to produce a “definitive edition” of a “complete book” of the Qing Code failed in the Kangxi period.

In sum, in the early Qing period, it seems that the Qing central government did not print a large run of copies of the Code. It did not provide enough updated editions to officials in the bureaucracy, which was also inaccessible to people outside the bureaucracy who wanted to read the Code. Neither the Shunzhi emperor nor the Kangxi emperor seems to have made serious efforts to provide their officials with a valid and up-to-date Code on which they could rely to deal with daily administration and legal cases.

\textsuperscript{46} Da Qing lü jijie fuli (1725), 10b-11a.
\textsuperscript{47} Da Qing lü jijie fuli (1725), 13a-13b.
Very few officially printed editions of the Code from the Shunzhi and Kangxi periods are extant. Both of the original editions of the Shunzhi Code and the Substatutes in Operation have been long lost. As a matter of fact, among a dozen of different extant editions of the Code printed in the early Qing period that I have found, only one edition might have been published by the Board of Punishments in 1670. The rest seem to have been published by commercial publishing houses, which became the main source for Qing officials and commoners to obtain updated editions of the Code, as I will discuss in detail in the second chapter.

Legislation in the Yongzheng and Qianlong Periods

The Kangxi emperor died in 1722 and his fourth son, known as the Yongzheng emperor (r.1723-35), ascended the throne. Unlike his father, who admired small government and lax regulations, the Yongzheng emperor sought to build an efficient bureaucracy based on solid revenue and effective laws and regulations. He soon found the contradiction between the old substatutes in the Code and newly established substatutes intolerable. Only one month after ascending the throne, he issued an imperial edict to provincial judicial commissioners, criticizing the corruption and malpractice prevalent in the legal system. One of the important reasons for the corruption, the emperor pointed out in this edict, was the lack of clarity of the laws: "Sometimes, two..."
different statutes [and thus two different penalties] can be applied to the same crime. Then officials can manipulate this situation for personal gain. In this way, how can people get any justice? Therefore, when Tang Zhixu 湯之旭, Investigating Censor of the Censorate, brought up the issue of integrating the Code and current statutes as well as publishing a “complete book” of the laws again, the emperor quickly approved. The compilation process formally started in 1723. Because the forty-two volume (ben 本) draft completed in 1708 but never published had already established a solid foundation for this revision, the process was smooth and fast. In 1725, the manuscript was finished and the Yongzheng emperor wrote a preface expressing his deep interest in the compilation process and urging both officials and commoners to study and discuss the laws in the newly revised Code.

The Yongzheng Code was a considerable improvement on the Shunzhi Code. As Zheng Qin points out, “[b]y any standard, this revision was a significant landmark in Qing legislative history.” While it retained the title of the Shunzhi Code—Da Qing lü jijie fuli—and the basic structure of thirty volumes and seven sections was also preserved, its content changed significantly. For one thing, it incorporated “collected commentaries”—including various private and official annotations and explanations to the statutes and statutes—into the Code, which not only made the content of the Code match its name (jijie, or “with collected commentaries”) but also, more important, acknowledged the legal effect of these commentaries in judicial practice. For another

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50 Qing shilu, Vol.7, Shizong xianhuangdi shilu, juan 3, 74-75.
52 Da Qing lü jijie fuli (1725), “Preface: Imperial Edicts,” 3a-b.
thing, the Yongzheng Code finished the process of integrating the operative substatutes into the Code, making the half-century-long dream of Qing lawmakers finally come true.

There were 459 statutes and 449 substatutes in the Shunzhi Code. In the Yongzheng Code, the editors reduced the number of statutes to 436, but they increased the number of substatutes to 824. The editors also divided these substatutes into three categories: “original substatutes (yuanli 原例),” which referred to 321 old substatutes in the Shunzhi Code, “newly enacted substatutes (zengli 增例),” which referred to 299 operative substatutes established in the Kangxi period, and “imperially approved substatutes (qindingli 欽定例),” which referred to 204 substatutes mainly derived from imperial edicts and officials’ memorials received imperial endorsement in the late Kangxi and early Yongzheng period. The Yongzheng Code, in other words, was a “complete book” for all important up-to-date statutes and substatutes for the Qing legal system as well as the bureaucracy, designed to serve as a “definitive edition” of the Qing legal Code for all to observe.

In the early years of the Qianlong reign (1736-1795) some officials thought it necessary to modify the Code again because of the accumulation of new substatutes. They also considered some of the Yongzheng emperor’s laws to be too strict. In 1736, Funai 傅鼐 (1677-1738), the Minister of the Board of Punishments, after a formal discussion with other high officials in the capital, submitted a memorial to the throne that explained in detail why it was necessary to revise the Code again. For one thing, as Funai pointed out, there had been a large number of new substatutes of the Board of

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55 Zheng and Zhou, “Pursuing Perfection,” 328, 330. See also Da Qing lü jijie fuli (1725), “General Editing Principles.”
Punishments established since the last revision in 1723-1725. These new statutes should be incorporated into the Code, and some out-of-date statutes should be deleted in order to eliminate discrepancies and to prevent confusion.\textsuperscript{56} For another thing, Funai thought that some statutes established in the Yongzheng period were too strict. They were necessary back then, because in the early Yongzheng period the court needed to reform social customs and to punish the prevalent corruption in the bureaucracy. Since the problems had disappeared, the court should modify these strict statutes.\textsuperscript{57} The Qianlong emperor accepted the suggestion and soon organized a new Commission on Statutes (\textit{lüliguan} 律例館) to undertake the revision.\textsuperscript{58} During the revision process, the emperor also encouraged high provincial officials to submit their own suggestions on how the statutes should be modified based on their daily experience in dealing with actual legal cases. It took the lawmakers about five years to modify the Code. In 1740 the Commission on Statutes submitted the final manuscript and received the endorsement from the emperor. This revision turned out to be an important modification of the Code: It established the basic structure and content of the imperially authorized editions of the Code that did not change again until the late Qing legal reform in the 1900s. Moreover, it set up new standards and routines for future revisions of the Code.

The major revisions included the following: First, the editors systematically removed the “collected commentaries” that had been added to the Yongzheng Code. In “General Editing Principles (\textit{fanli} 凡例)” the editors explained the reason: “These collected commentaries were originally cited from the [privately published] books like

\textsuperscript{56} For the specific changes in statutes and statutes of the Qianlong Code, see Zheng Qin, \textit{Qingdai falü zhidu yanjiu} (Zhongguo zhengfa daxue chubanshe, 2000), 58-62.
\textsuperscript{57} \textit{Da Qing lüli} (1740), “Preface: Memorials.”
\textsuperscript{58} \textit{Da Qing lüli} (1740), “Preface: Memorials.”
the *Annotations on the Statutes and Substatutes* (*lùli jianshi* 律例箋釋) and the *Collected Commentaries on the Great Qing Code* (*Da Qing lüjizhu* 大清律輯注). Sometimes these collected commentaries provide redundant explanations that easily lead to complication and confusion. Sometimes they give unnecessary annotations and commentaries to the statutes the meaning of which is crystal clear. Therefore we deleted them from the Code.”

Only some collected commentaries that the editors believed to be “truly helpful to understand the statutes” were revised into substatutes and retained in the Qianlong Code. Second, although the number of statutes did not change, the number of substatutes increased from 824 (in the Yongzheng Code) to 1042. The new substatutes were drawn mainly from the new operative substatutes of the Board of Punishments from 1727 to 1739. The editors also modified the number of the chapters from 30 in the Yongzheng Code to 47 in the Qianlong Code. Third, the Qianlong Code rearranged the sequence of many substatutes. It abolished the time-based labels that were added to the substatutes in the Yongzheng Code (“original substatutes,” “newly enacted substatutes,” and “imperially approved substatutes”). All of the substatutes were thus organized according to their content in the Qianlong Code.

During the revision process, the codifiers also established a new standard for future revisions of the Code. The Qianlong emperor approved their proposal that substatutes established after the revision was finished be revised and compiled every three years. The Commission on Statutes was assigned to do the work, which included carefully examining the imperial edicts and officials’ memorials related to the

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59 Da Qing lüli (1740), “General Editing Principles.”
60 Da Qing lüli (1740), “General Editing Principles.”
61 Da Qing lüli (1740), “General Editing Principles;” see also Qin Zheng and Guangyuan Zhou, “Pursuing Perfection,” 333.
administration of justice, selecting and editing them into statutes; collating the old and new statutes, omitting the outdated and reduplicative ones; listing the statutes that should be added, changed, moved, and omitted; and compiling them into a manuscript and sending it to the Wuyingdian to print. The books of these new statutes were named *Expanded Substatutes of the Great Qing Code* (*Da Qing lü xuzuan tiaoli 大清律續纂條例*). The *Expanded Substatutes* later became an important channel whereby officials in the Qing bureaucracy got access to up-to-date laws. In 1746, after the second compilation of the *Expanded Substatutes*, the Qianlong emperor deemed that it was too frequent to revise the statutes every three years and changed it to every five years. From that time on, the statutes were revised at roughly five-year intervals. From 1743 to 1870 (Tongzhi 9)—the year of the last imperial revision—the statutes were revised at least twenty-three times.

### Chart 1.1: The Dates of the Revisions after 1740 (Qianlong 5)

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<td>1</td>
<td>1743 (Qianlong 8)</td>
<td>9</td>
<td>1783 (Qianlong 48)</td>
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<td>2</td>
<td>1746 (Qianlong 11)</td>
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<td>1790 (Qianlong 55)</td>
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<td>3</td>
<td>1751 (Qianlong 16)</td>
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<td>1795 (Qianlong 60)</td>
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<td>4</td>
<td>1756 (Qianlong 21)</td>
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<td>1761 (Qianlong 26)</td>
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<td>1768 (Qianlong 33)*</td>
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<td>1773 (Qianlong 38)</td>
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<td>1815 (Jiaqing 20)</td>
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<td>8</td>
<td>1778 (Qianlong 43)</td>
<td>16</td>
<td>1821 (Daoguang 1)</td>
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62 Yao Guan and others eds., *Da Qing lüli quanzuan* (Mingxintang, 1796), “Memorials,” 8b-10a. Also see *Da Qing lü xuzuan tiaoli*, 1743, 1746, 1750, and 1853.


64 The data is collected from various extant editions of the *Great Qing Code* and the *Expanded Substatutes of the Great Qing Code*, printed and published by the Wuyingdian. Several indexes of Chinese legal books, like *Zhongguo fazhi tushu zongmu* (Beijing: Zhongguo zhengfa daxue chubanshe, 1991), are also considered. The date in the chart generally refers to the date when the revisions were done and the books were sent to the Wuyingdian for printing. Some revisions, especially the major revisions when the “complete book” of the Code was revised, took multiple years. For example, No.6 revision started in 1766 (Qianlong 31), five years after the last revision in 1761, and it was finished in 1768, two years later.

65 Whether or not a “complete book” of the Code was published in the 1778 revision is unclear. According to Thomas Metzger, this revision was a major revision in which the Code should be published. He drew such conclusion based on three memorials in the 1870 edition of the Code, in which officials of the
(*The years in bold are the major revisions when the “complete book” of the Code was revised and printed; the others were the ordinary revisions when only the updated edition of the Expanded Substatutes were compiled and printed.)

As seen in the chart, until 1852, revision of the substatutes was undertaken at fairly regular five-year intervals: eighteen editions of the Expanded Substatutes and four editions of the Code were published in this 110-year period. The Qing court suspended and neglected the Code revisions after the Taiping Rebellion (1850-1864) started, when the court was preoccupied with military concerns. The court formally resumed the revision process in 1863 when it was about to win the civil war and started trying to reestablish law and order in society.\(^{66}\) Seven years later, in 1870, the Commission on Statutes finally submitted the draft of the Code for printing in the Wuyingdian. This turned out to be the last major revision of the Code before the late Qing legal reforms in the 1900s.\(^{67}\) The product of this revision, the Tongzhi Code of 1870, was the last imperially authorized edition of the Code published in the Qing period.

**Book Publishing Activities in the Wuyingdian**

Starting with the Yongzheng Code of 1725, the Wuyingdian Book Editing Department (*Wuyingdian xiushuchu* 武英殿修書處, henceforth abbreviated as “the Wuyingdian”) published all the imperially authorized editions of the Qing Code,

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\(^{66}\) *Da Qing lüli* (1870), “Preface: the 1870 Memorial,” 1a.

\(^{67}\) *Da Qing lüli* (1870), “Preface: the 1870 Memorial,” 1a-3a.
including the 1740, 1768, 1790, 1802, 1825 and 1870 editions. As the main publishing and printing institution of the court, the Wuyingdian was quite active in the High Qing period. According to Xiao Li’s estimate, during the Yongzheng and Qianlong periods, the Wuyingdian published 380 different titles totaling a mind-boggling 26,982 volumes.  

The books published by the Wuyingdian covered a wide range of genres and subjects, including imperial writings, Confucian classics, almanacs, medical texts, dictionaries, religious texts, dynastic histories, collections of literary works, and various administrative regulations and the laws. As a subsidiary of the Imperial Household Department, the Wuyingdian was a part of the government. The book printing and publishing activities in the Wuyingdian were usually under the direct orders of the emperors, to serve, in general, their political purposes. By editing, printing, and publishing various books through the Wuyingdian, the court intended not only to establish its image as a legitimate cultural sponsor, but also to ensure its cultural and political authority through the production of standard texts in the field of literature, history, religion, law and regulation. 

In the High Qing period, the Wuyingdian was a well organized printing and publishing institution. From the late Kangxi period, it had been gradually institutionalized and had replaced other publishing institutions of the imperial court. At the beginning, its name was the Wuyingdian Manufacture Department, and it was not only in charge of book editing and printing, but also in charge of managing various workshops to make things like inkstones and enamel vessels for the imperial court. In 1729, under the Yongzheng emperor’s reform, it became the institution specializing in book editing,

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printing, and publishing; and its name was changed into the Wuyingdian Book Editing Department.\textsuperscript{69}

The inner organization of the Wuyingdian’s book publishing operation was well regulated. The Wuyingdian Book Editing Department was composed of two major offices. One was the Manufacturing Bureau (\textit{Jianzaochu 監造處}), which was mainly in charge of book production in the Wuyingdian, including managing various workshops for writing manuscripts, cutting woodblocks, and printing and binding books. It also acquired materials needed for book production and managed employees. Officials working in the Manufacturing Bureau were usually from the Manchu banners in Beijing, and were appointed by the Imperial Household Department. There were also a large number of craftsmen working in the workshops of the Manufacturing Bureau. Some of them were long-term craftsmen called “salaried Banner craftsmen” (\textit{qianliang qijiang 錢糧旗匠}). These received a monthly salary. Both officials and long-term craftsmen were usually from the Three Superior Banners (\textit{Shang sanqi 上三旗}) and appointed by the Imperial Household Department.\textsuperscript{70} The rest were short-term craftsmen who were hired by the Wuyingdian when there were huge book printing projects. These were paid according to the amount of work they finished each day.\textsuperscript{71} The other major office was the Hanlin Book Proofreading Bureau (\textit{Hanlin jiaodui chu 翰林校對處}), which was in charge of editing and proofreading manuscripts for printing as well as examining printed samples. Officials

\textsuperscript{69} Cao Hongjun, “Kang Yong Qian sanchao zhongyang jigou keyin shu yanjiu,” 20.
\textsuperscript{70} The Three Superior Banners included the Bordered Yellow, Plain Yellow, and Plain White. These three Manchu Banners were under the emperor’s direct supervision. The other five Banners were led by imperial princes. In the Imperial Household Department, people from the Three Superior Banners had higher status than those from the other five Banners. See Charles Hucker, \textit{A Dictionary of Official Titles in Imperial China}, 91.
working for the Hanlin Book Proofreading Bureau were usually well educated and had strong backgrounds in literature. Most of them were selected from the Hanlin Academy (Hanlinyuan 翰林院).  

Like other central institutions in the High Qing period, the Wuyingdian operated according to strict and detailed administration regulations. These administrative regulations fixed the number of officials and long-term craftsmen as well as their ranks and salaries. The Imperial Household Department required an annual report on the operation of the Wuyingdian, including the income and expenditures, the number of books printed and sold, the salaries for each official and craftsman, raw materials purchased and consumed, and so on. Even the price and quality of the raw materials to be purchased were preset. For any departure from fixed regulations, officials of the Wuyingdian needed permission from the emperor or the Imperial Household Department by submitting memorials. The various detailed regulations on the operation of the Wuyingdian standardized the process and cost of book production and guaranteed the quality of the books. These detailed regulations, however, limited the efficiency of book production and reduced the flexibility of the Wuyingdian’s response to changes. For example, since the late Kangxi period the daily wage of the carvers had been fixed at 0.8 taels of silver per woodblock, and the wage of scribes for writing manuscripts for posting on woodblocks had been fixed at 0.2 taels per hundred characters. This did not change for nearly a century, while the price for food and other commodities almost tripled in the same period. Therefore, the daily salaries became too low for craftsmen working in the

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73 Several of these annual reports appear in Weng Lianxi ed., Qing neifu keshu dang’an shiliao huibian (Guangling shushe, 2007), 621-624, 650-663.
Wuyingdian to make a living. In 1810, the headman of the workshops sent a report to the Imperial Household Department, complaining that it was impossible for the craftsmen to support themselves and their families on such low wages, which adversely affected their morale and quality of work.\textsuperscript{74} Sometimes it was even difficult for the Wuyingdian to buy the materials in needed for printing because of the fixed purchase prices set by the regulations. In 1800, when the Wuyingdian was preparing to print the \textit{Unified Gazetteer of the Great Qing Empire} (\textit{Da Qing yitong zhi} 大清一統志), officials found that because of inflation, it was impossible for them to buy materials for the price fixed by regulations. They had no choice but to suspend the project temporarily and submit a report to the Imperial Household Department in which they included a list of the current prices of the materials and asked to change the official purchase prices according to it.\textsuperscript{75} Such administrative procedures usually took days or even months, which significantly lowered the efficiency of book production in the Wuyingdian.

Book publishing in the Wuyingdian was also a rather time-consuming process, because the first priority of officials and craftsmen was to guarantee the quality of the books, not the efficiency of publishing. According to the Wuyingdian’s administrative regulations, if there was any tiny mistake or discrepancy in editing or printing, the officials and craftsmen who were responsible for it would be punished by having their salary garnished or even by demotion. Therefore, book production in the Wuyingdian required a series of proofreading procedures in order to prevent any possible mistake. The manuscripts for posting on woodblocks and printing samples were usually transferred

\textsuperscript{74} Weng Lianxi, \textit{Qing neifu keshu dang’an shiliao huibian}, 454.
\textsuperscript{75} Weng Lianxi, \textit{Qing neifu keshu dang’an shiliao huibian}, 422.
back and forth between the editors and printers for examination. In the Yongzheng and Qianlong periods, there was no specific deadline for each procedure of proofreading and printing, and as a result it usually took years for the Wuyingdian to publish a book. The situation became even worse after the Qianlong period. Sometimes it took the Wuyingdian ten or even twenty years to print a book with multiple volumes. Both the Jiaqing emperor (r.1796-1820) and the Daoguang emperor (r.1821-1850) found this situation intolerable. In 1814, the Jiaqing emperor tried to simplify the editing process by reducing some procedures and setting up deadlines, but the efficiency of book editing and publishing in the Wuyingdian did not improve significantly. The Daoguang emperor also criticized the slow process of editing and printing books in the Wuyingdian and ordered the officials to establish new deadlines. No evidence, however, indicates that these reforms solved the problem before the Qing court abandoned the whole book publishing business in the Wuyingdian in the late Tongzhi period (1862-1874).

In sum, the Wuyingdian was an active and well-organized book printing and publishing institution, which produced a large number of high quality books in the Qing period. The book printing and publishing process in the Wuyingdian was carried out slowly and carefully; publication usually took several years. For books like Confucian classics, dictionaries, dynastic histories, literary and medical works, the Wuyingdian’s publishing system worked well; but books like the Qing Code and the Expanded Substatutes, the contents of which were updated constantly, posed a sizable challenge for

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76 For the details of proofreading procedure, refer to Cao Zhenyong’s memorial in 1820, in Weng Lianxi, Qing neifu keshu dang’an shiliao huibian, 484. I will also discuss it in the section “The Code and the Expanded Substatutes Published by Wuyingdian” in this chapter.
77 Weng Lianxi, Qing neifu keshu dang’an shiliao huibian, 484.
the Wuyingdian’s publishing system. Indeed, the Wuyingdian proved unable to provide enough updated editions of the Code and the *Expanded Substatutes* in a timely fashion.

*Circulation of Wuyingdian Books*

The books printed in the Wuyingdian had several major circulation channels: (1) submission to the court for the emperor’s personal use, (2) presentation as gifts by the emperors to officials and literati, (3) issuance through administrative channels for the use of officials and students supported by the government, and (4) sale to individual readers through the Book Circulation Bureau (*Tongxing shuji chu* 行書籍處), an office of the Wuyingdian that was in charge of book sales. 78

When the carving of woodblocks for a book was finished, officials would usually order craftsmen to print several fine copies for imperial review. After they received imperial endorsement, craftsmen in the Wuyingdian would start the regular printing and binding process. They would first produce about ten to twenty copies and send them to the imperial palaces for the emperors’ own use. These copies were usually the finest ones produced in the Wuyingdian, with the best paper and ink for printing and the best materials for binding and decorating. They were stored in various imperial libraries in the palaces and imperial gardens in Beijing, Chengde, and Mukden. The Qing court had a large collection of books in various imperial palaces and gardens, and the majority of these books were produced in the Wuyingdian. For example, according to Yang Yuliang’s estimate, besides the enormous number of volumes of *Siku quanshu* 四庫全書

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(Complete Library of the Four Treasures) in the Wenjin Pavilion (Wenjin’ge 文津閣), there were about 460 different titles (nearly 70,000 volumes) in the Chengde palace alone in the Guangxu period, nearly ninety percent of which were imperially authorized books printed in the Wuyingdian.79

The Wuyingdian’s books also circulated as gifts that the Qing emperors gave to officials, literati, and sometimes foreign ambassadors. The books used as gifts usually belonged to the categories of imperial writings, Confucian classics, and dictionaries.

Sometimes the emperors gave the books as gifts on commemorative occasions. For example, when the Qianlong emperor visited the Hanlin Academy in 1744, he awarded each official in the Hanlin Academy a copy of Leshantang quanji 樂善堂全集 (Complete Collection of the Leshan Hall)—a collection of essays and poems written by the Qianlong emperor before he ascended the throne—and a copy of Xingli jingyi 性理精義 (Essential Meanings of Nature and Reason)—one of the imperially authorized neo-Confucian classics, so as to encourage their devotion to learning.80 Sometimes the court sent Wuyingdian books as gifts to reward some official’s or scholar’s contributions. In 1774, in order to reward private bibliophiles who made contributions to the compilation of the Complete Library of the Four Treasures, the Qianlong emperor sent one copy of Gujin tushu jicheng 古今圖書集成 (Collection of Illustrations and Writings from the Earliest to Current Times)—a large collection of books printed in the Wuyingdian—as a reward to each of the four bibliophiles who had voluntarily contributed more than five hundred rare books to the project. The emperor also rewarded the other bibliophiles, who

79 Yang Yuliang, “Qingdai zhongyang guanzuan tushu faxing qianxi,” 89.
80 Qing shilu, Vol.11, Gaozong chun huangdi shilu, juan 227, 931-935.
had contributed about a hundred rare books, by giving each one of them a copy of *Peiwen yunfu* (Rhyme Storehouse of Esteemed Phrases)—the famous rhyme dictionary printed by the court in the Kangxi period.\(^81\)

Only a small percentage of books printed in the Wuyingdian were circulated through the above two channels. Most went through administrative channels, mainly to officials at different levels of the bureaucracy, and students studying in state-sponsored academies. When the Wuyingdian published new editions of the Qing Code and various administrative regulations, it usually sent copies through administrative channels to officials who needed these books in their daily administration. In Beijing, the books were sent directly to top officials of each department; in the provinces, provincial governors usually received all of the books from the Wuyingdian and then issued them to the local governments. For example, in 1800, when the revised *Regulations of the Board of Civil Office* was completed, the Wuyingdian sent about 60 copies to each province, and provincial officials took charge of issuing them to the provincial bureaucracy.\(^82\)

Sometimes the Wuyingdian only sent one or two copies of the books as samples to provincial governments, and it was the provincial government’s responsibility to cut woodblocks, reprint copies, and distribute them to local governments.\(^83\) On some occasions, the provincial officials could directly request that the Wuyingdian send some books badly needed for local administration.\(^84\) For example, in 1825, the Jilin General

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82 Yang Yuliang, “Qingdai zhongyang guanzuan tushu faxing qianxi,” 90.
83 This was the major type of circulation for the updated statutes of the Board of Punishments. I will discuss this type of circulation in detail in the following sections.
84 This kind of problem usually happened in frontier regions, such as Manchuria, Mongolia, Xinjiang, Qinghai. It was possible that the local administration became more and more complex because of economic development and population growth, and thus the request on the books of laws and regulations increased.
(Jiangjun  將軍) submitted a palace memorial to the throne, stating that because of population growth Jilin’s criminal and civil cases had significantly increased. He then complained that his yamen had only one Chinese edition of the Expanded Substatutes issued in the Jiaqing period, which was now out of date and was in any case difficult for Manchu officials to read. He then asked the emperor’s permission to order the Wuyingdian to provide updated Manchu editions of the Expanded Substatutes to his yamen; he would immediately send officials to get them from the Wuyingdian.85

The Wuyingdian also regularly provided books to a number of state-sponsored academies and government schools: usually Confucian classics, dynastic histories, dictionaries, and other books beneficial for learning. The target readers were students studying for the civil service examinations. For example, Shisan jing zhushu 十三經注疏 (Commentaries on the Thirteen Classics) and Ershi yi shi 二十一史 (Twenty-one Dynastic Histories) were two of the most important textbooks for Qing students preparing for the civil service examinations. In 1738, because the old woodblocks stored in the Imperial Academy (Guozijian 國子監) had been left unused for a long time and were damaged beyond repair, the Qianlong emperor ordered the Wuyingdian to recarve the woodblocks and print new imperially authorized editions. When finishing printing these books, the Wuyingdian issued them to the provincial-level government schools and several famous academies in the Jiangnan area, like the Zhongshan Academy in Nanjing and the Ziyang Academy in Suzhou.86 This was the typical issuing channel of the

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85 The Palace Memorial Database, Archive No.04-01-38-0026-026, originally stored in Chinese No.1 Historical Archives, collected and reprinted by New Qing History Compilation Committee.
86 See Qing shilu, Vol.14, Gaozong chun huangdi shilu, juan 384, 44-45.
Wuyingdian’s books in the Qing academic world, through which the Qing court provided imperially authorized standard texts to literati in order to establish its cultural authority and maintain literary unity.

The books issued by the Wuyingdian through the above channel were the property of governments or schools, and were stored in their book storerooms or libraries, where the books were usually kept in wooden cabinets, under lock and key. Those book storerooms and libraries, as Timothy Brook points out, were built to “protect the physical volumes” and to “inspire the proper sense of reverence” of books, not to ease readers’ access to these books. They were not open to the public. Even officials and government students who wanted to read the books had to go through several procedures. Take for example the library of Zhongshan Academy, a state-sponsored academy in Jiangsu province, which received many books from the Wuyingdian. All of the books in its library were stored in the big bookcases located in the inner chamber of the Academy’s hall. Each of the bookcases was locked up, and a high-ranking faculty member held the keys. When the faculty member was on vacation, the keys were transferred to the local government. If other faculty members and students in the academy wanted to read the books, they had to register first and could read the books only after their requests were formally approved. Although the regulation was designed to protect books from being damaged or stolen, it was inconvenient for readers to get access to the books. It was no wonder that many officials and literati complained that libraries in local yamens or

schools were “locked up tightly and stored deeply” (bisuo shencang 閉鎖深藏) and that readers could seldom see or read them.\textsuperscript{90}

For individual readers, the most common way to get access to the Wuyingdian’s books was not through those libraries, but through buying reprinted versions or “general circulation” (tongxing 通行) versions. The Qing court encouraged local governments, individuals, and sometimes even commercial publishers to reprint the Wuyingdian’s books. For the books printed by the Wuyingdian that could “benefit literary circles” (jiahui yilin 嘉惠藝林), such as imperially authorized Confucian classics and dynastic histories, the Qing court usually required provincial administrative commissioners (Buzhengshi 布政使) to recarve the woodblocks according to the style and content of the Wuyingdian editions. When the woodblocks were completed, individuals who needed the books could submit a formal written request to the provincial government. When it was approved, they could bring their own paper and ink to the provincial administrative commissioner’s yamen and print the book by using the woodblocks. Each person could print one book at one time. In the early Qianlong period, the emperor noticed that such a procedure was intimidating and thus few people were actually willing to print books by using official woodblocks in provincial yamens. He worried that the imperially authorized classics were not spreading. In 1736, the emperor ordered provincial officials to invite commercial publishers to print the books. According to this edict, commercial publishers were allowed to make use of official woodblocks in provincial governments. When the printing was finished, they could sell the books for profit. In this way, in the emperor’s opinion, commercial publishers would be willing to print the imperially

\textsuperscript{90} Qing shilu, Vol.3, Shizu zhang huangdi shilu, juan 88, 699.
authorized texts and thus people could get them more easily.\(^{91}\) In 1738, the emperor again heard that the woodblocks for imperially authorized classics were often locked up in storage in provincial offices and very few publishers wanted to print the books by using these woodblocks. He then required the provincial officials to repair and maintain the woodblocks and then again invite commercial publishers to use the woodblocks to reprint the books.\(^{92}\) Despite several edicts to encourage individual and commercial publishers to use woodblocks in provincial offices for reprinting the books, few were actually willing to do so, possibly because of the forbidding administrative procedures when applying for permission to print, as well as the extortion of yamen clerks during the printing process.\(^{93}\) Moreover, the books that individuals or commercial publishers were encouraged to reprint were usually imperially authorized Confucian classics and dynastic histories; few books about the Qing laws and regulations were allowed to be reprinted by individuals or commercial publishers in this way.

Officials and commoners also could buy books directly from the Wuyingdian. In the Kangxi and Yongzheng periods, there was no clear regulation determining how officials and commoners could buy these books. Because the number of books printed in the Wuyingdian increased and demand grew with it, in the early Qianlong period, officials in the Wuyingdian started to draft regulations on how to sell the books. In 1742, the emperor approved the new regulations, which stated:

(1) All books currently stored in the Wuyingdian may be purchased by officials, who should submit their request and payment through their own departments. As

\(^{91}\) Qinding Da Qing huidian shili, juan 388, 12a-12b.

\(^{92}\) Qinding Da Qing huidian shili, juan 388, 13a-13b.

\(^{93}\) See Qinding Da Qing huidian shili, juan 388, 10b-15b, and Yang Yuliang. “Qingdai zhongyang guanzuan tushu faxing qianxi,” 91.
soon as the request and money are received, the Wuyingdian will send the books to the officials.

(2) Retired officials and commoners may also buy books from the Wuyingdian. They should submit their request and payment through the Hanlin Academy.

(3) Officials who are willing to reprint the books for their personal use are allowed to make use of the woodblocks in the Wuyingdian. When new books are printed, officials in the Wuyingdian should ask the emperor’s opinion on whether or not the woodblocks may be used by officials to reprint the books.94

Two years later, in 1744, the Wuyingdian established the Book Circulation Bureau, and book selling activity was further institutionalized.95 The Book Circulation Bureau was in charge of selling the Wuyingdian’s books to individual readers. However, although the creation of both the book-selling regulations and the Book Circulation Bureau itself were intended to ensure that individuals could get access to the Wuyingdian’s books, the complexity of the procedures was intimidating to most people. It was difficult for commoners without sufficient social connections to submit their requests and payment through the Hanlin Academy to buy books from the Wuyingdian. Even for officials, buying books from the Wuyingdian was not easy. They had to submit a formal request and payment through their own department, and wait for the communication between their department and the Wuyingdian. This process might take days or even months.

Every book sold by the Wuyingdian through the Book Circulation Bureau was carefully recorded on the Department’s book-selling registers, including the books’ titles and cost, and the buyers’ names and occupations. Some of these registers from the Tongzhi and Guangxu periods are extant today. Thanks to them, we can learn who the

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94 Yang Yuliang, “Qingdai zhongyang guanzuan tushu faxing qianxi,” 89.
95 Yang Yuliang, “Qingdai zhongyang guanzuan tushu faxing qianxi,” 89.
purchasers were and what kinds of books they brought from the Wuyingdian. From 1865 to 1871, the Book Circulation Bureau all together received 70 orders from 46 individuals and sold 766 books (See Chart 1.2). On average, it received 10 orders and sold about 109 books per year. Since the publishing activity in the Wuyingdian had already been in decline for a long time before the Tongzhi period, the number of books sold by the Wuyingdian in this period was probably less than those sold in the mid-Qing period when the Wuyingdian’s publishing was at its height. Because of the absence of sources, the exact statistics on book sales in the mid-Qing period are not clear. According to a financial report submitted by the Wuyingdian’s officials in 1792, the Book Circulation Bureau sold 187 books in that year. Since the Wuyingdian’s printing and publishing businesses were most active, and the printed books most abundant in stock in the mid-and late Qianlong period, we may roughly estimate that the Wuyingdian sold around 200 books per year in the late Qianlong period. The number probably gradually declined thereafter until the Tongzhi period, when, as we have seen, the bureau sold about 100 books per year. Thus the number of books sold through the Book Circulation Bureau was limited.

According to the registers, purchasers of the Wuyingdian’s books were from various social backgrounds, including Manchu princes, officials, clerks, craftsmen, and commoners. Manchu princes were among the major buyers of the Wuyingdian’s books. From 1865 to 1871, they placed 10 orders and purchased 154 books in all, which was about 20% of all the books sold by the Wuyingdian during these years (See Chart 1.2). One of the biggest single orders received by the Wuyingdian was placed by Imperial

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96 Weng Lianxi, *Qing Neifu keshu dang’an shiliao huibian*, 400.
Prince Chun—the Xianfeng emperor’s younger brother—in 1868. He bought 97 books. Manchu princes mainly bought the works of the Qing emperors.

Officials and clerks composed the largest group of purchasers, placing 39 (55.7%) orders and buying 330 (43.1%) books (See Chart 1.2). All of the officials and clerks who bought books from the Wuyingdian worked in the Qing central government in Beijing. Most of the officials held relatively low rank, and the majority of the clerks who bought books worked for the Imperial Household Department. Some officials working in the Wuyingdian frequently bought books, possibly because it was convenient for them and they might have been acting on behalf of their friends or families. For example, the Wuyingdian’s Vice Director (yuanwailang 員外郎) “Chun” 春 (abbreviated name on the registers) placed 7 orders and bought 89 books in total. He was one of the officials who compiled the book-selling registers in the Tongzhi period. It seems likely that he did not buy all of these books for his own use, because he bought many copies of the same titles.

The hired craftsmen working for the Wuyingdian also bought a large number of books. According to the registers, they purchased 101 (13.2%) books through 8 orders (See Chart 1.2). One craftsman named Zhao Junying 趙俊英 placed 7 orders and bought 96 books, including many duplicates. Since many hired craftsmen of the Wuyingdian were part-time laborers who also worked for printing workshops on Beijing’s Liulichang Street—the major book market in North China—it seems possible that the craftsmen bought these books from the Wuyingdian and sold them in bookstores in Liulichang.

97 Weng Lianxi, Qing Neifu keshu dang’an shiliao huibian, 696-697.
98 Weng Lianxi, Qing Neifu keshu dang’an shiliao huibian, 689-721.
There were also some commoners (minren 民人) who purchased books from the Wuyingdian. They placed 15 (21.4%) orders and bought 166 (21.7%) books in total.

**Chart 1.2: Purchasers of the Books Sold by the Book Circulation Bureau of the Wuyingdian (1865-1871)**

<table>
<thead>
<tr>
<th>Official Title or Occupation</th>
<th>Number of Orders</th>
<th>Number of Books</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(1) Princes</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Imperial Prince (Qinwang 親王)</td>
<td>1</td>
<td>97</td>
</tr>
<tr>
<td>Prince (Junwang 郡王)</td>
<td>6</td>
<td>57</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>7 (10%)</strong></td>
<td><strong>154 (20.1%)</strong></td>
</tr>
<tr>
<td><strong>(2) Officials and Clerks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vice Minister (Shilang 侍郎, 2b*)</td>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>Grand Secretariat Academician Reader-in-waiting (Shidu xueshi 侍讀學士, 4b)</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Bureau Director (Langzhong 郎中, 5a)</td>
<td>4</td>
<td>42</td>
</tr>
<tr>
<td>Vice Overseers (Fu neiguanling 副內管領, 5a-6a)</td>
<td>3</td>
<td>62</td>
</tr>
<tr>
<td>Bureau Vice Director (Yuanwailang 員外郎, 5b)</td>
<td>9</td>
<td>96</td>
</tr>
<tr>
<td>Bureau Chief Secretary (Zhushi 主事, 6a)</td>
<td>6</td>
<td>18</td>
</tr>
<tr>
<td>Chief Translator (Bitieshi 笔帖式, 6a-9a)</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>Section Director (Sizhang 司長, rank unknown)</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Unknown Officials</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Section Supervisor (Tidiao 提調)</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Assistant Proofreader (Xiexiu 協修)</td>
<td>2</td>
<td>20</td>
</tr>
<tr>
<td>Hired Employee (Gongshi 供事)</td>
<td>3</td>
<td>41</td>
</tr>
<tr>
<td>Document Clerk (Shuli 書吏)</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Guard (Baitang a 拜唐阿)</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Chief Craftsman (Enjia 恩甲)</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>39 (55.7%)</strong></td>
<td><strong>330 (43.1%)</strong></td>
</tr>
<tr>
<td><strong>(3) Common People</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hired Craftsman in the Wuyingdian</td>
<td>8 (11.4%)</td>
<td>101 (13.2%)</td>
</tr>
<tr>
<td>Commonsers</td>
<td>15 (21.4%)</td>
<td>166 (21.7%)</td>
</tr>
<tr>
<td>Unknown</td>
<td>1 (1.4%)</td>
<td>15 (1.9%)</td>
</tr>
<tr>
<td><strong>Subtotal</strong></td>
<td><strong>24 (34.2%)</strong></td>
<td><strong>282 (36.8%)</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>70 (100%)</strong></td>
<td><strong>766 (100%)</strong></td>
</tr>
</tbody>
</table>

(*It refers to the officials’ ranks that were from 1a to 9b in the Qing period.)

The occupation of these common people was not clear. Some of them might be also craftsmen working for Wuyingdian. For example, Zhao Junying, the craftsmen who bought a large number of books, was labeled as craftsman in some registers, but listed as “common people” in the others. See Weng Lianxi, *Qing Neifu keshu dang’an shiliao huibian*, 689-721.

The data of the chart is from *Qing Tongzhi Guangxu nianjian Wuyingdian maishu dibu* (Register for book selling in the Wuyingdian in the Tongzhi and Guangxu periods), in Weng Lianxi, *Qing Neifu keshu dang’an shiliao huibian*, 689-721.
As seen from the Chart, most purchasers of the Wuyingdian’s books were people with close social connections with the Qing central bureaucracy, especially with the Imperial Household Department and the Wuyingdian publishing institution itself. Some of these purchasers bought the Wuyingdian’s books for their own use, but some of them probably bought for their friends or even for sale on the book market. Although a broader audience might get access to the Wuyingdian’s books through their friends working in the Wuyingdian or through bookstores in Beijing, considering the small number of books sold by the Wuyingdian (only 766 books in 7 years), the audience was probably not large. Therefore, we may conclude that the audience for books sold by the Book Circulation Bureau was small and restricted to certain social groups.

Generally speaking, the books sold by the Wuyingdian were not expensive. According to Wuyingdian tongxing shuji mulu qingce (Catalog of the Wuyingdian’s books for circulation), a document probably compiled in the Qianlong period, the Book Circulation Bureau sold 155 different titles of books in that period. Among them, the most expensive was Yuanjian leihan (Classified collection of profound mirror), an enormous 180-juan literature encyclopedia, the price of which was about 14.6 taels. The cheapest was Shiyun (Rhymes of poetry), a single juan handbook for poetry writing printed on bamboo paper, which cost only 0.007 taels. Most of the books cost less than five taels, and the price was based on how many volumes the book contained and on the kind of paper used. Some of the books were even cheaper than similar books sold by bookstores. For example, while the price of the Great

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101 Because the Wuyingdian was not a profit-oriented publishing institution, the price of the books was based on the cost of materials and labor as well as some overhead charges. See Cao Hongjun, “Kang Yong Qian sanchao zhongyang jigou keyin shu yanjiu,” 29.
Qing Code, a forty-volume book, was only about 1.1 taels, similar editions printed by commercial publishing houses and sold in bookstores ranged from 2.4 to 6.4 taels in the Qing period.  

Chart 1.3: Prices of the Wuyingdian’s Editions the Great Qing Code and Expanded Substatutes

<table>
<thead>
<tr>
<th>Book Name</th>
<th>Volume (ben)</th>
<th>Paper</th>
<th>Price (Taels)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Statutes and Substatutes of the Great Qing Code (Chinese version)</td>
<td>40</td>
<td>tailian</td>
<td>1.1</td>
</tr>
<tr>
<td>The Statutes and Substatutes of the Great Qing Code (Manchu version)</td>
<td>40</td>
<td>tailian</td>
<td>2.5</td>
</tr>
<tr>
<td>The Expanded Substatutes of the Great Qing Code (Manchu version)</td>
<td>2</td>
<td>tailian</td>
<td>0.1</td>
</tr>
<tr>
<td>The Expanded Substatutes of the Great Qing Code (Chinese version)</td>
<td>2</td>
<td>tailian</td>
<td>0.05</td>
</tr>
<tr>
<td>The Expanded Substatutes of the Great Qing Code, from 1743-1745, (Manchu version)</td>
<td>3</td>
<td>tailian</td>
<td>0.15</td>
</tr>
<tr>
<td>The Expanded Substatutes of the Great Qing Code, from 1743-1745, (Chinese version)</td>
<td>3</td>
<td>tailian</td>
<td>0.11</td>
</tr>
<tr>
<td>The Expanded Substatutes of the Great Qing Code, from 1746-1750, (Manchu version)</td>
<td>2</td>
<td>tailian</td>
<td>0.12</td>
</tr>
<tr>
<td>The Expanded Substatutes of the Great Qing Code, from 1746-1750, (Chinese version)</td>
<td>2</td>
<td>tailian</td>
<td>0.08</td>
</tr>
</tbody>
</table>

The books sold by the Book Circulation Bureau covered a wide range of categories. According to the Department’s book-selling registers from 1865 to 1871, histories were the most popular genre of the books sold by the Wuyingdian. In seven years, the Wuyingdian sold 239 history books, roughly one-third of all copies of books sold by the Wuyingdian in this period. Among them, the bestsellers were the twenty-two official dynastic histories, from Shiji 史記 (Records of the grand historian) to Mingshi 明

102 The commercially printed Codes were usually printed in the same number of juan as the official printed Codes, but they had more contents, including various commentaries and annotations, printed in smaller characters above the official text of the Code. I will discuss this in detail in the following chapters. The earliest commercially printed Qing Code with a price that I found was Da Qing lüli zhuzhu guanghui quanshu (Complete book of statutes and substatutes of the great Qing, with collective vermillion annotations), published in 1706 by Tingsonglou publishing house. Its price was 2.4 taels. The other prices can be found in mid-and-late Qing commercial editions, which were usually from about 6 or 7 taels.

103 The data is from Wuyingdian tongxing shuji mulu qingce, in Weng Lianxi, Qing Neifu keshu dang’an shiliao huibian, 738-751.
史 (Ming history); 180 copies were sold. The works of the Qing emperors were also popular among the buyers. In seven years, the Wuyingdian sold 191 copies of 19 different works written by the Qing emperors. The purchasers also bought a large number of Confucian classics and dictionaries from the Wuyingdian (See Chart 1.4).

**Chart 1.4: Category and Quantity of the Books Sold by the Wuyingdian (1865-1871)**

<table>
<thead>
<tr>
<th>Category</th>
<th>Number (%)*</th>
<th>Category</th>
<th>Number (%)*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Histories</td>
<td>239 (31.2%)</td>
<td>Geographies</td>
<td>26 (3.4%)</td>
</tr>
<tr>
<td>Works of the Qing emperors</td>
<td>191 (25%)</td>
<td>Dynastic Regulations</td>
<td>1 (0.1%)</td>
</tr>
<tr>
<td>Confucian classics</td>
<td>135 (17.6%)</td>
<td>Calendars</td>
<td>12 (1.6%)</td>
</tr>
<tr>
<td>Dictionaries</td>
<td>105 (13.7%)</td>
<td>Medical books</td>
<td>10 (1.3%)</td>
</tr>
<tr>
<td>Literature Collections</td>
<td>47 (6.1%)</td>
<td><strong>Total</strong></td>
<td><strong>766 (100%)</strong></td>
</tr>
</tbody>
</table>

(*"Number” here refers to the copies of the books sold by the Wuyingdian, not the books. Usually many copies of one popular book were sold. For example, the Wuyingdian sold 40 copies of *Imperially Selected Tang Poems* (Yuxuan tangshi 御選唐詩) between 1865 and 1871, and another 7 copies of 3 different books which belonged to the category of “Literature Collections”. Thus in this category, there were altogether 47 copies of the books which appeared in the chart.)

As seen in Chart 1.3, it is interesting to note that only a rather small percentage of the books that the Wuyingdian sold were books about dynastic regulations and laws. From 1865 to 1871, the Wuyingdian altogether sold only one copy of such a book—*Dubu zeli* (Substatutes for arresting escapees). It did not sell a single copy of the *Great Qing Code* or the *Expanded Substatutes* between 1865 and 1871. According to *Wuyingdian tongxing shuji mulu qingce*, there were sixteen different books on Qing laws and regulations, including the *Great Qing Code*, the *Expanded Substatutes*, various administrative regulations, and so on, for sale by the Book Circulation Bureau, which was about 10.3% of the 155 books. 

However, from 1867 to 1871, such books only

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104 The data of the chart is from *Qing Tongzhi Guangxu nianjian Wuyingdian maishu dibu*, in Weng Lianxi, *Qing Neifu keshu dang’an shiliao huibian*, 689-721.

105 The sixteen books included the Chinese and Manchu versions of the *Great Qing Code*, the Chinese and Manchu versions of the *Expanded Substatutes*, the Chinese and Manchu versions of the *Expanded Substatutes from 1743-1745*, the Chinese and Manchu versions of the *Expanded Substatutes from 1746-1753*. 59
comprised 0.1% of all books sold by the Wuyingdian. The reason for this is unclear based on the Wuyingdian’s documents. It is possible that these books were out of stock in the Book Circulation Bureau. A more plausible explanation is that readers were not interested in purchasing such books from the Wuyingdian. As we will see in the following chapters, commercially published editions of the Qing Code and some other books about the Qing laws and regulations were better in quality and easier to buy from various bookstores.

In sum, although the Qing court encouraged the circulation of the Wuyingdian’s books in society, it was still difficult for readers without social connections to actually get access to the Wuyingdian’s books. The books issued through administrative channels were usually locked up in the libraries of government offices and schools. The books sold by the Book Circulation Bureau were not expensive, but the formal procedure for purchasing the books was intimidating. For ordinary readers, the easiest way to access the Wuyingdian’s books was through editions reprinted by provincial governments or authorized commercial publishers. Many imperially authorized Confucian classics, histories, and collections of literary works published by the Wuyingdian circulated in Qing society through reprinting that the Qing court enthusiastically supported. For books on laws and regulations, however, the reprinting processes were more restricted. It seems that the Qing court did not encourage or allow commercial publishers to reprinted law books by using recarved woodblocks in provincial government offices. In the following

1750, the Chinese and Manchu versions of Zhongshu zhengkao (Guide for the administration of central institutions), the Manchu version of Dubu zeli, the Chinese version of Da Qing hanwen huibian bing zeli (Collected statutes of the Great Qing plus statutes), Kecheng tiaoli (Regulations for the civil service examinations), the Chinese and Manchu versions of Libu zeli (Administrative regulations for the Board of Civil Office), the Manchu version of Baqi zeli (Regulations for the Eight Banners). All the books are cited from Wuyingdian tongxing shuji mulu qingce, in Weng Lianxi, Qing Neifu keshu dang’ an shiliao huibian, 738-751.
section, we will discuss in detail how the Wuyingdian printed the most important books for the Qing laws and the legal system—the *Great Qing Code* and the *Expanded Substatutes*—and distributed them within the Qing bureaucracy.

*The Great Qing Code Published by the Wuyingdian*

As far as I have found, throughout the Qing period altogether the Wuyingdian published seven imperially authorized editions of the Qing Code, in 1725, 1740, 1768, 1790, 1802, 1825, and 1870, at an average interval of twenty years. The Wuyingdian also published at least eighteen editions of the *Expanded Substatutes*, at an average interval of five years. Since the laws usually went into effect immediately after the Wuyingdian published updated editions of the Code or the *Expanded Substatutes*, and these publications were the only authorized editions acknowledged by the Qing court, it was necessary for the Wuyingdian to provide the Qing bureaucracy with the updated Code and the *Expanded Substatutes* in a timely fashion. In fact, however, because the reviewing and printing process in the Wuyingdian was rather slow, it usually took several years to finish printing a multivolume book like the *Great Qing Code*.

The proofreading and printing process for the *Great Qing Code*, for example, generally involved the following procedures:

(1) After the draft of the updated edition of the Qing Code was compiled by the Commission on Statutes, it was sent to the Wuyingdian for proofreading. Upon receiving the draft, scribes in the Wuyingdian would copy the whole draft into a manuscript (*yangben* 樣本) in style and format in which it would be printed.
(2) When the manuscript was ready, it was sent back to the Commission on Statutes, where the officials would collate the manuscript with the original draft to correct mistakes. When finished, the manuscript would be sent back to the Wuyingdian again.

(3) When the Wuyingdian officials received the revised manuscript, they would order scribes to rewrite the pages on which mistakes had been found. Then the revised sample manuscript went back to the Commission on Statutes where the officials would examine it again. The revised manuscript could go back and forth between the Wuyingdian and the Commission on Statutes several times until officials of both institutions found no more mistakes.

(4) When the two sets of officials had agreed upon the final version of the manuscript, craftsmen in the Wuyingdian started to cut woodblocks. When all of the woodblocks were completed, craftsmen would print several sample copies and send them to the officials in the Commission on Statutes for proofreading again.

(5) Officials of the Commission on Statutes would mark any mistakes in the sample copies and craftsmen in the Wuyingdian would then rewrite the pages with mistakes, paste them on the woodblocks, and then recarve the erroneous woodblocks accordingly. When the revised woodblocks had been cut, the formal printing process would finally start.\textsuperscript{106}

\textsuperscript{106} Cao Zhenyong’s memorial in 1820 describes the general proofreading and printing procedures in Wuyingdian. See Weng Lianxi, \textit{Qing Neifu keshu dang’an shiliao huibian}, 484. These procedures were simplified after 1814: procedures from (1) to (3) were unchanged, but in procedure (4) and (5), Wuyingdian no longer had to send the printed copies to the Commission on Statutes for proofreading. Officials in the Wuyingdian instead took the responsibility to examine the printed copies and corrected mistakes. In 1820, the deadlines for each procedure were established in order to further prevent delays in the proofreading and printing process.
The proofreading process for the multivolume *Great Qing Code* was thus time-consuming, and it usually took years for the Wuyingdian to get the books printed and published. Sometimes when there were major changes in the Code and the Qing lawmakers wanted to promulgate the laws as soon as possible, they had no choice but to use other temporary measures to circulate the new laws. For example, many statutes and substatutes significantly changed in the 1740 revision. After the draft of the revised Code was approved by the Qianlong emperor, officials in the Board of Punishments felt it urgently necessary to implement the new laws, especially the revised substatutes that reduced the harshness of the original penalties. These officials argued that the revised substatutes should come into force as soon as possible in order to save people’s lives and show the emperor’s benevolence. Zhang Zhao 張照 (1691-1745), the Vice Minister of the Board of Punishments, submitted a memorial to the emperor, in which he said:

> The compilation of statutes and substatutes has been finished, but it will still take a long time for [the Code] to be printed and published. I ask [Your Majesty’s] permission to send one draft copy of [the Code] to our Board so that we can follow [the revised laws]. Moreover, for the provincial governors who take responsibility to decide punishments [for criminals] (*nizui* 擬罪), our Board can make an announcement to let them immediately follow the newly revised substatutes that reduce the degree of original punishments. As for the new substatutes that increase the degree of original punishments, they can wait until they receive [the revised Code issued by the Wuyingdian].

The Qianlong emperor approved the suggestion. About half a year after Zhang Zhao submitted his memorial, the emperor approved a request from another official, Wu Yuan’an 吳元安, who supervised the district courts in Beijing, which reflected the same policy. Wu memorialized that it was taking too long for district judges in Beijing to get the printed Code issued by the Wuyingdian and asked that such judges be permitted to

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send clerks to the Board of Punishments to hand copy the new, less harsh statutes.\textsuperscript{108}

These two examples confirm that the Wuyingdian took a long time to proofread, print, and publish the Code. Half a year after the Commission on Statutes had finished editing the Code and sent the draft to the Wuyingdian, even officials working in Beijing—the Qing capital where the Wuyingdian itself was also located—could not get the printed version of the Code or the \textit{Expanded Substatutes}. Although some officials could ask the emperor’s permission to obtain the updated laws through other means, there was no way that officials and commoners in the huge Qing Empire could get access to the updated laws in a timely fashion. For example, about three years after the promulgation of the 1740 Code, the Jiangsu Provincial Judicial Commissioner (\textit{Anchashi} 按察使) finally received a Wuyingdian’s copy.\textsuperscript{109} The delay became much longer after the High Qing period, when the Wuyingdian’s efficiency significantly declined because of budget cuts and poor management. In the Jiaqing and Daoguang periods it generally took the Wuyingdian ten or even twenty years to print a book with multiple volumes.\textsuperscript{110}

The organization and printing style of the Code was standardized in 1740. As for the organization, the Code was composed of the following parts:

(1) The Preface, including imperial edicts on the compilation or revision of the Code, prefaces written by the Qing emperors, and memorials on the editing progress submitted by the officials.

\textsuperscript{108} \textit{Qing shilu}, Vol.10, \textit{Gaozong chun huangdi shilu, juan} 141, 1032.
\textsuperscript{109} See Qingshi bianzuan weiyuan hui, \textit{Zhupi zouze shujuku} (Database of Imperial Memorials with Red Rescripts), Archival No.04-01-01-0101-045, 1743.
\textsuperscript{110} Weng Lianxi, \textit{Qing neifu keshu dang’an shiliao huibian}, 484.
(2) The titles (guanxian 官銜) and names of the officials who were in charge of compiling, editing, reviewing, and printing the Code.

(3) General editorial principles (fanli 凡例).

(4) The main content, which was composed of the Index of Statutes (lümu 律目), Diagrams (zhutu 諸圖), Regulations of the Five Degrees of Mourning (fuzhi 服制), Terminology of the Statutes and Substatutes (minglilü 名例律), and thirty-four chapters of statutes and substatutes. The statutes and substatutes were divided into six categories according to the Six Boards of the Qing central government, including two chapters of the statutes and substatutes for the Board of Civil Office (lilü 吏律), eight chapters for the Board of Revenue (hulü 戶律), two chapters for the Board of Rites (lilü 禮律), five chapters for the Board of War (binglü 兵律), fifteen chapters for the Board of Punishments (xinglü 刑律), and two chapters for the Board of Works (gonglü 工律).

(5) The general classification (zonglei 總類), which made up the last eight chapters of the Code. 112

There were 436 statutes in the Code that had not changed since 1740, but the number of substatutes increased from 1049 to 1892 between 1740 and 1870, when the

111 The diagrams include “Six types of illicit goods,” “Substatutes on monetary redemption,” “Monetary redemption for the unintentional killing or injury of another,” “Monetary redemptions for the old and sick whose punishment is within the degrees of penal servitude,” “Monetary redemptions for those who falsely states a less serious matter to be a more serious matter,” “The five punishments,” “The penal instruments,” and “General mourning degrees.” These diagrams were designed to help Qing judges clarify various crimes and their corresponding penalties in the Code.

112 The 1825 edition of the Code that I read in the Library of Congress did not include “General Classification.” The same edition in the Institution of Oriental Culture at University of Tokyo also did not have “General Classification.” It seems that when the Code was printed in 1825, for some unknown reason, “General Classification” was deleted. All the other editions published by the Wuyingdian that I have seen include “General Classification.”
Wuyingdian published the last imperially authorized edition of the Code. The substatutes were grouped according to their content and followed the related statutes in the Code.

As for the paper and printing, the Wuyingdian usually used tailian 臺連 paper to print the Code. The tailian paper was less expensive than other sorts of fancy paper used by the Wuyingdian in book printing. According to Wuyingdian tongxing shuji mulu qingce, the price of the Code was only about 1.1 taels (See Chart 1.3). All of the six editions of the Code printed in the Wuyingdian after the Yongzheng period were medium-sized books, which ranged from 26.5 cm to 29.5 cm in height and from 17.6 cm to 18 cm in width. Although the Wuyingdian experimented with movable type technology in the High Qing period, and produced a large number of books in this way, movable type was never used in printing any edition of the Code or the Expanded Substatutes. All of the editions of Code printed in the Wuyingdian were the product of traditional woodblock printing.

The quality of the Code published by the Wuyingdian was high in the Yongzheng and early Qianlong periods, but with the general decline of the printing quality in the Wuyingdian after the mid Qianlong period, the publishing quality of the Code also dropped. The size of each edition of the Code did not shrink, and there were no

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114 According to the “List of the Salaries for Craftsmen and the Regulated Price for Paper and Ink Used in Book Editing Department of the Wuyingdian” (Wuyingdian Xiushuchu xieke shuayin gongjia bing yanliao zhizhang dili qingce), one basket (lou 簍) of tailian paper was 1.3 taels, which was cheaper than taishilian 太史連 paper (3.2 taels), shuangliao liansi 雙料連四 paper (1.35 taels), ganglian 鋼連 paper (1.45 taels), and jiangluo 蔣羅 paper (2.5 taels). Refer to Weng Lianxi, Qing Neifu keshu dang’an shiliao huibian, 675.

115 Scholars working on book printing and editions of the Qing period generally believe that the best quality of books produced by the Qing court was in the Kangxi, Yongzheng, and early Qianlong period. As Tao Xiang, a famous scholar of Qing book editions, pointed out, the difference in quality between the books
significant differences in the quality of paper used in each edition. However, the quality of the woodblocks, ink, and printing decreased dramatically, especially for the editions printed after the Jiaqing period. Take the 1725 edition, the 1825 edition, and the 1870 edition of the *Great Qing Code* as examples. The front page of these three editions used the same decoration: the title, “*Imperially Authorized Statutes and Substatutes of the Great Qing Code*,” was in a square frame surrounded by flying dragons (See Figure 1.1). As a symbol of imperial authority, only the editions of the Code printed under the authorization of the Qing court were allowed to have this decorative front page, which was printed in vermillion ink. It was also the most elegant page of the whole book, which represented the highest quality of woodblock carving and printing of the Code that the Wuyingdian published. But the vermillion ink used to print the front page of the 1725 edition was better than in the 1825 edition and the 1870 edition—it was purer, brighter and longer lasting. Compared with the front page of the 1725 edition, although the 1825 edition was printed a century later, the vermillion ink on its front page has faded almost beyond recognition. The 1870 edition seems even worse. Instead of a delicate vermillion color, the ink used in the 1870 edition appears garish pink, and the dragons surrounding the title were carved much more coarsely than the ones in the 1725 edition (See Figures 1.1, 1.2, and 1.3).

Besides the front page, the printing quality of other pages in each of the three editions also declined. In the 1725 edition, the characters of each content page were produced by the Wuyingdian after 1765 and the books produced before 1747 was no smaller than “the difference between earth and heaven” (*tianrang zhibie* 天壤之別). See Tao Xiang, *Qingdai dianbanshu shimo ji*, in *Taoshi shumu shierzhong* (Wujin taoshi, 1936), 2.

116 The 1725 edition of the Code was slightly different in terms of the title which was “Imperially Authorized Statutes of the Great Qing Code.” As we have discussed above, it has been formally changed since 1740.
neatly carved, tidy, and easy to read. Although the woodblocks were carved by different craftsmen, the style of the characters was unified. The woodblocks were also apparently newly carved and the edges of each stroke were sharp and clear (Figure 1.4). Compared with the 1725 edition, the quality of the printing in the 1825 edition was obviously inferior. The woodblocks were worn, and sometimes it is even difficult to identify the characters (See Figure 1.5). The situation was worse still in the 1870 edition. Many characters are blurry and difficult to read. The woodblocks are significantly worn and the printing was done carelessly (Figure 1.3 and 1.6). The style of the characters is also not unified. The characters on some pages were dramatically different from those on other pages (Figure 1.7). Therefore, generally speaking, the 1725 edition was an exquisite imprint by any standard and could be viewed as work of art; the 1825 edition had lower quality in printing but was still readable; the printing quality of the 1870 Code was nearly unacceptable—the text was not only unpleasant to read but sometimes even illegible.

One of the important reasons for the decline of printing quality was that the Wuyingdian kept using the same woodblocks for many years. Kai-wing Chow has estimated that woodblocks used in traditional printing usually ceased to produce clear printings after about twenty thousand copies. Because of the relatively dry climate in Beijing, the Wuyingdian’s woodblocks were also prone to crack after years in storage. Therefore, if the Wuyingdian intended to keep the high quality of its imprints, it needed to repair or recarve the woodblocks regularly. However, in printing the Code, it seems that the Wuyingdian usually used the same woodblocks to print several editions of the Code. There were no significant changes of the structure or content of the Code after

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1740. For each Code revision process, the Qing lawmakers added some new statutes and deleted some outdated ones. Most of the content was not changed. Therefore, the Wuyingdian usually did not need to recarve all of the woodblocks. In most cases, it just took out the woodblocks in which the content had been changed, replaced them with new ones containing the revised statutes, and printed them together with the old, unchanged woodblocks. Even in the Qianlong period, when the printing activities in the Wuyingdian were most active and financially secure, they did not recarve the woodblocks for printing the Code for more about fifty years after 1740. In 1790, when the officials of the Commission on Statutes intended to print the revised Code, they found that many characters on the old woodblocks were blurred, and thus they suggested that all of the woodblocks be recarved. This was approved by the emperor.118 Readers of the later editions of the Code printed by the Wuyingdian were not so lucky. Judging from the later editions, many blurred or even cracked woodblocks were still in use. For example, there was an obvious crack on the page of Foge’s memorial in the preface of the 1825 edition of the Code, which showed that the woodblock for printing this page had been used or stored for a number of years. Then, on the same page of the 1870 edition the crack was still there and the characters were more blurry than they had been in the 1825 edition (See Figure 1.8). It is clear that the woodblock had been kept in use even though there was a crack in it. Although it was cheaper to reuse the old woodblocks to produce new editions of the Code, it significantly lowered the printing quality, which made it difficult for the Wuyingdian’s editions to compete with commercially published ones.

118 The memorial was printed in the preface of Da Qing lüli quanzuan, 1796, “Preface: Memorials,” 8b-10b.
The Publication and Circulation of the Expanded Statutes

Compared with a multivolume book like the *Great Qing Code*, the *Expanded Statutes* was much smaller and only contained the revised substatutes. It thus took less time and money to print. The 1740 edition of the Code, for example, was a forty-seven *juan* book that was divided into 30 volumes. The *Expanded Statutes* printed in 1746 had only two *juan* and two volumes. The cost of printing the *Expanded Statutes* was also far lower. According to *Wuyingdian tongxing shuji mulu qingce*, the price for the Code was about 1.1 taels, and the price for the *Expanded Statutes* was only 0.05 taels (See Chart 1.3). As we have seen in this chapter, the Qing court did not frequently publish the updated Qing Code, but laws changed often. From 1746 to 1870, the Qing laws were formally revised twenty-two times, but only five imperial editions of the *Great Qing Code* were published (See Chart 1.1). In other words, in most instances of Code revisions, only the *Expanded Statutes*, were formally published and distributed, not the entire Code. The *Expanded Statutes*, therefore, was one of the major official carriers of the updated laws circulating in the Qing bureaucracy.

Each edition of the *Expanded Statutes* consisted of newly revised substatutes, which were usually sorted into five categories: expanded substatutes (*xuzuan* 續纂), revised substatutes (*xiugai* 修改), revised and merged substatutes (*xiubing* 修并), revised and moved (*yigai* 移改) substatutes, and removed substatutes (*shanchu* 刪除).119 The

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119 “Revised and merged substatutes” generally referred to the substatutes that were partly revised and merged with other substatutes. “Revised and moved substatutes” referred to the substatutes that were revised and moved from one article of statute to another. In the early Qianlong period, new substatutes in the *Expanded Statutes* were not sorted. Soon the Qing lawmakers found that it would result in confusion. In the 1750 edition of the *Expanded Statutes*, they started to mark the titles of the revised substatutes in the “General Compiling Principle,” in order to remind officials to cite the revised substatutes rather than the old ones in the Code. As late as the end years of the Qianlong period, the five categories were generally
substatutes in the *Expanded Substatutes* were compiled according to the sequence of statutes in the Code. In other words, each substatute appeared under a specific category of the laws based on the original category of statutes in the Code. For example, in the 1743 revision Qing lawmakers added the ban on “secret handbooks for litigation masters,” which was established in 1742, as a new substatute. It appeared in the 1743 edition of the *Expanded Substatutes* under the category of “Instigating Actions” in the chapter of “Laws Relating to the Board of Punishments.” This arrangement made it easier for the readers of the *Expanded Substatutes* to locate the statutes and substatutes in the Code that were related to the updated substatutes. When reading together with the Code, the reader could know the exact changes of the laws by replacing the old substatutes with the new ones in the *Expanded Substatutes* following the labels of “expanded,” “revised,” “revised and merged,” “revised and moved,” and “removed.”

The printing style of the *Expanded Substatutes* closely followed that of the Code. Both usually used the same size and quality of paper, and the characters were usually carved in the same size and style. In fact, each page of *Expanded Substatutes* was designed so that users could bind it into the Code, and the Code was also designed in a way that the new substatutes could be easily added in. In the “General Editing Principles” of the first edition of the *Expanded Substatutes*, the editors explained this arrangement in detail:

The Code is divided into six sections (*bu* 部), and each section has general categories (*zongmen* 總門). Under each general category, there are the categories of statutes (*lümu* 律目), and the substatutes follow the statutes. Now we have examined the Code and found that each category of statutes does not follow the

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used by the Qing lawmakers to classify the updated substatutes. Refer to *Da Qing lü xuzuan tiaoli* (1743, 1746, 1750, 1795, and 1853).

120 *Da Qing lü xuzuan tiaoli* (1743), 16a.
previous category on the same page, but starts on a new page. It was originally designed to leave some spaces [for inserting new substatutes] and make it easier [for the readers] to look for. Therefore, we make the new substatutes follow the statutes, and put each of them under the related categories of statutes that are used as titles [for the substatutes in the book]. Each category also starts on a new page, and the font and size of the characters are printed in the same style as those of the Code. In this way, [the Expanded Substatutes] can be read as a single book, and [its pages] can also be easily combined with the Code.  

Because all of the editions of the Code published by the Wuyingdian used the traditional thread-binding style, it was not difficult to unbind the original pages, insert some new ones and sew them back again into a book.  

Moreover, since each category of statutes in both the Code and the Expanded Substatutes started on a new page, the original text would not be interrupted when the new pages were bound into the Code. In the Qing period, it was actually quite common for publishers or readers to bind updated pages into the Code. For example, in one edition of the Shunzhi Code, there was one page printed in a slightly different style of character. When carefully examining the content of this page, scholars found that there was a revision of a certain statute that was made in 1672. It is believed that this page was printed much later than the other pages and then added to the Code.  

Take as another example the 1870 edition of the Code, housed in the Library of Congress. In the preface, pages for the 1852 memorial and 1870 memorial—the last two memorials submitted by the Board of Punishments reporting on the Code revision process—look different from the other pages. Not only are the characters printed in a slightly different style, but also the volume names in the middle of each folio page are

121 Da Qing lü xuzuan tiaoli (1743), 1a-1b.  
122 According to Cynthia Brokaw’s research on Sibao printing houses, the binding procedure of books was done by women using needle and thread in their spare time because it was viewed as work that required little skill. See Cynthia Brokaw, Commerce in Culture, 109-111.  
different. While on the other pages “Memorials” (zoushu 奏疏) was printed in this area, on these pages, the volume name printed in the same area was “Expanded Substatutes of the Great Qing Code,” which was identical with the one printed in the Expanded Substatutes. Clearly the woodblocks for printing these pages were originally used to print the Expanded Substatutes, and a reader could insert these pages into the Code as updates.

When each edition of the Expanded Substatutes was completed, it was issued mainly through administrative channels. Although some editions of the Expanded Substatutes are listed in Wuyingdian tongxing shuji mulu qingce, which indicates that they were also for sale to individual readers through the Book Circulation Bureau, few copies went through this channel. Government offices above the county level were the main recipients of the Wuyingdian’s editions of the Expanded Substatutes. In memorials reporting on the Code revision process, officials usually mentioned that they would distribute the Expanded Substatutes to “the yamens inside and outside [the capital] that had judicial responsibilities” (neiwai wenxing yamen 內外問刑衙門), so that they could follow the updated laws. In one memorial submitted in 1789, the officials offered a more detailed list of the recipients of the book, including governors-general, governors, generals in the frontier regions, and prefects. The memorial does not clearly mention whether or not county magistrates, who assumed the most important responsibility for

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124 See Da Qing lüli, 1870, “Preface: Memorials;” and Da Qing lü xuzuan tiaoli, 1853, “Preface: Memorials.”
125 According to the Registers, during the Tongzhi and early Guangxu period, not a single volume of the Expanded Substatutes was sold by the Book Circulation Department. See Qing Tongzhi Guangxu nianjian Wuyingdian maishu dibu, in Weng Lianxi, Qing Neifu keshu dang’an shiliao huibian, 689-721.
126 The term “neiwai wenxing yamen” as the receivers of the Expanded Substatutes appeared in many memorials, especially the ones in the late Qianlong and Jiaqing periods. See the memorials in Da Qing lüli quanzuan, 1796 printed, “Preface: Memorials.”
127 Da Qing lüli quanzuan, 1796, “Preface: Memorials,” 9b.
local judicial administration, could get the *Expanded Substatutes* from the Wuyingdian. As with the circulation of other Wuyingdian books, it seems that the *Expanded Substatutes* were reprinted in provincial capitals by the clerks of the provincial administrative commissioners’ offices; and the reprinted copies would be provided to local governments.\(^{128}\)

The issuing of the *Expanded Substatutes* through administrative channels was thus an economical and time-efficient method to circulate revised substatutes in the Qing bureaucracy. It also functioned as the most authoritative way for Qing judicial officials to obtain updated laws. However, from the perspective of readers, the *Expanded Substatutes* was not so convenient, because they usually had to read the *Expanded Substatutes* and the Code together in order to fully understand the changes to the laws. Officials, especially those responsible for judicial administration, needed to carefully compare the updated substatutes in the *Expanded Substatutes* and the old ones in the Code in order to cite the right substatutes. The situation became even worse when several editions of the *Expanded Substatutes* had been published but the Code itself had yet been updated. For example, between 1740 and 1768, the Wuyingdian published six editions of the *Expanded Substatutes* and hundreds of the substatutes were changed, but no new imperial

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\(^{128}\) As we have discussed in this chapter, the books printed by the Wuyingdian were usually issued to provincial governments where they were reprinted and issued to local governments. Some other political and administrative information, like imperial edicts and memorials approved by the emperor, was also sent down from the Qing central government to provincial governments. Provincial administrative commissioners were usually in charge of reprinting these documents and issuing copies to local governments. There are a number of financial reports submitted by Hubei provincial government on “the cost of printing regulations and substatutes (shuayin tiaoli 刷印條例).” See Archive No.04-01-35-0912-038, No.04-01-35-0918-056, No.04-01-35-0920-009, No.04-01-35-0898-30, and No.04-08-35-0917-020, collected from the Palace Memorial Database in Qingshi bianzuan weiyuanhui. The local archives in Nanbu County and Ba County in Sichuan province also confirmed that the county magistrates did receive various printed updated “regulations and substatutes (tiaoli 條例)” from the provincial administrative commissioner’s office. See Archive No.451242-Q1-08-01015, No.451242-Q1-09-00491 in the Nanbu County Archives Database; Archive No.Qing6-04-00393, No.Qing6-04-01009-004, No.Qing6-04-01009-005, in the Ba County Archives Database in Qingshi bianzuan weiyuanhui.
edition of the Code was published. It was quite easy for readers to confuse the outdated statutes from the old editions of the Code with the updated ones in the *Expanded Substatutes* if they were not reading with sufficient care. Many officials complained of this situation. Wang Ding 王鼎 (1768-1842), Executive Minister of the Board of Punishments, pointed out in 1830:

> [T]he statutes accumulated quickly…They have been compiled every five years. Although [the compilations] were done in a rather careful way, nowadays the *Expanded Substatutes* issued by the Board has accumulated to a large number of volumes. Because [these new statutes] have not been sorted out, we cannot avoid feeling perplexed and confused.\(^{129}\)

A former provincial judicial commissioner named Chang De also complained that “with the gradual accumulation of the new statutes, the old editions [of the Code] are difficult to read.”\(^{130}\) Accumulation of updated statutes and their separation from the Code led to confusion among judicial officials. Many of them thus turned to commercial editions of the Code, which were updated more frequently than the imperially authorized ones.

In Thomas Metzger’s classic research on the laws and administrative regulations of the Qing bureaucracy, he argued that Qing law books were “written in a straightforward style full of fairly loose but still clear expressions.” He also pointed out that one of the major weaknesses of these law books was that compilers usually failed to categorize the contents and failed to pull together “all information having practical bearing on a topic.”\(^ {131}\) As for the compilation and distribution of the Qing law books, he distinguished the penal law (the Code and the *Expanded Substatutes*) from the

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\(^{130}\) Tao Jun and Tao Nianlin eds., *Da Qing lüli zengxiu tongzuan jicheng* (Juwentang, 1907), “Changde’s Preface,” 51a.

\(^{131}\) Thomas Metzger, *The Internal Organization of Ch’ing Bureaucracy*, 130-131, 163-164.
administrative laws (various administrative regulations), arguing that regular revisions and publications of the Code were efficient and facilitated judicial procedure, in contrast to irregular revisions of various administrative regulations, which to some extent impeded administration.\textsuperscript{132} He also pointed out that “[t]here was bound to be a huge gap between publication and the bureaucracy’s output of cases as a whole;” but he admitted that “to what extent the amount of compilation kept up with the need is not clear.”\textsuperscript{133}

Metzger based his research mainly on books of administrative regulations published in the Qing period. Careful examination of the publication and distribution of the imperially authorized editions of Code and the \textit{Expanded Substatutes} sheds new light on the topic, as this chapter as shown. First, it is difficult to discuss the Qing period as a whole in terms of the publication and distribution of law books. The mid-Qing central government efficiently published and distributed high-quality editions of the Code and the \textit{Expanded Substatutes}, but the work was slow and quality was low in the early and late Qing period. Second, the Code and the \textit{Expanded Substatutes} were indeed clear in their contents. Qing editors made efforts to compile precise legal information in these books and organize it in an easy-to-understand way so that officials could understand what had changed in the laws when they received and read an updated edition of the \textit{Expanded Substatutes}. But the accumulation of updated substatutes and their separation of the Code created confusion, as described above, which could result in disorder in Qing judicial administration. Further, Qing readers must have suffered from the significant decline of printing quality after the Qianlong period, which sometimes made the texts in the Code and the \textit{Expanded Substatutes} rather difficult to read. Third, careful

\textsuperscript{132} Thomas Metzger, \textit{The Internal Organization of Ch’ing Bureaucracy}, 130-131, 163-164.
\textsuperscript{133} Thomas Metzger, \textit{The Internal Organization of Ch’ing Bureaucracy}, 130-131, 163-164.
examination of the distribution of the imperially authorized editions of the Code and the
*Expanded Substatutes* indicates that there was a gap between the official publication of
the Code and the *Expanded Substatutes* and demand for these books among Qing
officials. There is no solid evidence indicating that county-level government offices could
receive imperially authorized editions of the Code and the *Expanded Substatutes* issued
by the central government. Officials complained that it was difficult for them to get
access to these books; people outside the Qing bureaucracy had a much harder time
getting them.

**Conclusion**

The last imperially authorized edition of the Code was published by the
Wuyingdian in 1870. Because of the persistent financial crisis in the late Qing period, the
Qing court found it could spare no funds to maintain such a lavish publishing institution
as the Wuyingdian. At the same time, the state publishing sector was gradually taken over
by the newly rising provincial publishing bureaus established by high provincial officials
as a means of cultural restoration after the Taiping rebellion. As a final blow, in 1869, a
huge fire broke out in the Wuyingdian, which destroyed a large number of old
woodblocks and printing presses. Soon after that, the publishing activities in the
Wuyingdian were formally ended.

This chapter has discussed the compilation, printing, publishing, and circulation
of imperially authorized editions of the Qing Code and the *Expanded Substatutes* in the
context of evolving legislation, as well as the rise and fall of the publishing institutions of
the Qing court. Active legislation in the Qing period meant large numbers of new
The functioning of the Qing bureaucracy and judicial system also required precise and updated legal knowledge. The imperially authorized editions of the Qing Code and the *Expanded Substatutes*, as the most authoritative carriers of the precise and updated laws, were in great demand in the Qing bureaucracy and society, but court publishing institutions could not satisfy the demand. Generally speaking, the imperially authorized editions of the Code and *Expanded Substatutes* took a long time to be published and were not printed in large quantities. They were distributed through administrative channels to various government offices, but always were stored in the library, locked up, and it was difficult for readers to access them. Although the quality of these editions was relatively high in the mid-Qing period, it declined dramatically after that. Some editions produced after the Jiaqing period were even difficult to read. The separation of the Code and updated substatutes was also conducive to confusion among readers. In other words, the quantity and quality of the imperially authorized editions of the Code could not meet the demand of officials in the Qing bureaucracy and of people outside the bureaucracy who wanted to obtain precise legal knowledge from the Code. Therefore, as we will discuss in the next chapter, commercially published editions of the Code flourished in the Qing period and filled the gap. These commercial editions became the major channel for the circulation of precise and updated legal knowledge in the Qing judicial system and in society at large.
Figure 1.1: The front page of the 1725 Code.

Figure 1.2: The front page of the 1825 Code. The ink has faded.
Figure 1.3: The front page of the 1870 Code.

Figure 1.4: One of the content pages of the 1725 Code. The characters were beautifully written and clearly cut.
Figure 1.5: One of the pages in the 1825 Code, the blurred characters in the middle of the page were probably caused by the carelessness of printing.

Figure 1.6: One of the index pages in the 1870 Code. Pay attention to the upper right of the page. The worn woodblocks possibly caused the blurred frame and characters in the page.
Figure 1.7: Both of the pages are from the “Preface” of the 1870 Code. The writing styles of the two pages are rather different. The left page is typical “craftman style (jiangti or songti);” the characters on the right page are closer to “soft style (ruanti).” Based on the clarity of the characters, it seems that the left page was printed using an older woodblock than the right page.

Figure 1.8: The left page is from the 1825 Code, and the right page is from the 1870 Code. Pay attention to the cracks in the lower middle of the pages. It is obvious that both pages used the same cracked woodblock when printing.
Chapter 2

Commercial Publications of the *Great Qing Code*

Figure 2.1: The front colophon page of the 1878 edition of *Da Qing lüli zhengxiu tongzuan jicheng*, published by the Juwentang bookstore in Hangzhou.
Commercially compiled and printed editions of the Code far outnumber the imperially authorized editions. I have found about 120 different commercial editions in several major libraries around the world, and the actual number of commercial editions printed in the Qing period was probably far beyond that.¹ Most commercial editions of the Code did not simply reproduce the imperially authorized editions. In many cases, they did not even strictly adhere to the format of the imperially authorized editions, instead enriching their offerings with individual or collective commentaries, administrative regulations, and model cases. Commercial editors and publishers saw such additions as potentially marketable tools to help readers better understand the Code. Updated statutes were usually included in commercial editions even before they were formally incorporated into imperially authorized editions. In this chapter, based on the 120 different commercial editions of the Code that I have found so far, I will explore the history of the compilation, publication, and distribution of commercial editions of the Qing Code in the Qing period.

Diversity and Changes: Commercial Editions of the Code in the Early Qing, 1644-1722

Generally speaking, based on my survey of extant commercial editions of the Qing Code, these publications were prevalent in the Qing period, with more produced in both the early and late Qing than the High Qing period (See Chart 2.1).

¹ These libraries include the National Library of China, the Library of Congress, the Library of the Institute of Oriental Culture in University of Tokyo, the Harvard-Yenching Library, the Library of Waseda University, the HathiTrust Digital Library, etc. I also refer to several major catalogs of Chinese legal books, like Zhongguo zhengfa daxue ed., Zhongguo fazhi tushu zongmu, Zhongguo zhengfa daxue chubanshe, 1991.
### Chart 2.1: Editions of the Code Printed in the Qing Period

<table>
<thead>
<tr>
<th>Reign (Date)</th>
<th>Number of Imperial Editions</th>
<th>Number of Commercial Editions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shunzhi (1644-1661)</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Kangxi (1662-1722)</td>
<td>0*</td>
<td>11</td>
</tr>
<tr>
<td>Yongzheng (1723-1735)</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Qianlong (1736-1795)</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>Jiaqing (1796-1820)</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>Daoguang (1821-1850)</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>Xianfeng (1851-1861)</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Tongzhi (1862-1874)</td>
<td>1</td>
<td>14</td>
</tr>
<tr>
<td>Guangxu (1875-1908)</td>
<td>0</td>
<td>38</td>
</tr>
<tr>
<td>Xuantong (1909-1911)</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Date Unknown</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>8</strong></td>
<td><strong>120</strong></td>
</tr>
</tbody>
</table>

(*Some scholars pointed out that the 1670 edition of the Code is probably an official edition published by the Board of Punishments. I read the Code in the Library of Congress and found no decisive evidence indicates that this Code is indeed an official edition.)*

So far I have found five commercial editions of Code printed in the Shunzhi period.

These early Qing editions did not include information about editors or publishers, annotations or commentaries, updated substratutes, administrative regulations, or case precedents. Moreover, they resemble each other in terms of structure and layout, though judging from their printing styles it is obvious that they were printed by different publishing houses. It seems that they were following a standard: probably the imperially authorized edition of the Code published in 1646.

Commercial editions from the Kangxi period were more diverse and reflect a livelier publishing milieu than the Shunzhi editions. Although five of the Kangxi

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2 The data of editions is collected from the Wuyingdian’s archives and extant imperial and commercial editions that I have collected, as well as several major catalogs of Chinese legal books, such as Zhongguo fazhi tushu zongmu.
4 Most of these editions contain 30 chapters (juan 卷), which are bound into 10 volumes (ce 册). Each page has nine columns, and each column contains 20 characters. See Da Qing lü jijie fuli (1646 preface) and Da Qing lü jijie fuli (1647 preface). See also Su Yigong, “Shunzhi lükao,” in Zhongguo fazhishi kaozheng, Series 1, Vol.7, 144-149.
5 The 1646 imperially authorized edition of the Code has been lost, but we can conjecture about its printing format and content based on later imperial editions of the Code as well as the Qing documents about the compilation of the Code.
commercial editions still adhered to the format and content of the imperial edition, six departed from this format. These six commercial editions of the Code are *Da Qing lü jianshi* 大清律箋釋 (1689), *Da Qing lü jianshi hechao* 大清律箋釋合鈔 (1705), *Da Qing lüli zhuzhu guanghui quanshu* 大清律例朱注廣匯全書 (1706), *Da Qing lü zhuzhu guanghui quanshu* 大清律朱注廣匯全書 (1662-1722), *Da Qing lü jizhu* 大清律輯注 (1715), and *Da Qing lü fuli zhujie* 大清律附例注解 (1717). Their most important feature is that besides the original statutes and substatutes from the imperially authorized editions of the Code, they also included a large number of individual or collective commentaries and annotations. In the late Ming, many officials had engaged in annotating the statutes and substatutes of the Code and had published many influential works of commentary. Because the early Qing did not change the statutes and substatutes in the Ming Code much, editors of commercial editions of the Code incorporated some late Ming commentaries into their publications. For example, Qian Zhiqing 錢之青 and Lu Fenglai 陸鳳來’s *Da Qing lü jianshi hechao* adopted Wang Kentang 王肯堂 (1549-1613)’s *Lüli jianshi* 律例箋釋, a famous late-Ming commentary published in 1612. Each page of *Da Qing lü jianshi hechao* was divided into two horizontal registers (*lan* 欄): the original statutes and substatutes were printed in larger characters in the lower registers; Wang Kentang’s commentaries were printed in smaller characters in the upper registers, usually in accord with the sequence of the statutes and substatutes in the lower registers. This arrangement made it convenient for readers to locate the statutes and their related commentaries.

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6 Qian Zhiqing and Lu Fenglai eds., *Da Qing lü jianshi hechao* (1705).
Some Kangxi-era scholars made their own contributions to statutory commentaries. The most influential was Shen Zhiqi, who composed the *Da Qing lü jizhu* (The Great Qing Code with collected annotations) and published it in 1715. Unlike earlier stand-alone commentaries, Shen Zhiqi’s book included the original text of the Code, following the same two-register-per-page arrangement as Qian and Lu’s *Da Qing lü jianshi hechao*, mentioned above. *Da Qing lü jizhu* counts as a commercial edition of the Code. The title of Shen’s book as printed at the end of each chapter is not “*Da Qing lü jizhu*” but “*Da Qing lü jijie fuli*” (Statutes of the Great Qing with collected commentaries and appended substratutes)—the original title of the imperially authorized edition of the Code.\(^7\) Apparently the inclusion of the Code was a selling point.

Not all of the commercial editions published in the Kangxi period used this two-register format. For example, *Da Qing lü jianshi*, edited by Li Nan 李柟 (d.1705) and Cai Fangbing 蔡方炳 (1626-1709) in 1689, used the traditional single register format, in which commentaries were printed in small characters after each group of statutes and substratutes. *Da Qing lüli zhuzhu guanghui quanshu*, published by the Tingsonglou 听松楼 (Listening to Pines) bookstore in 1706 in Nanjing, combined upper register commentaries and interlinear commentaries together in one book. In this large, elegantly printed book, the original statutes and substratutes of the Code were printed in black ink in larger characters. All of the commentaries were printed in smaller, red characters (See Figure 2.2). While some commentaries that explain or clarify the meanings of a certain

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\(^7\) See Shen Zhiqi, *Da Qing lü jizhu* (1715).
statute were put in the upper registers, other commentaries, which annotate a certain word or phrase, were printed alongside the word or phrase in question.\(^8\)

The combination of the Code and commentaries seems to be a selling point of these diverse Kangxi commercial editions. Commercial publishers added eye-catching words like “\textit{jianshi hechao} (combined compilation with annotations and explanations)” and “\textit{zhuzhu guanghui} (extensive collection of vermillion commentaries)” to the title of the Code. They also printed short phrases indicating that the books included commentaries prominently on the front colophon pages.\(^9\) For example, on the colophon page of \textit{Da Qing lüli zhuzhu guanghui quanshu}, the publisher printed “Various annotations and explanations are completely included and printed in vermillion ink” in red ink on the left side of the book’s title.\(^{10}\) Similarly, on the colophon page of \textit{Da Qing lü jianshi}, to the right of the title is printed: “[This book] edits and expands Mr. Wang of Jinsha’s original text.”\(^{11}\) Here “Mr. Wang of Jinsha’s original text” refers to Wang Kentang’s \textit{Lüli jianshi}. It is clear that the publisher intended to notify potential purchasers that the book not only reproduced the statutes and substatutes of the Code, but also included Wang’s commentaries.

Another popular Kangxi-era style responded directly to delays in court printing, which further diversified the market for legal books. Because the Kangxi court updated the imperially authorized editions of the Code slowly, new substatutes and administrative regulations, which were periodically published separately from the Code, began to play

\(^8\) Wanguzhai zhuren ed., \textit{Da Qing lüli zhuzhu guanghui quanshu} (1706).

\(^9\) The colophon page of a book printed in the Qing period is always the first page, in which the title, publisher, date, author(s), and some basic descriptions of a book were printed. It was usually the first place inside a book that Qing readers looked at.

\(^{10}\) \textit{Da Qing lü jianshi} (1689), the colophon page. “Jinsha” refers to Wang Kentang’s native place.
an increasingly important role in the Kangxi bureaucracy and judicial system. In response to this change, a new genre of commercial legal publications—the hebian 合編 (comprehensive compilation) books—became very popular in the late Kangxi period, represented by Dingli cheng’an hejuan 定例成案合镌 (1707, 1713, 1719, and 1721), Dingli quanbian 定例全編 (1715), and Li’an quanjí 例案全集 (1722). These hebian books left out the original statutes and substatutes of the Code, but incorporated new substatutes, administrative regulations, model cases, and a variety of other legal information. They even included many new substatutes and regulations that the central government had not formally promulgated. This sort of inside and updated legal information attracted readers. Comprehensiveness was another appealing feature of these hebian books. For example, on the front colophon page of Dingli cheng’an hejuan, on the right side of the book title, stamped in red ink: “All of [the information] included in the original and updated editions of this book is from mufu 幕府.” On the left side, the publishers advertised what they had included in the book:

1. Imperially authorized administrative sanctions of the Six Boards;
2. Newly established administrative regulations of the Six Boards;
3. Current substatutes of the Board of Punishments in operation;
4. Guide for the administration of central institutions;
5. Imperially authorized substatutes for arresting escapees;
6. Substatutes for arresting escapees of the Board of War;
7. Various “internal” (neibu 内部) substatutes that have not promulgated or issued;
8. “Internal” documents that were issued to or that replied to high provincial officials;
9. “Internal” model cases that have been agreed upon [by the Board];

12 “Mufu” literally means “tent government.” In the Qing period, it usually referred to (high-provincial) officials’ private offices where their private secretaries were working. For the detailed definition, see Kenneth E. Folsom, *Friends, Guests, and Colleagues: The Mu-fu System in the late Qing Period*, 34-57.
(10) Various model cases that were cited or corrected by the three high judicial offices (san fasi 三法司). 13

Therefore, through commercial publications like Dingli cheng’an hejuan, “internal” legal information became “open” and “public” information that people outside the Qing bureaucracy could learn.

The editors of hebian books also showed flexibility in terms of which legal information they should compile into the books and how they should arrange it. Some of them, like Dingli cheng’an hejuan (Combined printing of statutes and model cases) sorted the statutes, administrative regulations, and model cases according to the category and sequence of the statutes in the Code. Others, like Li Zhen’s Li’an quanji, were compiled according to the structure of the Da Qing huidian 大清會典 (Collected statutes of the Great Qing), which was published in 1690 by the Qing imperial publishing house. Editors also did not simply copy the whole contents of the imperially authorized editions of the law books into their compilations. They sometimes made their own selections of statutes and regulations in the compilation process. For example, in Li’an quanji, Li Zhen deleted a large number of statutes and regulations about the Imperial Household Department, the Court of Colonial Affairs (Lifanyuan 理藩院), the Office of Imperial Garden (Shanglinyuan 上林苑), and several other offices in the central government. These statutes and regulations were originally contained in the Code and Da Qing huidian. Li Zhen explained the reason in the “General Editorial Principles” of

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13 Dingli cheng’an hejuan (1719), the colophon page.
the book: “They are not related to civil affairs, and thus it is not necessary [for us] to redundantly record them (wuguan minshi 無關民事, zibu zhuilu 為不贅錄).”\(^\text{14}\)

Commercial editions of the Code and the hebian books published in the early Qing period frequently updated their content by adding newly established statutes and regulations into the books and by deleting the old ones. Publishers of these books believed that only books containing updated legal information would be reliable and attractive to readers. Many publishers promised in the front colophon of their books that they would continue to update as the statutes changed over time. For example, on the colophon page of Dingli cheng’ an hejuan, the publisher pointed out that all of the statutes and model cases included in the book were from “before the summer of the fifty-eighth year of the Kangxi reign (1719);” and “if there are new statutes and model cases in the future, we will continue to print them quarterly (anji xuke 按季續刻).”\(^\text{15}\) The publisher of Dingli quanbian made a similar promise to readers: “When there are new statutes, we will print and add them [to the book] every quarter.”\(^\text{16}\) Like the method used in updating imperially authorized editions in the later periods, publishers of these commercial editions also usually did not re-carve all of the woodblocks for updates. They only carved new woodblocks for newly established statutes and regulations, and deleted the outdated ones from the old woodblocks. Then they printed the books by combining the old and new woodblocks. This method provided a timely and economically efficient way to make updates. Evidence of updates is not difficult to find among these commercial editions because sometimes pages printed from newly carved

\(^{14}\) Li’an quanji (1715), “General Editorial Principles,” 1b.

\(^{15}\) Dingli cheng’ an hejuan (1719), the front colophon page.

\(^{16}\) Li’an quanji (1715), the front colophon page.
woodblocks are somewhat different from the other pages. For example, when carefully examining a commercial edition of the Code, Su Yigong found that the font and printing style of characters in some pages were quite different from other pages of the book. When he looked more carefully at the content of these pages, he found that all of them were new substatutes established in the Kangxi period. It is obvious that when making updates, the publisher printed the book using a combination of old woodblocks mixed with new ones that contained new substatutes.

Editors of commercial editions of the Code and the hebian books were from various levels of society (See Chart 2.2). Some of them were scholar-officials. For example, Li Nan, the editor of Da Qing lü jianshi, was Censor-in-chief (Duyushi 都御史) of the Censorate. The proofreader of this book, Cai Fangbing, was a famous scholar who gained his jinshi degree in 1679. One editor was a book merchant. Li Zhen, the owner of the Rongjintang 荣锦堂 bookstore on the Liulichang 琉璃厂 Street in Beijing, compiled and published Dingli quanbian in 1715. Li Zhen wrote in his preface of the book that he enjoyed reading statutes and substatutes during his spare time. So he collected several popular commercial editions of the Code and a few other law books, edited and classified statutes, substatutes, administrative regulations, and other legal information from these books, and compiled them into a book. Because he lacked the fame or authority to serve as an editor for such a hebian book, Li Zhen invited several people to proofread it before printing, and asked one of his relatives—a famous Hanlin academician Li Fu 李紱 (1675-1750)—to write a preface for the book.

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17 Su Yigong, Shunzhi lü kao, 144.
18 Dingli quanbian (1715), “Li Zhen’s Preface” and “Li Fu’s Preface.”
The majority of the editors who can be identified, however, were private legal secretaries, including *Da Qing lü jianshi*’s editors Qian Zhiqing and Lu Fenglai, *Da Qing lü jizhu*’s editor Shen Zhiqi, *Dingli cheng’an hejuan*’s editor Sun Lun, and *Li’an quanji*’s editor Zhang Guangyue. All of these men were from the Jiangnan region, and many of them were Suzhou natives (See Chart 2.2). Private legal secretaries were the true legal experts of the Qing period. They not only usually went through years of legal training but also accumulated experience in dealing with real cases. Working in the Qing government, although not themselves officials, private legal secretaries, especially those working for high-provincial officials, had access to up-to-date legal information distributed by the central government through administrative channels. Many editors of commercial editions of the Code announced that the compilation was actually a product of their long-time accumulation of knowledge and experience, produced only to facilitate their work and not initially intended for publication. For example, the editor of *Li’an quanji*, Zhang Guangyue, a private legal secretary of the provincial administrative

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**Chart 2.2 Editors of Commercial Editions in the Kangxi Period**

<table>
<thead>
<tr>
<th>Name</th>
<th>Book</th>
<th>Occupation</th>
<th>Hometown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Li Nan</td>
<td><em>Da Qing lü jianshi</em> (1689)</td>
<td>Official</td>
<td>Suzhou</td>
</tr>
<tr>
<td>Cai Fangbing</td>
<td><em>Da Qing lü jianshi</em> (1689)</td>
<td>Scholar</td>
<td>Suzhou</td>
</tr>
<tr>
<td>Qian Zhiqing</td>
<td><em>Da Qing lü jianshi hechao</em> (1705)</td>
<td>Private legal secretary</td>
<td>Huzhou</td>
</tr>
<tr>
<td>Lu Fenglai</td>
<td><em>Da Qing lü jianshi hechao</em> (1705)</td>
<td>Private legal secretary</td>
<td>Suzhou</td>
</tr>
<tr>
<td>Sun Lun</td>
<td><em>Dingli cheng’an hejuan</em> (1707)</td>
<td>Private legal secretary</td>
<td>Suzhou</td>
</tr>
<tr>
<td>Li Zhen</td>
<td><em>Dingli quanbian</em> (1715)</td>
<td>Book merchant</td>
<td>Linchuan</td>
</tr>
<tr>
<td>Shen Zhiqi</td>
<td><em>Da Qing lü jizhu</em> (1715)</td>
<td>Private legal secretary</td>
<td>Jiaxing</td>
</tr>
<tr>
<td>Zhang Guangyue</td>
<td><em>Li’an quanji</em> (1722)</td>
<td>Private legal secretary</td>
<td>Shaoxing</td>
</tr>
</tbody>
</table>

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19 See Wejen Chang, “Legal Education in Ch’ing China,” 292-339.
commissioner in Jiangsu, described his experience in compiling the book in the preface:

When I was young, I did not have time to study due to family burdens. Because I was mediocre and accomplished nothing [in the civil service examinations], I travelled far away [from home] and made a living as a private secretary. Now, it has been thirty years. I poured my effort into studying the laws, exploring all the details. Besides all sorts of published books, [from my daily work] I hand copied all [the laws and regulations] that could be cited as substatutes but have not been officially compiled [into the Code]. I classified them according to categories and carefully arranged them. It accumulated in the long course of time and finally I had a completed book (*jijiu naide chengshu* 積久乃得成書).*20*

Only four commercial editions in the Kangxi period contain information about the publisher. These include *Da Qing lüli zhuzhu guanghui quanshu* by the Tingsonglou bookstore in Nanjing, *Dingli cheng’an hejuan* by the Lejingtang 樂荊堂 in Suzhou, *Dingli quanbian* by the Rongjintang in Beijing, and *Li’an quanji* by the Sijingtang 思敬堂 in Nanjing. Nanjing, Beijing, and Suzhou were all important publishing centers in the early Qing period. Not a single edition from the Kangxi period that I have found thus far was published in Hangzhou—which became the center of commercial publications of the Code in later periods. In the Kangxi period, it is difficult to say that there was a publishing center or a standard pattern for commercial editions of the Code. Editions printed by different commercial publishing houses are usually distinct from one another.

The Shunzhi and Kangxi government did not regulate commercial publications of the Code. Because official publishing houses at that time did not actively print the Code and official editions of the Code were rare, these commercial editions supplemented the official editions and contributed to the dissemination of accurate and updated legal information within and beyond the Qing bureaucracy. The commercial editions of the

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20 *Li’an quanji* (1722), “Zhang Guangyue’s Preface,” 2a-b.
Code printed in the Shunzhi period usually resembled the official editions. Starting from the Kangxi period, however, commercial editions became more diverse. Commercial editors added into their books a large amount of additional legal information that was not included in the official editions of the Code. Many distinct editions were sold on the book market. Editors from different social backgrounds and printing houses in various cities engaged in publishing books about the dynastic laws and regulations.

*Decline and Standardization: Commercial Publications of the Code in the Mid-Qing Period, 1723-1788*

In the Yongzheng and early Qianlong periods, the number of commercial editions of the Code suddenly dropped. I have found no commercial edition of the Code published in the Yongzheng reign, and only eleven commercial editions from the sixty-year-long Qianlong reign (See Chart 2.1), mostly from after 1789. Booming official publishing activities contributed to the decline of commercial publication. The Qing central government in this period made more efforts in compiling, printing, and publishing updated editions of the Code. It was probably easier for officials, private legal secretaries, and other literati who wanted to read the Code to get access to the editions printed by official publishing houses than it had been previously or would become later. Thus the demand for commercial editions dwindled.

Further, the Qing government exercised much tighter control over commercial publications related to dynastic laws and regulations in this period. In 1725, the Yongzheng emperor ordered that all new substantutes and administrative regulations be promulgated and printed under imperial authorization and he banned unauthorized
printing and selling of books related to Board regulations—the *Regulations of the Six Boards* sold by commercial publishing houses was the example he gave.\(^{21}\) In 1742, the Qianlong emperor launched an empire-wide campaign to eliminate the printing and sale of “secret handbooks for litigation masters” (*songshi miben* 訟師秘本) and other books that would “incite litigation” (*gousong* 搊訟).\(^{22}\) Although they were not the main target of this campaign, commercial publications of the Code suffered too. Tighter regulation and the censorship, as well as the relative abundance of official editions, reduced commercial editions of the Code in the mid-Qing.

Only two works printed in this period are worth mentioning. First, *Da Qing lü jizhu* was originally compiled by Shen Zhiqi in 1715 but was revised and republished by Hong Hongxu 洪弘緒 in 1745 and 1755. Hong Hongxu was a Hangzhou native and probably a private legal secretary. Major revisions of the Code in the Yongzheng and early Qianlong periods had rendered Shen Zhiqi’s original work outdated. Hong’s revision retained Shen’s commentaries in the upper registers, but revised the statutes and substatutes in the lower registers according to the Code officially published in 1740. Second, Wan Weihan 萬維翰’s *Da Qing lüli jizhu* 大清律例集注, was originally published in 1769, and then revised at least twice, by Hu Qian 胡鈐 and Wang Youhuai 王又槐 in 1784 and 1786. Wan Weihan kept Shen Zhiqi’s the two-register printing format and his commentary borrowed heavily from Shen’s. In the “General Editorial Principles,” Wan admitted that half of the commentaries in his book were from Shen’s

\(^{21}\) *Qing shilü*, Vol.7, 513-14.

\(^{22}\) Da Qing lü xuzuan tiaoli (1743), juan 2, 16a.
Mid-Qing commercial editions of the Code demonstrate several new features. First, the structure and printing format of these commercial editions became more and more standardized. Few of the *hebian* books that were popular in the late Kangxi period were published in the Yongzheng and Qianlong periods, probably because of the Yongzheng ban, or perhaps because the Qing Code, with its major revisions in 1725 and 1740, finally achieved a position of authority in the Qing legal system. The update compilations of the early Qing were no longer necessary. Another sign of gradual standardization among commercial editions of the Code was that most commercial editions from this period, including the editions of *Da Qing lü jizhu* and *Da Qing lüli jizhu* mentioned above, adopted the two-register-per-page printing format. Although they printed a large number of individual and collective commentaries on the statutes in the upper registers, they followed the text of imperially authorized editions of the Code in the lower registers.

Furthermore, commercial editions of the Code printed in this period closely followed the updates in the *Expanded Substatutes* that was issued by the Board of Punishments every five years. In the Kangxi period, many commercial editions indicated that their updated substatutes and Board regulations were obtained through less authoritative channels like the *Peking Gazette* (*dibao* 邸報). In the Qianlong period, with the establishment of routine revisions of the substatutes by the Committee on Statutes, the Qing central government began to issue updated editions of the *Expanded Substatutes* every five years. This became the most authoritative channel for the dissemination of

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updated laws in the Qing bureaucracy. Commercial publishers in the Qianlong period and afterwards also abandoned unauthorized sources like the *Peking Gazette* and relied on the Board-issued *Expanded Substatutes* for updated laws. For example, in *Da Qing lüli jizhu* (1784 edition), the editors pointed out in the “General Editorial Principles” that all of the substatutes in this book were updated according to the “newly revised editions [of the *Expanded Substatutes*]” issued by the Board of Punishments.²⁴

Despite following the imperially authorized editions’ lead in these ways, however, commercial editions usually compiled new substatutes into the Code before the imperial editions did. For example, in *Da Qing lüli jizhu* (1784 edition), the editors said:

The “complete book of the statutes and substatutes” (*Lüli quanshu* 律例全書) was issued in the fourth year of the Qianlong reign...Although new substatutes are established, they have not been incorporated into the “complete book.” [Therefore] we collect new substatutes issued by the Board in the twenty-eighth year, the thirty-third year, the thirty-eight year, the forty-third year, and the forty-eighth year, sort them according to categories, and compile them behind the original statutes, in order to make them easier to find and read.²⁵

This clearly shows that the editors incorporated the newly established substatutes according to the Board-issued *Expanded Substatutes* into their book when the imperially authorized editions had not. In fact, no new imperially authorized edition of the whole Code was published between 1768 and 1790 (See Chart 1.1). When this edition of *Da Qing lüli jizhu* was published in 1784, several new editions of the *Expanded Substatutes* had been published but had not yet been officially edited into the Code by the Committee on Statutes.

In sum, flourishing official publishing activities and unfriendly government policies regarding the commercial printing of law books meant that fewer commercial

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editions of the Code were published in the mid-Qing. However, as commercial editions in this period became increasingly standardized in terms of structure and printing format, they almost all adopted the two-register-per-page printing style instead of the standard one-register printing format typical of imperially authorized editions. The source of updated legal information also became more standardized. Strong state control and the lack of freedom in the book market in the High Qing, on the one hand, reduced the quantity and quality of commercial editions of the Code printed in this period. On the other hand, however, the winter of commercial publications of the Code in the mid-Qing contributed to the standardization of the Code market, and thus prepared the stage for booming commercial activities in publishing and printing the Code and a more unified book market for the Code in the later periods.


After the late Qianlong period the policy on commercial legal publications eased, and at the same time official publishing houses were in decline, because of the central government’s budget cuts. Private and commercial editing, printing, and publishing of the Code began to rebound. The late Qianlong and early Jiaqing period was an important transition period for commercial publications of the Code. There were at least five major commercial editions of the Code, which laid the foundation for all of the later editions published in this period (See Chart 2.3). Unlike earlier commercial editions, which were usually compiled by one or two scholars, all of the editions in this period were compiled by a group of private legal secretaries.
## Chart 2.3 Editorial Boards of Commercial Editions of the Code (1789-1805)

<table>
<thead>
<tr>
<th>Date (Publisher/Publishing place)</th>
<th>Chief Editor(s)</th>
<th>Editorial Board</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Proofreaders (2): Shen Xingyao 沈星耀, Shen Xinglang 沈星朗</td>
</tr>
<tr>
<td></td>
<td>Wang Youhuai 王又槐</td>
<td>Proofreader (1): Lu Tianchi 陸天墀</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Proofreader (1): Wang Youhuai 王又槐</td>
</tr>
<tr>
<td>1799 Da Qing lüli quanzuan jicheng [Comprehensive complete compilation of the Great Qing Code] (Hangzhou)</td>
<td>Li Guanlan 李觀瀾, Wang Youhuai 王又槐, Sun Guanglie 孫光烈</td>
<td>Editors (7): Wei Zhaofan 魏兆蕃, Yao Ying 姚瑩, Zhao Zuowen 趙佐文, Liu Rui 劉濬, Qiu Boji 邱伯驥, Chen Dezhen 陳德震, Pan Ningzu 潘亭祖</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Proofreaders (5): Kang Ning 康寧, Lin Baozeng 林報曾, Zhu Buzhou 朱步洲, Guo Shiqi 郭世鉉, Yang Shiji 楊士绩</td>
</tr>
</tbody>
</table>

As seen from the Chart 2.3, all of the five major commercial editions of the Code printed

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26 See Shen Shucheng et al., Da Qing lüli huizuan (1792), “Names of Editors (Canding tongren xingshi 參訂同人姓氏),” 1a-b; Wang Youhuai et al., Da Qing lüli huizuan (1793), “Names of Editors,” 1a-b; Yao Guan et al., Da Qing lüli quanzuan (1796), “Names of Compilers (Bianji tongren xingshi 編輯同人姓氏),” 26a-b; Wang Youhuai et al., Da Qing lüli quanzuan jicheng (1799), “Names of Editors,” 19a-20a; Hu Zhaokai et al., Da Qing lüli chongding tongzuan jicheng (1813), “Names of Editors,” 40a-b.
between 1789 and 1805 were products of collective editing and proofreading. For the commercial editions listed in the Chart, *Da Qing lüli quanzuan jicheng* (1799) had seven editors, the smallest editorial board among these editions. Yao Guan’s *Da Qing lüli quanzuan* (1796) had the largest editorial board including fifteen editors and one proofreader. On average, each editorial board had about ten editors. There were no official titles, examination degrees, or occupations attached to the editors. Only their name, style name (zi 字), and native place were listed in these editions of the Code. The sequence in which the editors’ names appear seems to follow no particular logic, with only one exception—in *Da Qing lüli quanzuan*, the book specifically indicates that the editors were listed according to their ages.²⁷ Proofreaders (jiaozi 校字 or canjiao 參校) were usually listed behind editors. It seems that proofreading work was assigned to junior members of the editing community. For example, both of the proofreaders of Shen Shucheng’s *Da Qing lüli huizuan*—Shen Xingyao and Shen Xinglang—were his sons. Lu Tianchi, the proofreader of Li Guanlan and Wang Youhuai’s *Da Qing lüli huizuan*, was Wang Youhuai’s student. It shows that proofreading was probably viewed by Qing legal experts as a less sophisticated job, which needed less experience and knowledge than editing work.

Almost all of the editors and proofreaders were from the Jiangnan area, mainly from the Hangzhou—Shaoxing area. This is not surprising because this area was famous for producing a large number of private legal secretaries in the Qing period. According to Li Chen’s estimate based on an official survey of the Qianlong period, most private legal secretaries were from Zhejiang. Hangzhou and Shaoxing were among the most

²⁷ See *Da Qing lüli quanzuan* (1796).
“productive incubators” of private legal secretaries in Zhejiang.\textsuperscript{28} To some extent, people from the region monopolized this occupation through carefully knitted family and social networks.\textsuperscript{29} In Chart 2.4, there are eighty-one editors from all of the commercial editions printed between 1793 and 1823 that I have found by far. Thirty out of eight-one editors were from Hangzhou prefecture, and twenty-six were from Shaoxing prefecture. Seventy-nine out of these eight-one editors and proofreaders were from Zhejiang and Jiangsu, with only two exceptions—one editor named Zhu Guangbao in \textit{Da Qing lüli huizuan} was from Changsha 長沙, and another editor named Wu Zaikuan was from Wanping 宛平 County in Zhili 直隸.\textsuperscript{30} All of the Zhejiang and Jiangsu editors and proofreaders were from counties in Southern Jiangsu and Northern Zhejiang, the most prosperous area in Jiangnan. As a matter of fact, none of them were from regions north of Yangzhou or south of Zhuji 諸暨 County in Shaoxing Prefecture (See Chart 2.4 and Map 2.1).

Moreover, most of these editors were from the most developed and densely populated urban areas. For example, among twenty-two Hangzhou editors, twenty were natives of Qiantang 錢塘 County or Renhe 仁和 County—the two large urban counties with administrative offices within the wall of Hangzhou city. The editors from Shaoxing Prefecture similarly were mostly from rich and populous counties in the north and northwest of the Prefecture. In other words, the editors of commercial editions of the Code published in the late Qianlong and early Jiaqing period—a major transitional period of commercial editions of the Code—were usually men from core urban centers in the

\textsuperscript{28} Li Chen, “Legal Specialists and Judicial Administration in Late Imperial China, 1651-1911,” \textit{Late Imperial China}, Vol.33, No.2, June 2012, 23-4.
\textsuperscript{30} \textit{Da Qing lüli huizuan} (1792), “Names of Editors,” 1a-b; \textit{Da Qing lüli chongding tongzuan jicheng} (1813), “Names of Editors,” 40a.
Jiangnan area.

Map 2.1 Prefectures and Cities in the Jiangnan Area, 1820

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Due to the lack of records, it is hard for us to know the exact occupations of all of these editors and proofreaders. Several of them, however, can be identified through various prefaces written by the editors or their friends. It is not surprising to find that all of the editors who can be identified were private legal secretaries. Some of them had achieved quite prominent positions as legal advisors for high provincial officials. For example, Huang Benxian, a Wuxi native, worked as a legal secretary for Zhejiang Provincial Judicial Commissioner Qin Ying 秦瀛 (1743-1821) when he participated in

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32 See Da Qing lüli huizuan (1792); Da Qing lüli huizuan (1793); Da Qing lüli quanzuan (1796); Da Qing lüli quanzuan jicheng (1799); Da Qing lüli chongding tongzuan jicheng (1805, 1813, 1815); Yao Guan ed., Da Qing lüli chongding tongzuan jicheng (1823).
editing *Da Qing lüli quanzuan* (1796).\(^{33}\) Shen Shucheng, a Hangzhou native and the chief editor of *Da Qing lüli huizuan* (1792), worked as private legal secretary in various provinces.\(^{34}\) Editors like Li Guanlan, Wang Youhuai, Xu Lichun, Wu Zongpi, Feng Bing, Zhu Daqi, Sun Guanglie, Hu Zhaokai, and Zhou Menglin were also private legal secretaries, so the other editors likely were, too. Therefore, private legal secretaries, especially those from Hangzhou and Shaoxing, dominated editor positions of commercial editions of the Code published in this period.

Hangzhou was the place where many of these editors and proofreaders gathered. As the capital of Zhejiang province, many important government offices were located in Hangzhou city, including the yamens of Zhejiang Governor, Provincial Administrative Commissioner, Provincial Judicial Commissioner, and Hangzhou Prefect. Private legal secretaries working for the provincial government, especially for the Provincial Judicial Commissioner, enjoyed prestige, because of their important role in provincial judicial administration. Local magistrates and prefects liked to hire secretaries connected to them. Students, relatives, and friends of provincial legal secretaries thus had a better chance in the competitive job market for private legal secretaries. The networks of private legal secretaries, like many other social networks in late imperial China, were formed through kinship, teacher-student relationships, and native place connections.\(^{35}\)

It is thus not surprising to find that some of the chief editors of these commercial editions were private legal secretaries working for high provincial officials in Hangzhou.

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\(^{33}\) *Da Qing lüli quanzuan* (1796), “Preface,” 22a.

\(^{34}\) *Da Qing lüli huizuan* (1792), “Qian Qi’s Preface,” 2b-3a; “Shen Shucheng’s Preface,” 5a.

They enjoyed reputation, influence, and connections that enabled them to gather together editorial teams for commercial editions. For example, Shen Shucheng, the chief editor of *Da Qing lüli huizuan* (1792), was a Hangzhou native from a prominent family of legal secretaries. His father served as legal secretary for the Zhejiang Provincial Judicial Commissioner for many years. In his early twenties, Shen Shucheng began to receive legal training from his father, and accompanied him in Hangzhou for years. Shen Shucheng successfully worked for various officials in Jiangsu, Henan, and Fujian for a long time. When he returned home in 1786, he gathered nine old friends to edit the draft of *Da Qing lüli huizuan* and published it in 1789. Six editors were Hangzhou natives. Thus native place connections contributed to Shen’s ability to put together a publishing team. So did his own and his father’s professional connections in the Judicial Commissioner’s yamen, which Shen specifically emphasized in his preface.

Since private legal secretaries working in higher administrative levels enjoyed more authority and privilege than their local counterparts, private secretaries working for local governments were willing to participate in activities organized by their counterparts at higher administrative levels. With powerful private legal secretaries on the editorial board, it was not difficult to gather a large number of private legal secretaries to devote their time and energy to the editing and proofreading work. With sixteen editors, the *Da Qing lüli quanzuan* (1796 edition) had an exceptionally large editorial board. Huang Benxian, one of the editors of *Da Qing lüli quanzuan*, was a prominent private legal secretary employed by Zhejiang Provincial Judicial Commissioner Qin Ying. When Huang and several of his friends who shared the same (professional) interests (tongzhi

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36 *Da Qing lüli huizuan* (1792), “Shen Shucheng’s Preface,” 2b-3a.
zhuyou 同志諸友) finished compiling the book in 1796, Qin Ying wrote a preface at Huang’s request. In Qin Ying’s preface, he said that Huang was familiar with the laws and had a benevolent heart. He was happy to have Huang working for him. He also praised the efforts of Huang and his friends and how they had compiled all different kinds of commentaries into the Code, saying that this edition of the Code was “a truly excellent edition.” Several other editors of the book were also private legal secretaries working for Zhejiang officials. Both Xu Lichun and Wu Zongpi were working for Magistrate Zhang Yutian 張玉田 of Haining 海寧 County (a county in Hangzhou Prefecture, See Map 2.1) when they helped edit the book. Feng Bing and Zhu Daqi also probably worked for Zhang Yutian. Yao Guan and Cheng Ying appear to have worked for Zhang Yingji 張映璁 (b.1742), Zhejiang Grain Tax Circuit Intendant (Liangchu dao 糧儲道), whose office was also located in Hangzhou city. Da Qing lüli quanzuan, therefore, resulted from the cooperation of a number of private legal secretaries working in and near Hangzhou. The chief editors also invited Wang Youhuai, an established private legal secretary who gained his reputation through long-time service as legal secretary working for various officials and by publishing many well-known legal treatises, to be the proofreader of the book.

For private secretaries who were not famous or did not achieve prominent positions, being a member of an editorial board would enhance their reputation and increased their opportunity to get a better job. Being a private legal secretary was one of the few well-paid jobs available to the Qing educated elite. From the mid-Qing period,

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37 Da Qing lüli quanzuan (1796), “Preface,” 22a.
38 Da Qing lüli quanzuan (1796), “Preface,” 24b.
39 Da Qing lüli quanzuan (1796), “Preface,” 18a-b.
the job market for private legal secretaries had become very competitive. Gong E (1740?-1810?), a private legal secretary working in the latter half of the Qianlong reign, estimated that only one-tenth of the men who finished their years of legal training could actually get hired. One needed connections or a reputation. The flourishing book market provided one of the few good opportunities for private legal secretaries to establish their reputations as learned legal experts. By being listed with more prominent and successful legal secretaries on the editorial boards of a popular commercial edition of the Code, an otherwise unknown legal secretary might hope to convince readers that he was truly familiar with laws and that other legal experts accepted his abilities. Since the main audience for these books was officials, being on an editorial board was an efficient way for these legal secretaries to get recognized by potential employers. This was probably an important reason that some chief editors in these commercial editions of the Code included their relatives and students in the editorial board. For example, in Wang Youhuai’s Da Qing lüli huizuan (1793), his brother Wang Youwu and two of Wang Youhuai’s students—An Bingren and Lu Tianchi—were listed as editors. In Shen Shucheng’s Da Qing lüli quanzuan, Shen’s two sons, Xingyao and Xinglang, were listed as proofreaders of the book.

Commercial editions appear to have been motivated by competition, as well. While all five of the mid-Qing editions were published in Hangzhou in the late Qianlong and early Jiaqing period, they seem to have been published by different publishing houses. The editorial boards were also rather different. Among the eighty-one named editors, only Wang Youhuai and Cheng Ying appeared on more than one editorial board.

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40 Li Chen, “Legal Specialists and Judicial Administration in Late Imperial China, 1651-1911,” 15.
41 Da Qing lüli huizuan (1793), “Names of Editors,” 1b.
42 Da Qing lüli huizuan (1792), “Names of Editors,” 1b.
Chart 2.3). In other words, each of these commercial editions was compiled by a different group of private legal secretaries, though almost all of them were living in several core urban centers in the Jiangnan area in the same period. It is thus probable that there were several groups of private legal secretaries in and around Hangzhou competing with each other for reputation and limited job opportunities for their members. To some extent, the five different editions of the Code published between 1789 and 1805 were the product of this competition.

Editors in this period boasted that their work was superior to the others. For example, on the front page of *Da Qing lüli quanzuan* (1796), the editors declared:

> [We] respectfully collect *Administrative Regulations* issued by various Boards, *Administrative Sanctions* for civil and military officials, as well as circulated *Model Cases*. All of the valid rules and regulations are recorded in details in the book. *Our book* is more complete than *Huizuan* and *Huibian.*

*Huizuan* here clearly refers to Shen Shucheng’s *Da Qing lüli huizuan*, which was published in 1789 and reprinted in 1792. *Huibian* refers to Wang Youhuai’s *Da Qing lüli huibian*, which was originally published in 1783 and revised in 1793 under the name of *Da Qing lüli huizuan*.

In the “General Editorial Principles” the editors continued to attack *Huizuan* and other editions:

> *Huizuan* and other editions published in recent years do not closely follow the pattern (*shiyang* 模樣) [of the Code] issued by the Board. Even chapters and page numbers are different [from the ones issued by the Board].

Then the editors noted that the text of the Code that was printed in lower registers of their book precisely accorded with the newest edition of the Code issued by the Board. Their book was definitely superior to other commercial editions of the Code.

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43. *Da Qing lüli quanzuan* (1796), the colophon page.
In *Da Qing lüli quanzuan jicheng*, published in 1799, only three years after the publication of *Da Qing lüli quanzuan*, chief editor Wang Youhuai also openly criticized other contemporary popular commercial editions. In his preface, he declared:

In recent years, editors (*bianji zhijia* 編輯之家) rise one after another. Works like *Huizuan* and *Quanzuan* collect a large number of administrative sanctions and model cases. Although they are great accomplishments, they still have shortcomings. Sometimes [the content of those editions is] too simple and abridged, and sometimes it is too complicated and redundant. Sometimes it is wrong or repetitive, and sometimes [important things] are omitted. Sometimes new statutes have been changed, but the old ones [in these commercial editions] are not deleted. Sometimes special regulations have been issued, but the old text is still there. They only dazzle our eyes and puzzle our hearts.46

Here Wang Youhuai talked about the problems and shortcomings of his book’s major rivals—Shen Shucheng’s *Da Qing lüli huizuan* and Yao Guan’s *Da Qing lüli quanzuan*. The shortcomings and mistakes of these editions, Wang Youhuai implied, justified his decision to gather a group of learned legal experts (*shenhan suxue* 申韓宿學) to compile and publish *Da Qing lüli quanzuan jicheng*. The front page of the book bears an inscription stating: “[This book] is more complete and has more details than *Huizuan*, *Huibian*, and *Quanzuan*.”47 Wang Youhuai borrowed the name of *Da Qing lüli quanzuan* from his major competitor and added “*jicheng*” (complete compilation) to the title of his own edition. He explained the reason why he added “*jicheng*” to the title of the book in his preface, saying that his book was “a complete compilation of the dynasty’s valid laws (*ji chaoting chengxian zhicheng* 集朝廷成憲之成).”48

Intense competition and collective methods of editing and proofreading accelerated the compilation process and improved the quality of these commercial editions.

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46 *Da Qing lüli quanzuan jicheng* (1799), “Preface,” 17a-b.
47 *Da Qing lüli quanzuan jicheng* (1799), the front page.
editions of the Code. Earlier commercial editions were based on the extended accumulation of individual experience and knowledge, and thus the compilation process usually took years. Collective editors of mid-Qing editions compiled and proofread more efficiently and cooperatively, and they usually finished their project within a year. For instance, Hu Zhaokai, Zhou Menglin, and other editors only spent seven months to finish compiling and proofreading *Da Qing lüli tongzuan*.49 The editors of *Da Qing lüli quanzuan jicheng* took about the same amount of time.50 During the compilation process, editorial teams systematically collected useful information from various books, classified it according to the chapters and categories in the Code, and proofread it together. For example, Zhang Yutian, a county magistrate and a friend of several editors of *Da Qing lüli quanzuan*, described the compiling and proofreading of the book in his preface:

>[The editors] gathered a number of people who shared the same interests (*tongzhi* 同志). They broadly collected all [the books and documents] they could find, and compiled statutory annotations and commentaries, case precedents, administrative sanctions of the Board, and memorials. They sorted them into categories, selected [the useful ones], and made notes and tags on them. Then they examined and questioned each others’ work as they proofread over and over again.51

Due to the careful compiling and proofreading by a group of legal experts, these collective works usually had comprehensive and updated information as well as few mistakes. As Wang Youhuai enthusiastically wrote in his preface of *Da Qing lüli quanzuan jicheng*, “We have corrected all the mistakes and added things that were omitted by previous works, hoping that there is not a single unnecessary character or mistake [in the book].” Wang might have exaggerated his team’s achievements.

Generally speaking, however, the editions under collective compilation had high quality

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49 *Da Qing lüli chongding tongzuan jicheng* (1813), “Preface,” 43b.
in editing and proofreading, and were comprehensive and consistent, which were important reasons for the popularity of such editions during and after this period.

In spite of fierce competition, these commercial editions actually were much more similar than different in terms of content and printing format. All of the commercial editions published in this period have three registers per page for the main body of content, instead of the two-register format popular earlier (See Figure 2.3 and 2.4). A cross index was usually printed in the upper register. As for each statute or substatute, by using the cross index, editors of these commercial editions reminded readers to refer to other similar statutes or substatutes in order to cite the exact right one when making a sentence. Shen Shucheng’s *Da Qing lüli huizuan* (1789) is the earliest edition that I have seen that has a cross index. Evidently, readers appreciated this feature. Almost all of the commercial editions of the Code published after 1789 adopted similar cross index listings in their upper registers.

The whole text from the imperially authorized Code was printed in the bottom register, so the bottom register of all of the commercial editions of the Code from this period looks similar. All of them closely follow the content, layout, and printing style of the imperially authorized editions of the Code. They all have nine lines per register, and each line has seventeen characters, the same number of lines per register and characters per line as the imperially authorized editions. The chapters of the bottom register also follow the imperially authorized editions. This arrangement made it easier for readers to find a particular statute or substatute in the book. Commercial editors also added some

52 Both Shen Zhiqi’s *Da Qing lü jizhu* and Wan Weihan’s *Da Qing lüli jizhu* took the two-register-per-page format. When Hu Qian and Wang Youhuai revised Wan Weihan’s book and published it in 1784, they also took two-register format. See *Da Qing lü jizhu* (1715 and 1746) and *Da Qing lüli jizhu* (1784).
interlinear private or collective commentaries, printed in the same size and style as the imperially authorized “small-character commentaries” (xiaozhu 小注) in the Code.

The major differences among the commercial editions usually can be found in the middle register, bearing statutory commentaries, administrative regulations and sanctions, model cases, and other valid rules and regulations selected by commercial editors according to their own judgment and market considerations. Editors could chose from a large number of statutory commentaries available in this period, such as Wang Kentang’s Lüli jianshi, Wang Mingde 王明德’s Dulü Peixi 讀律佩觽, Shen Zhiqi’s Da Qing lü jizhu, and Wan Weihan’s Da Qing lüli jizhu. For example, the editors of Da Qing lüli huizuan (1792) announced in the “General Editorial Principles” that their statutory commentaries were based on Shen Zhiji’s and Wan Weihan’s commentaries. In Da Qing lüli quanzuan (1796), editors pointed out that they not only referred to Shen Zhiqi’s and Wan Weihan’s books when selecting statutory commentaries, but also relied on five other famous commentaries. The editors of Da Qing lüli tongzuan (1805) obviously preferred Shen Zhiqi’s commentaries to other private commentaries. The chief editors of this book, Hu Zhaokai and Zhou Menglin, announced in both their “Preface” and the “General Editorial Principles” that most of the commentaries were selected from Shen Zhiqi’s book, because Wan Weihan’s and others’ commentaries had too many mistakes and were not always reliable.

The middle registers also included administrative sanctions, model cases, and other legal information, following Shen Shucheng’s lead in the Da Qing lüli huizuan

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53 Da Qing lüli huizuan (1792), “General Editorial Principles,” 1a-b.
54 Da Qing lüli quanzuan (1796), “Preface,” 32a-b. These five books are Dulü peixi, Dulü suoyan 讀律瑣言, Quanti 獨蹄, Xunchao 訓鈔, and Juhui 據會.
55 Da Qing lüli chongding tongzuan jicheng (1815), “Preface,” 32a-b.
Shen’s preface explained that he frequently travelled for work, and found books like the *Model Cases* (*Cheng’an 成案*) and the *Administrative Regulations* (*Zeli 則例*) too voluminous and heavy to carry. He thus selected a number of important cases and regulations from those books and noted them above the relevant statutes in the Code. He found that this format was convenient and useful in that it allowed him to grasp the exact meaning of the laws by reading them together with supplementary materials. When he compiled *Da Qing lüli huizuan*, he used the same arrangement. That all of the competing editorial groups in this period followed a similar practice in compiling and editing the text of the Code, therefore, represented a consensus in the community of legal secretaries and perhaps also among the magistrates, prefects, and provincial officials whom they worked for.

In sum, commercial compilations and publications of the Code flourished in the late Qianlong and the early Jiaqing period. In the short sixteen-year period from 1789 to 1805, at least five influential commercial editions of the Code were published. Although different groups of editors compiled and published them, these commercial editions generally shared the following features: First, they were compiled and edited in Hangzhou by a group of private legal secretaries. Second, they basically used three-register-per-page printing format. Third, they incorporated a large number of additional materials to supplement the Code, such as commentaries, cross index, model cases, various administrative regulations, and so on. Compared with the earlier editions, the commercial editions of the Code in this period included more supplementary information, and the space for original text of the imperially authorized editions of the Code (i.e.,

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56 *Da Qing lüli huizuan*, 1792, “Shen Shucheng’s Preface,” 4a-b.
statutes and statutes) was reduced. The book market for the Code was competitive, and editors also contended for reputation, social recognition as legal experts, and better job opportunities. This was a transitional period in the publishing history of the Code, which established principles on what legal information should be incorporated alongside the Code and how should it be arranged. After this period, it is difficult to find any commercial editions of the Code that did not follow these principles, and Hangzhou editions of the Code continued to dominate the market for the Code until the end of the Qing dynasty.

The Rise and Dominance of Tongzuan jicheng (Comprehensive Complete Compilation) Editions, 1805-1911

In 1805, Zhou Menglin, a private legal secretary from Jinxian county, Ningbo prefecture, intended to compile a new edition of the Code. He invited Hu Zhaokai, another private legal secretary, and about ten other friends to be co-editors. As with other commercial editions of the Code published in the mid-Jiaqing period, Zhou and Hu’s book—Da Qing lüli tongzuan (General Compilation of the Great Qing Code)—followed the three-register format. As a matter of fact, the content and format of editors of the book borrowed heavily from another popular commercial edition—Yao Guan’s Da Qing lüli quanzuan, which had been published in 1796. However, besides updated statutes, model cases, and some other legal information issued after 1796, the two books have one major difference: While the commentaries included in the middle register of Da Qing lüli quanzuan were selected from various individual or collective commentaries, editors of Da Qing lüli tongzuan basically adopted one individual commentary—that is, Shen
Zhiqi’s commentaries in *Da Qing lü jizhu*. In the preface, Hu Zhaokai and Zhou Menglin praised Shen Zhiqi’s *Da Qing lü jizhu* as the best and most accurate commentary work. They criticized other commercial editions of the Code for adopting random and miscellaneous private commentaries, which made it difficult for readers to understand the true meanings of the law. Their effort to compile this new edition of the Code, as Hu and Zhou pointed out, was to restore the commentaries from Shen Zhiqi’s *Da Qing lü jizhu*.\(^{57}\)

Judging from the texts, it seems that Hu and Zhou kept their word—they faithfully preserved Shen’s commentaries in the upper registers.\(^ {58}\) In addition, they added their own commentaries to elaborate some points that Shen had neglected, and provided explanations to a number of substatutes established after Shen’s death.\(^ {59}\)

Hu and Zhou’s *Da Qing lüli tongzuan* won some prominent officials’ support. Qin Ying, Guangdong Provincial Judicial Commissioner, wrote a preface to the book. In the preface, Qin Ying recalled his experience of writing a preface to Yao Guan’s *Da Qing lüli quanzuan* when he was serving as acting Zhejiang Provincial Judicial Commissioner in Hangzhou in 1796. He said that compared with *Da Qing lüli quanzuan*, Hu and Zhou’s work was more precise and complete. In his preface, he praised the book as the “guide book for judicial administration” (*yanyu zhi zhinan* 讫獄之指南).\(^ {60}\)

In 1811, Hu Zhaokai and Zhou Menglin updated the book and republished it under a new name—*Da Qing lüli tongzuan jicheng* 大清律例統纂集成 (Comprehensive complete compilation of the Great Qing Code, abbreviated as TZJC in following paragraphs). Chen Ruolin 陳若霖 (1759-1832), Guangdong Provincial Judicial

\(^{57}\) *Da Qing lüli chongding tongzuan jicheng* (1815), “Preface,” 43a-b.

\(^{58}\) Fu-mei Chang Chen, “Private Code Commentaries in the Development of Ch’ing Law,” 73.

\(^{59}\) Fu-mei Chang Chen, “Private Code Commentaries in the Development of Ch’ing Law,” 73.

\(^{60}\) *Da Qing lüli chongding tongzuan jicheng* (1815), “Preface,” 35a-b.
Commissioner, wrote a preface to this revised edition. Chen was a famous legal expert at the time. He worked in the Board of Punishments for many years after earning the jinshi 進士 degree in 1787. He participated in revising the 1811 imperially authorized edition of the Code and gained his reputation through solving a number of complicated legal cases. Chen Ruolin’s preface was full of praise for the book. He said that the book was very helpful for both officials and private legal secretaries trying to learn the laws and assign right sentences to legal cases. It had up-to-date legal information and contained no mistakes. “The book is a real contribution to the teachings of the sages (yougong mingjiao 洵有功名教),” he said. “[By relying on this book], officials will no longer have to worry about assigning too light or too heavy sentences to cases, and thus [it] demonstrates our Emperor’s magnificent benevolence for ten thousand years!”

By inviting established officials like Qin Ying and Chen Ruolin to write prefaces, the editors wanted to assure readers that their book not only was of reliable quality, but also that its authority had been recognized by high-ranking judicial officials.

In 1823, with the accumulation of new substatutes and model cases, the old editions of TZJC were out of date. A prominent private legal secretary named Yao Run 姚潤 decided to update it. Yao Run was from Shanyin County, Shaoxing Prefecture. When he revised TZJC, he had been working as a successful private legal secretary in Hangzhou for many years. Other than adding a number of new substatutes and model cases and deleting some old ones, Yao did almost nothing to change the content of TZJC.

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61 Da Qing lüli (1870), “Official Titles (guanxian 官銜),” 70a; Qing shigao, Vol.380, “Biography of Chen Ruolin,” 11609. Decades after Chen wrote the preface, he became the minister of the Board of Punishments—the highest position that a legal official could achieve. He was also famous in popular culture and as the hero of a courtroom drama. In the play, he was depicted as a wise and righteous official who saved a wronged woman from a corrupt imperial prince.

The structure of the book, the layout of pages, and even the printing style were left unchanged. Yao, however, deleted Hu Zhaokai and Zhou Menglin’s preface and Qin Ying’s preface, and added a new preface written by Wu Tingchen 吳廷琛 (1773-1844). He kept Chen Ruolin’s preface of TZJC unchanged. Wu Tingchen was a famous scholar at the time. He had placed first in the jinshi examination in his late twenties, and when he wrote the preface for Yao Run’s book, he was serving as Yunnan provincial judicial commissioner. In his preface, Wu said that he had met Yao Run during his tenure as Hangzhou Prefect. Yao Run served as Wu’s private legal secretary for several years in Hangzhou. Wu expressed his admiration for Yao’s learning and personality in his preface:

Mr. Yao is diligent, smart, and righteous. He has thorough knowledge of administrative affairs. During my appointment as Hangzhou Prefect, I consulted with him every time I dealt with difficult legal cases. We talked about [the cases] over and over again, often until midnight. Mr. Yao always made his points clearly, without any confusion.63

Wu Tingchen had already left Hangzhou when Yao Run finished revising the book. Therefore, Yao sent a sample print to Wu by mail and asked him to write a preface for the book. Wu said in his preface that he had known of the TZJC for years and was happy to see that Yao had updated the book. He praised the book as a comprehensive compilation of the laws, including not only the Code itself but also supplemental texts useful in legal practice.64 By asking Wu Tingchen—a famous scholar and established legal official—to write a preface for the book, Yao Run intended to show that his revised edition was reliable and authoritative and had the approval of a famous official. Yao most likely deleted Qin Ying’s preface because Qin had already been retired for years, and thus his influence among readers had diminished, while Chen Ruolin’s preface for TZJC

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63 Da Qing lüli zengxiu tongzuan jicheng (1907), “Preface,” 46b.
64 Da Qing lüli zengxiu tongzuan jicheng (1907), 46b-47a.
was kept because he was still an active and influential legal official, serving as Sichuan Provincial Judicial Commissioner.

In 1826, Yao Run again updated the TZJC. By this time, Yao had achieved a more prominent position as a private legal secretary working for the Zhejiang Provincial Judicial Commissioner, Qi Gong 祁璜 (1777-1844). Qi Gong was already an established judicial official with long experience working in the Board of Punishments before he was appointed as Zhejiang Provincial Judicial Commissioner. Like Chen Ruolin, a previous preface writer of TZJC, Qi Gong later became the Minister of the Board of Punishments (See Chart 2.5). Yao Run’s new revision received Qi Gong’s generous support. In the preface, Qi said that Yao Run had extensive learning of laws and thoroughly understood administrative affairs. He and Yao always discussed legal cases together. Yao Run had given Qi a copy of the 1823 edition of TZJC as a gift. Qi carefully read and examined the book, and he admired the clarity and usefulness of the book. In 1825, the Committee on Statutes finished a major revision of the Code and issued the updated edition of the Expanded Substatutes to high provincial officials. As soon as Qi received the copy, he gave it to Yao and asked him to revise TZJC accordingly. When Yao finished revising the book, Qi wrote a preface and praised it as a “canon” (guinie 圭臬) for judicial administration. 65

After 1826, Yao Run continued to revise and update TZJC. Every time he finished a revision, he would invite an influential official to write a preface for the book. He asked Changde 常德, former acting Zhejiang Provincial Judicial Commissioner and Yao’s current employer, to write a preface for the 1829 revision. In 1836, Wang Ding 王

65 Da Qing lüli zengxiu tongzuan jicheng (1907), 49a-b.
鼎 (1768-1842), the Assistant Grand Secretary (xieban daxueshi 協辦大學士) who was in charge of the Board of Punishments at the time, wrote a preface for TZJC. In the preface, Wang Ding said that with the accumulation of new statutes, old editions of the Code were rather difficult to read, and that was the reason why “Mr. Yao publishes and prints [this new edition of] TZJC.”

Then he commended the quality of the book and encouraged people to read it:

This book collects all of [the laws] with no omissions, and sorts them into categories, in order to make it easy for people to read and understand. It is precisely ‘the secret book for legal experts’ (fajia zhi miji 法家之秘笈)…When I received this book and read it, I found that everything in it was carefully selected and clearly categorized, and all of the details are listed. It is indeed ‘an excellent edition of the Code’ (lüli shanben 律例善本), which will contribute to our Sacred Dynasty’s benevolent judicial administration. That is why I am willing to write this preface and introduce the book to ‘all readers in the realm who read the Code’ (tianxia dulüzhe 天下讀律者).

Both Wang Ding and Yao Run were silent on how Yao had been able to invite Wang to write a preface for his book. Wang Ding was not a Jiangnan man and he spent most of his official career working in the central government. His life had little intersection with Yao Run, a legal secretary from Shaoxing, who worked mainly in Hangzhou. We are even not sure whether or not these two men actually met each other in person. Judging from Wang’s preface, it sounds as though the quality of Yao’s book, rather than a personal connection, persuaded Wang to write his preface. From any perspective, Wang’s preface was impressive. It was a powerful message that confirmed the authority and reliability of TZJC in the eyes of the top official of the Qing judicial system. Qin Ying, Chen Ruolin, and Qi Gong, three of the five preface writers of TZJC before 1836, also achieved top

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66 Da Qing lüli xing’an huizuan jicheng (1859), “Preface,” 46a.
67 Da Qing lüli xing’an huizuan jicheng (1859), “Preface,” 49a-b.
positions in the Board of Punishments (See Chart 2.4). Supported by these leading officials in the Qing judicial system, TZJC’s authority became unchallengeable.

After Yao Run, several other private legal secretaries continued to update TZJC. One of the major updates was done by Hu Zhang 胡璋, another private legal secretary from Shaoxing. In 1838, Hu Zhang accompanied his employer—newly appointed Hangzhou Prefect Wen Zhu 文柱 (1784-1846)—to Hangzhou. At that time, Yao Run’s editions of TZJC dominated Hangzhou’s book market. Presumably because printing and selling TZJC was profitable, publishers and bookstore owners in Hangzhou began to invite private legal secretaries to update the book. When Hu Zhang arrived at Hangzhou, a book merchant came to visit him, asking him to update TZJC, and Hu agreed.68 Hu Zhang’s major contribution was to add a number of model cases from a recent compilation, Xing’an huilan 刑案匯覽 (Conspectus of legal cases).69 When Hu Zhang revised TZJC, he felt it was necessary to update the model cases in TZJC according this newer and more reliable source of information. When he finished the revision, Hu Zhang asked his employer, Hangzhou Prefect Wen Zhu, for a preface.70 By updating model cases according to Xing’an huilan, Hu Zhang combined the advantages of the two books and made TZJC a more up to date and reliable source of legal information.

The compilation and publication of commercial editions of the Code was interrupted by the Taiping Rebellion (1850-1864). This massive civil war devastated many cities in the Jiangnan area, including the most important center of the commercial

68 Da Qing lüli xing’an huizuan jicheng (1859), “Preface,” 54a-b.
69 Xing’an huilan was published by Zhu Qingqi 祝慶祺 and Bao Shuyun 鮑書芸 in 1834 (four year before Hu Zhang’s revision of TZJC). It consisted of about 5,640 legal cases from 1736 to 1834. See Law in Imperial China, 146-7.
70 Da Qing lüli xing’an huizuan jicheng (1859), “Preface,” 50b-52a.
compilation and publication of the Code—Hangzhou. During the war, both books and printing blocks were seriously damaged or ruined.71 In the early Tongzhi period, Wu Xu 吳煦 (1809-1872), a Hangzhou native, obtained an “original edition” (yuanban 原版) of Yao Run’s TZJC during his tenure as Provincial Administrative Commissioner in Jiangsu.72 After he retired, he decided to republish the book. He hired one of his old friends, Ren Pengnian 任彭年, a Shaoxing native and private legal secretary working in Hangzhou for the Zhejiang Provincial Judicial Commissioner Wang Kaitai 王凱泰 (1823-1875), to proofread and update the content. After Ren finished his revision, Wu Xu hired craftsmen to carve the woodblocks. He then printed and sold the book in the market in 1868.73 When a major official revision of the Code was finished and the last imperially authorized edition of the Code was published in 1870, Wu Xu promptly updated TZJC according to this new imperially authorized edition and republished TZJC in 1871.

Another influential revision of TZJC was done in 1878. In 1877, Mr. Qiu, the owner of the Juwentang 聚文堂 publishing house in Hangzhou, asked Tao Jun 陶駿 and Tao Nianlin 陶念霖 to update TZJC. Tao Jun and Tao Nianlin were from Shaoxing, and probably were working in Hangzhou at the time. They declined the invitation at first, saying that they did not have enough talent and time to do the job. But after the bookstore owner invited two other private secretaries Zhou Baichuan 周百川 and Zhu Zeshan 朱則山, who were also working in Hangzhou, to help them update the book, Tao Jun and Tao...
Nianlin finally accepted the invitation and spent about half a year on updating the book.74 Then Mr. Qiu, the publisher, used his personal connections to ask Ying Baoshi 應寶時 (1825-1890), the former Jiangsu Provincial Judicial Commissioner, to write a preface for the book.75

Preface writers for TZJC in the Tongzhi and Guangxu period were also high-ranking provincial officials. Both Wang Kaitai (preface writer for the 1867 edition) and Ying Baoshi (preface writer for the 1878 edition) were Provincial Judicial Commissioners, and Wu Xu had been acting Provincial Administrative Commissioner in Jiangsu (See Chart 2.4). Like earlier preface writers, they used their prefaces to express their approval of the quality of the book. They described it as an authoritative and comprehensive compilation of the laws at the time. They frequently used terms like “canon” (guinie 圭臬) and “guide” (nanche 南車) to describe TZJC. In Wang Kaitai’s 1867 preface, he pointed out that officials received TZJC as a canon (congzheng zhe feng wei guinie 從政者奉為圭臬).76 He then said that after Ren Pengnian’s revision the book became even more complete and reliable, and it would make a real contribution to the world.77 Similarly, in his 1868 preface for TZJC, Wu Xu said:

[TZJC] comprehensively collects various statutory commentaries, and thoroughly compiles old and new model cases. Officials who are in charge of administration (zhizheng zhe 執政者) can thus fully comprehend [the laws] by category and cite the right ones [when making sentences]. It seems like they respectfully esteem [the book] as a Guide (ruhuo nanche zhi feng 如獲南車之奉).78

74 Da Qing lüli zengxiu tongzuan jicheng (1907), “Tao Jun and Tao Nianlin’s Preface.”
75 Da Qing lüli zengxiu tongzuan jicheng (1907), 61a-b.
76 Da Qing lüli zengxiu tongzuan jicheng (1907), 52b.
77 Da Qing lüli zengxiu tongzuan jicheng (1907), 53a.
78 Da Qing lüli zengxiu tongzuan jicheng (1907), 57a.
Ying Baoshi, the Jiangsu Provincial Commissioner, also wrote in his 1787 preface that TZJC was a “canon” for officials to assign right sentences to legal cases, and it was an authoritative guide for people who were studying the laws.\(^79\)

Interactions among private legal secretaries, high provincial judicial officials, and book merchants contributed to the compilation, revision, and publication of TZJC in the late Qing period. Private legal secretaries, especially those from Shaoxing and working in Hangzhou, to a large extent monopolized these projects. The editors of various major editions of TZJC, like Yao Run, Hu Zhang, Ren Pengnian, Tao Jun and Tao Nianlin, were all from Shaoxing and working as private legal secretaries in Hangzhou. Their diligent work on revising and updating TZJC kept the book up-to-date and popular among readers for more than one hundred years. Officials, especially Provincial Judicial Commissioners, also played an important role in TZJC’s history. They were the top legal officials and judges in provinces, and their influence on provincial judicial administration was profound. They were usually the employers for TZJC’s editors and provided support for these projects. Their effusive prefaces helped TZJC attract readers and establish its authority as a “canon” and “guide” for people who needed to know the laws. Book merchants played an increasingly important role in TZJC’s publishing history. Publishing TZJC, as we will discuss in the following sections, was a profit-oriented commercial activity. These editions were sold by various publishing houses and bookstores. Because printing and selling TZJC were profitable, book merchants invited or hired established private legal secretaries to update TZJC. Some powerful bookshop owners were even able to invite high-ranking provincial officials to write prefaces. In Ying Baoshi’s 1878

\(^79\) Da Qing lüli zengxiu tongzuan jicheng (1907), 60b.
preface for TZJC, he mentioned that Mr. Qiu of Hangzhou’s Juwentang bookstore directly asked him to write a new preface for TZJC, and he happily accepted the invitation.

**Chart 2.5 Preface Writers of TZJC (1805-1878)**

<table>
<thead>
<tr>
<th>Name (Date of writing preface)</th>
<th>Relations with editors</th>
<th>Official titles when writing preface</th>
<th>Other experiences as legal officials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qin Ying (1805)</td>
<td>Guangdong PJC (1804-1805)</td>
<td>Zhejiang PJC (1797-1800)</td>
<td>Hunan PJC (1800-1802)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vice Minister of the BP (1807-1808, 1809-1810)</td>
<td></td>
</tr>
<tr>
<td>Chen Ruolin (1811)</td>
<td>Guangdong PJC (1808-1811)</td>
<td>Chief Secretary (Zhushi 主事) of the BP (1789-1799)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bureau Vice Director (Yuanwailang 員外郎 of the BP (1799-1801)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bureau Director (Langzhong 郎中) of the BP (1801-?)</td>
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<td></td>
<td>Shandong PJC (1808)</td>
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<td>Hubei PJC (1811-1814)</td>
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<td>Sichuan PJC (1814)</td>
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<td></td>
<td>Minister of the BP (1824-1832)</td>
<td></td>
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<tr>
<td>Wu Tingchen (1823)</td>
<td>Former employer</td>
<td>Yunnan PJC</td>
<td></td>
</tr>
<tr>
<td>Qi Gong (1826)</td>
<td>Current employer</td>
<td>Zhejiang PJC (1825-1826)</td>
<td>Chief Secretary of the BP (1801-1803, 1814-1816)</td>
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<tr>
<td></td>
<td></td>
<td>Bureau Vice Director of the BP (1803-1804, 1808, 1816)</td>
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<td></td>
<td></td>
<td>Bureau Director of the BP (1816-1819, 1821-?)</td>
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<td></td>
<td>Vice Minister of the BP (1829-1830)</td>
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<td>Minister of the BP (1838-1841)</td>
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<tr>
<td>Changde (1829)</td>
<td>Current employer</td>
<td>Acting Zhejiang PJC (1826-1827)</td>
<td></td>
</tr>
<tr>
<td>Wang Ding (1836)</td>
<td>Minister of the BP (1832-?)</td>
<td>Acting Vice Minister of BP (1817, 1819, 1820-1821)</td>
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<tr>
<td></td>
<td></td>
<td>Vice Minister of BP (1819)</td>
<td></td>
</tr>
<tr>
<td>Wen Zhu (1838)</td>
<td>Current employer</td>
<td>Hangzhou Prefect</td>
<td>Zhili PJC (1841-1842)</td>
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<td></td>
<td></td>
<td>Yunnan PJC (1842)</td>
<td></td>
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<tr>
<td>Wang Kaitai (1867)</td>
<td>Current employer</td>
<td>Zhejiang PJC (1866-1867)</td>
<td></td>
</tr>
<tr>
<td>Wu Xu (1868, 1871)</td>
<td>Friend and Publisher</td>
<td>Acting Jiangsu Provincial Administrative Commissioner</td>
<td></td>
</tr>
<tr>
<td>Ying Baoshi (1878)</td>
<td></td>
<td>Jiangsu PJC (1869-1875)</td>
<td></td>
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</tbody>
</table>

80 “PJC” is an abbreviation of Provincial Judicial Commissioner; “BP” is an abbreviation of Board of Punishments. The data is collected from the on-line database of Renming quanwei renwu zhuanshi ziliao chaxun 人名權威人物傳記資料查詢 (Authoritative database for names in biographies), provided by The Institute of History & Philology, Academia Sinica. The website link: [http://archive.ihp.sinica.edu.tw/ttsweb/html_name/search.php](http://archive.ihp.sinica.edu.tw/ttsweb/html_name/search.php)
Based on the number of extant editions, commercial publication of the Code flourished from the Jiaqing to the Guangxu period, though there was a relative decline in the Xianfeng and Tongzhi periods because of the Taiping War (See Chart 2.1). All together I have found 91 commercial editions printed in this period, a much larger quantity than I have found from the first century and a half of Qing rule. These late Qing editions also far outnumber the imperially authorized editions, only three of which were published from the Jiaqing to the Xuantong period. TZJC editions clearly dominated the market for the Code in this period. Various publishing houses in Hangzhou, Beijing, and Shanghai accepted and adopted TZJC’s content, structure, and even the printing style. In other words, almost all of the commercial editions of the Code printed in this period closely followed TZCJ’s design and editing principles. The design of imperially authorized editions lost favor among commercial publishers. Even provincial publishing bureaus (guanshuju 官書局) established by provincial officials after the Taiping Rebellion discarded the design of the imperially authorized editions of the Code and adopted TZJC’s content and format.81 Therefore, after the TZJC was first published in 1805, its content and design replaced that of the imperially authorized editions and other commercial editions. Thanks to the efforts of private legal secretaries and the support of provincial judicial officials, TZJC editions became the dominant form of the Code in circulation during the Qing.

*Benefiting the World: The Idea of Publishing the Code*

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81 See Hubei yanju 湖北讞局 (The judicial bureau of Hubei province) ed., *Da Qing lüli huiji bianlan*, 1872.
Commercial editors and publishers of the Code in the Qing increasingly felt justified in editing and publishing the Code. Most of them embraced the idea that printing and disseminating the Code would contribute to “the way of governance” and popular well-being. In the early Qing, some editors and publishers still doubted whether they were allowed to publish the Code. When they decided to print it, they strictly adhered to the format of the official editions and were extremely reluctant to make any change or modification to the Code, as we saw for the Shunzhi period. Many Ming and early Qing collections of commentary on the statutes did not include the statutes and substatutes of the Code, because the editors and publishers thought it was not appropriate for them to do so. Gu Ding 顧鼎, who revised and republished Wang Kentang’s *Lüli jianshi* in 1691, explained the reason why he did not print the statutes and substatutes along with Wang’s commentary:

> The statutes and substatutes are the foundations of the government and institutions of our Great Dynasty. They are also the great laws for ruling the people… I do not print the entire text of these statutes and substatutes, not because I do not want to print them and make it convenient for people to read both [the commentary and the laws]. It is because without the permission from the Emperor, I dare not to print it arbitrarily. I am merely a commoner with no official title, and thus I am not able to do so no matter how much I want to.\(^{82}\)

Because of his concern that it might not be appropriate for a commoner to print the entire text of the Code without official authorization, Gu Ding printed Wang Kentang’s commentaries without the statutes and substatutes of the Code.

After the mid-Kangxi period, editors and publishers were increasingly confident that it was morally good and politically appropriate to print the Code. The majority of commercial editions of the Code and other books about dynastic laws and regulations

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printed after the mid-Kangxi period include the names of their editors and/or publishing houses, which indicates that editors and publishers were no longer afraid to reveal their identities. In some popular commercial editions of the Code printed in the late Qianlong and early Jiaqing period, the sons of the chief editors were assigned proofreading jobs, and their names were printed together with the other editors. For example, Li Guanlan’s three sons, Li Liekui 李烈煃, Li Yurong 李玉榮, and Li Taiqing 李臺清 were all listed as proofreaders in the preface of Da Qing lüli quanzuan jicheng which Li Guanlan was one of the chief editors.83

Increasing numbers of editors and publishers of the Code in the Qing period considered it justified for them to add extra texts, such as statutory commentaries and updated substrates, to the Code. For example, in 1705, Qian Zhiqing and Lu Fenglai published Da Qing lü jianshi hechao (Combined copy of the Great Qing Code with annotations and explanations) based on Wang Kentang’s Lüli jianshi as revised and republished by Gu Ding in 1691. While Gu Ding had been reluctant to print the text of the Code together with Wang Kentang’s commentary because he thought he lacked the authority to print the Code itself, Qian Zhiqing and Lu Fenglai published the two together with Wang’s commentaries in the upper registers and the text of the Code in the lower registers. Qian Zhiqing’s preface, as already pointed out, observed that it was quite inconvenient for readers to read the Code in one book and Wang’s commentary in another. When traveling, the two books were heavy and difficult to carry. Therefore, the publishers combined the two books into one for readers’ convenience.84 This arrangement of printing the Code along with private commentaries was quite common in and after the

83 Da Qing lüli quanzuan jicheng, “Preface,” 22a.
84 Da Qing lü jianshi hechao (1705), “Qian Zhiqing’s Preface,” 1a.
late Kangxi period, as we have discussed in the above sections. As time went on, more and more extra texts, such as model cases, Board regulations, and other legal information, were incorporated into the commercial editions of the Code. In fact, it is difficult to find any commercial edition of the Code printed after the mid-Kangxi period without these extra texts.

Some Qing editors and commercial publishers even considered it acceptable to delete or rearrange the text of the Code, as we have seen. The hebian books that were popular in the late Kangxi period are an example of this. The editors and publishers of those books did not hesitate to rearrange or delete the original text of the Code. Liang Maoxiu, the editor of Dingli xubian 定例續編 (Expanded collection of regulations and substrates) in 1745, explained this in the “General Editorial Principles” of his book:

Various books about the statutes and substrates (lüli geshu 律例各書)...are edited by high officials in the court. Originally, it was considered inappropriate for commoners (caomao 草茅) to delete (bixue 筆削) anything without authorization. However, for the part of the original text that is not important, or for the words and sentences that are redundant, we also dare not to include them into the book to distract our readers’ eyes. Therefore, we delete the redundant ones, retain the important ones, and split the complicated ones, in order to make everything perfect and exact.85

In Liang Maoxiu’s opinion, the convenience of reader outweighed the potential offense of violating official authority in editing the Code, and thus he boldly deleted some parts of the Code that he thought were unimportant or redundant for his audience.

In the mid-and-late Qing period, most editors and publishers proclaimed that their works made a great contribution to the government and society. Descriptions like “gong” 功 (contribution, benefit, or merit) and “gongchen” 功臣 (contributor, lit. meritorious

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official) frequently appear in the prefaces of commercial editions of the Code and other legal books. For example, when describing the achievement of his editing Dingli xubian, Liang Maoxiu proudly said: “You cannot say that I am not a great ‘meritorious official’ benefitting scholars and officials (Buke wei fei shihuan zhi yida gongchen ye 不可謂非仕宦之一大功臣也)!" Min Ying, who wrote a preface for Gu Ding’s revision of Wang Kentang’s Lüli jianshi, praised Gu Ding as one who could be ranked as “a meritorious official of the ancient sage kings” (gu shengwang zhi gongchen 古聖王之功臣) because he revised and republished Wang’s book. Li Fu, who wrote a preface for the Dingli quanbian, praised the book as bringing huge benefits (gong) to scholar-officials.

Editors and publishers explained that the great contribution of these editions of the Code was to make these laws easily available to scholars, officials, and common people. They usually pointed out that the imperially authorized editions of the Code and other law books issued by the central government were difficult for people to access. Also because these imperially authorized editions were not always updated quickly, it was not easy for readers both within and beyond the Qing bureaucracy to learn updated legal information. Official publications could not meet the huge demand for new editions of law books. Commercial editors and publishers thought that their books could help fill this gap. As Li Guanlan, a private legal secretary working in Guangdong and the editor of Da Qing lüli quanzuan jicheng huizhu (Comprehensive complete compilation of the Great Qing Code with collective annotations), pointed out:

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The *Great Qing Code* is issued by the decree of our Great Emperors to all of the people of the realm… The Expanded Substatutes is compiled and issued every five years… I was concerned that people living in small towns surrounded by mountains and far away [from the capital] could not get these books. Thus I compiled the expanded substatutes as well as various regulations issued by the Board in recent years [into the Code], in order to make a “complete edition” (*quanben* 全本) [for people to read].

Li Zhen, the editor of *Dingli quanbian* (1715), also said that he compiled the book only because “the statutes, substatutes and regulations [of our dynasty] are vast and numerous,” and “gentlemen who have not obtained official appointments yet (*weishi junzi* 未仕君子) have no means to read them.” Therefore, he compiled the book for “gentlemen who are interested in explaining and reading the statutes and substatutes” and hoped that his book would benefit “the way of government” (*zhidao* 治道).

Editors and preface writers also emphasized that commercial editions of the Code and other law books made the laws easier for readers to understand. By combining the original text of the Code with statutory commentaries, model cases, and other legal information they could help readers to understand the real and exact meanings of the statutes and substatutes. In their prefaces, they used the language usually reserved for classical commentary to describe their achievement. They viewed the original texts of the Code (i.e., the statutes and substatutes) as *jing* 經—by analogy to the original text of Confucian Canons; and they considered the statutory commentaries as *zhushu* 注疏—by analogy to classical commentaries and annotations used to help readers to understand the Classics. By analogy, these editors pointed out that just as scholars could not fully understand the Confucian Classics without commentaries and annotations, people could not understand the exact meanings of the statutes and substatutes without the help of

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89 *Da Qing lüli quanzuan jicheng huizhu* (1804), “Li Guanlan’s Preface,” 1a.
statutory commentaries. Authors of these statutory commentaries as well as editors who collected these commentaries and printed them were thus compared to ancient scholars like Zuo Qiuming 左丘明 and Zheng Xuan 鄭玄, who commented on the Confucian Classics. For example, Guan Heng 管蘅, the preface writer of *Da Qing lüli jizhu* (The Great Qing Code with collective annotations), said that the editor of the book Wan Weihan “resembled the meritorious minister Mr. Zuo” (*fang Zuoshi gongchen* 仿左氏功臣).91

Editors and preface writers noted that by printing newly established substitutes, model cases, and other legal information together with the statutes and substitutes, they helped readers fully understand and precisely use the laws. Chen Ruolin, the Guangdong Governor and preface writer of TZJC, pointed out the benefits of combining the statutes and substitutes with other legal information like new substitutes and model cases:

> [S]orting substitutes and model cases and putting them into various categories of the Code is not only easier for people to read, but also helps people understand the origin of each substitute. When making sentences according to the facts of cases, we can cite the exact law and will not easily make mistakes.92

Then Chen Ruolin concluded that because of these benefits, TZJC was a great contribution to the judicial administration as well as the teachings of the sages.93

In the Qing period, scholar-officials generally believed that commercial editions of the Code, especially those with commentaries, model cases, and/or other legal information, were useful books (*youyong zhi shu* 有用之書) that would “help the reader

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91 *Da Qing lüli jizhu* (1784), “Guan Heng’s Preface,” 2a. Mr. Zuo here referred to Zuo Qiuming. He was a legendary scholar who wrote the *Chronicle of Zuo* (*Zuozhuan* 左傳), one of the earliest commentaries on the *Spring and Autumn Annals* (*Chunqiu* 春秋).

92 *Da Qing lüli chongding tongzuan jicheng* (1815), 39a.

93 *Da Qing lüli chongding tongzuan jicheng* (1815), 39a.
establish himself in the short run (jin keyi shu shen 進可以樹身) and would “benefit the world in the long run (yuan keyi shan shi 遠可以善世).”94 Editors and preface writers of commercial editions of the Code printed in the Qing period generally believed that the dissemination of legal knowledge, especially the laws in the Code, was beneficial to the government and society. In their opinion, common people should learn the laws through reading the Code, because when they knew the laws and punishments, they would not dare to commit crimes. Knowing the laws would also reduce the chance of committing crimes due to ignorance. Officials should carefully study the laws in the Code. It would help them apply the right sentences to legal cases and not violate administrative regulations. In this way, not only would they secure their official careers, but they would also reduce the number of wronged people. Students who were preparing for the civil service examinations should also read the Code, because it would prepare them for their future official careers. Therefore, printing and publishing the Code, as Zhang Sichang 張嗣昌 pointed out in his preface of Da Qing lü jizhu, would help “officials closely follow the laws, scholars easily read the laws, and the common people obey the laws;” and thus “It is a great accomplishment!”95

The Market for Commercial Editions of the Code

Commercial editions of the Code had a broader range of target readers than the imperially authorized editions, which were mainly supplied to government offices. Many editors and preface writers emphasized the importance of the Code and encouraged

94 Da Qing lü jizhu (1745), “Zhang Sichang’s Preface,” 2a
95 Da Qing lü jizhu (1745), “Zhang Sichang’s Preface,” 3a-b.
people to buy and own it. They exclaimed that not only should each official and private
secretary who had to deal with legal cases have one such book, but scholars and students
who intended to be officials in the future should also own and read the Code. For
example, in the preface of *Da Qing lüli huizuan* (1792), Qian Qi 錢琦 pointed out:

The *Great Qing Code* is issued by the Emperors to all of the people of the realm. Not only should every official working in various yamens that have judicial
responsibilities have it, but also all of the students who study in schools and the
gentry who pay attention to the way of government should own it in order to
prepare for being officials and governing people in the future.  

Li Fu, the preface writer of *Dingli quanbian* (1715), also said that not only “every
gentleman who recently gained official positions” (tongji zhu junzi 通籍諸君子) should
own this book, but also “scholars who read books and intend to be officials” (dushu lijian
zhī shì 讀書利見之士) should also buy and read this book, because knowledge of the
dynastic laws and regulations would be helpful for their future work and should be
included in their learning. Jiang Chenxi 蔣陳錫 (1653-1721), the Shandong Governor
who wrote a preface for *Da Qing lü jizhu*, also pointed out that officials should not put
aside this book even for one day, and every scholar and gentleman (shijunzi 士君子)
should have a copy at hand in order to cultivate his morality (xiushen 修身) and establish
himself in life (liming 立命). Besides officials and scholars, private legal secretaries
were also apparently major target readers. Referred to as “friends who share the same
interests,” “people who learn the laws” (xi fajiayan zhe 習法家言者), and “guests who
handle the legal cases” (bing′an zhike 秉案之客), private legal secretaries were
frequently mentioned as target readers in prefaces and/or on colophon pages of

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96 *Da Qing lüli huizuan* (1792), “Qian Qi’s Preface,” 1b.
98 *Da Qing lü jizhu* (1746), “Jiang Chenxi’s Preface,” 1a.
Commercial editions of the Code were not cheap, but for their target readers, they were affordable. In the early Qing period, the price was relatively low. *Da Qing lüli zhuzhu guanghui quanshu* (1706), a beautiful ten-volume (*ce* 册) book printed in black and red inks, cost only 2.2 taels. Prices of the Code increased in the mid-and-late Qing period due to inflation as well as expansion of contents in these commercial editions. On average, the number of volumes increased from about ten in the early Qing to about twenty-four in the late Qing period, which added extra cost to compile and print. *Da Qing lüli chongding tongzuan jicheng*, printed in 1823 by the Wubentang bookstore in Hangzhou, was sold at 3.2 taels at the time. In the late Qing period, the price of commercially published editions of the Code increased to around six taels. *Da Qing lüli xing’an huizuan jicheng* (1859) was sold by the Sanshantang bookstore in Hangzhou at 6.4 taels. *Da Qing lüli zengxiu tongzuan jicheng*, a very popular edition in the late Qing period printed by the Juwentang bookstore in Hangzhou in 1878, 1891, 1898 and 1907, was also priced at 6.4 taels. The Qinglaitang bookstore’s edition of *Da Qing lüli zengxiu tongzuan jicheng*, published in 1894 in Hangzhou was a little more expensive, which was sold at 7 taels. Editions printed and sold in Beijing also cost about 6 taels. These commercial editions cost more than imperially authorized editions, which were

99 For the books in which private legal secretaries were mentioned as target readers, see *Da Qing lüli jizhu* (1784), “Wan Fengjiang’s Preface,” 2b; *Li’an quanji*, “Zhang Guangyue’s Preface,” 3b; *Dingli xubian* (1745), “Jiang Pu’s Preface,” 2b; *Da Qing lüli huizuan* (1792), “Qian Qi’s Preface,” 4a-b; *Da Qing lüli zengxiu tongzuan jicheng* (1907), “Chen Ruolin’s Preface,” 38b.

100 *Da Qing lüli zhuzhu guanghui quanshu* (1706), the front page.

101 *Da Qing lüli chongding tongzuan jicheng* (1823), the front page.

102 *Da Qing lüli xing’an huizuan jicheng* (1859), the front page.

103 *Da Qing lüli zengxiu tongzuan jicheng* (1878, 1891, 1898 and 1907), the front page.

104 *Da Qing lüli zengxiu tongzuan jicheng* (1894), the front page.

105 *Da Qing lüli huiji bielan* (1892), the front page.
fixed at only about 1.1 taels according to *Wuyingdian tongxing shuji mulu qingce* (See Chart 1.3). However, because these commercial editions were frequently updated, had more comprehensive contents, and were much easier to buy than the imperially authorized editions, they were still popular among readers. Although it might be difficult for ordinary people to afford them, these books only cost a small fraction of the annual incomes of the main target readers—officials and private secretaries, who usually earned from several hundred to several thousand taels per year.\textsuperscript{106}

Commercial editions of the Code were sold in several major book markets in the Qing Empire. Jiangsu was an important printing center and book market for the Code in the early Qing period. All together I have found ten Jiangsu editions: seven of them were printed in Suzhou, two in Nanjing, and one in Changzhou (See Chart 2.6). Several influential early-and-mid Qing commercial editions of the Code were compiled and sold in Jiangsu, including Wanguzhai zhuren’s *Da Qing lüli zhuzhu guanghui quanshu* sold by the Tingsonglou 聽松樓 bookstore in Nanjing and Wan Weihan’s *Da Qing lüli jizhu*, published by the Yunhuitang 蕨暉堂 in Suzhou in 1769.\textsuperscript{107} Suzhou seems to have produced more commercial editions of the Qing Code than Hangzhou before the Jiaqing period.\textsuperscript{108} However, with compiling and publishing activities flourishing in Hangzhou after the late Qianlong period, Hangzhou editions quickly dominated the market for the Code. Thus commercial activities of compiling and publishing the Code in Suzhou suddenly declined. Only two more editions that I have found were published after the

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\textsuperscript{106} For officials’ salaries, see Ting Zhang, “Penitence Silver and the Politics of Punishment in the Qianlong Reign, 1736-1796,” *Late Imperial China*, Vol.31, No.2 (December, 2010), 44. For private legal secretaries’ salaries, see Li Chen, “Legal Specialists and Judicial Administration in Late Imperial China, 1651-1911,” 18-20.

\textsuperscript{107} There are two extant editions of this book. One was sold by the Tingsonglou in Nanjing; the other was probably sold in an unknown bookstore on the Liulichang Street in Beijing.

\textsuperscript{108} Before the Jiaqing period, only two commercial editions of the Code were printed in Hangzhou.
Qianlong reign in and around the Suzhou area, and both of them seem to be reprinted copies of Hangzhou editions. In the same period, publishing houses in Hangzhou produced at least 33 editions.

**Chart 2.6 Publishing Places and Commercial Editions of the Code (1644-1911)**

<table>
<thead>
<tr>
<th>Place</th>
<th>Number of Editions</th>
<th>Place</th>
<th>Number of Editions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hangzhou</td>
<td>33</td>
<td>Ningbo</td>
<td>1</td>
</tr>
<tr>
<td>Beijing</td>
<td>16</td>
<td>Changzhou</td>
<td>1</td>
</tr>
<tr>
<td>Shanghai</td>
<td>9</td>
<td>Xiugu</td>
<td>1</td>
</tr>
<tr>
<td>Suzhou</td>
<td>7</td>
<td>Quzhou</td>
<td>1</td>
</tr>
<tr>
<td>Nanjing</td>
<td>2</td>
<td>Total</td>
<td>71</td>
</tr>
</tbody>
</table>

The largest book market for these commercial editions of the Code was in Hangzhou where a large number of influential commercial editions were produced and sold, especially after the mid-Qianlong period. Among the 120 commercial editions of the Code I have collected, 71 of them had specific information on the place where they were published and/or sold. 33 of these 71 commercial editions were compiled and published in Hangzhou (See Chart 2.6), including almost all of the important and influential commercial editions of the Code after the mid-Qianlong period, such as Shen Shucheng’s *Da Qing lüli huizuan*, Yao Guan’s *Da Qing lüli quanzuan*, Wang Youhai’s *Da Qing lüli quanzuan jicheng*, and various editions of TZJC. Several bookstores and publishing houses in Hangzhou were active in printing and selling commercial editions of the Code, including the Mingxintang 銘心堂, the Youyizhai 友益齋, the Wubentang 務本堂, the Sanshantang 三善堂, the Tongwentang 同文堂, the Qinglaitang 清來堂, and the Juwentang. Editions produced in Hangzhou were famous for their high quality in compilation and printing. This contributed to their reputation as the best editions of the Code in the mid-and-late Qing period. As a Shanghai publisher of a commercial edition
of the Code in 1891 wrote in praise of various editions of the Code published in Hangzhou: “[These editions] have become a fashion within the Four Seas (fengxing hainei 風行海内), and people view them…as excellent editions (shanben 善本).”

Bookstores in other cities also sold Hangzhou editions. For example, Yao Guan’s Da Qing lüli quanzuan (1796 edition) now held by Tokyo University was compiled and printed in Hangzhou. On left column of its colophon page, the following lines appear in black ink: “The woodblocks are stored in the Yang family’s Mingxintang, located on the Yangshi 洋市 Street inside the Qingtai 清泰 Gate in Hangzhou, Zhejiang.” Below it, stamped in red ink, the words: “Retailed by the Tuosuzhai 托素齋 paper store located on West Street in front of the Jiangxi Administrative Commissioner’s yamen.” This demonstrates that the book was printed in the Mingxintang publishing house in Hangzhou but was sold at the Tuosuzhai paper store in Nanchang, Jiangxi province.

Hangzhou was a prominent publishing center in the Song period (it was the Southern Song capital city) and the Ming period, but its leading role in the book printing and publishing industry began to decline in the late Ming and early Qing period. Zhang Xiumin does not list Hangzhou as an important publishing center in the Qing period in his magisterial study of Chinese print history. Generally speaking, although Hangzhou still produced many books in the Qing period, in terms of quantity and quality it could not be compared to other important printing centers like Beijing, Suzhou, and Guangzhou. However, specifically in terms of the publishing history of commercial editions of the Qing Code, Hangzhou’s leading role could not be challenged. The high concentration of

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109 Da Qing lüli zengxiu tongzuan jicheng (1891), 1a.
110 Da Qing lüli quanzuan (1796), the front colophon page.
111 Zhang Xiumin, Zhongguo yinshua shi, 547-558.
legal experts in the city contributed to a flourishing production and booming market for the Code. As Li Chen has estimated, probably over eighty percent of all private legal secretaries in the Qianlong period were Zhejiang natives, and a large percent of them were from Hangzhou and the nearby Shaoxing area. Legal specialists resident in Hangzhou not only played an important role in compiling and editing the Code, as we have discussed above, they were also potential consumers of commercial editions of the Code. Private legal secretaries from nearby prefectures like Shaoxing and Jiaxing also frequently traveled to Hangzhou and could potentially buy the Code while there on other business.

Hangzhou was also the place where the Zhejiang provincial-level civil service examinations took place, and candidates from all around the province gathered in the city every three years. Since the provincial examinations in Zhejiang were among the empire’s most competitive, a large percent of candidates failed to graduate as juren and thus could not be appointed as officials. Many of them gave up after failing several times. One option available to failed candidates was to pursue legal training and became private legal secretaries instead. In addition, when examination candidates came to Hangzhou, they usually spent some of their spare time in bookstores. Examination candidates were important potential buyers and readers of commercial editions of the Code in Hangzhou. Moreover, as a famous tourist city as well as the southern terminus of the Grand Canal, Hangzhou attracted a large number of visitors and travelers from around the empire. The flow of visitors and travelers also could bring potential customers to

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112 Li Chen, “Legal Specialists and Judicial Administration in Late Imperial China, 1651-1911,” 23.
113 A large percent of private legal secretaries hired in the Qing shengyuan degree but could not pass provincial-level examinations and obtain a juren degree. See Guo Runtao, Guanfu, Muyou yu shusheng—"Shaoxing shiyi" yanjiu, 36-72.
bookstores in Hangzhou.

Qinghefang 清河坊 was the most prosperous commercial area in the center of Hangzhou city. Near famous scenic spots like the Wu Mountain and West Lake, Qinghefang’s stores attracted tens of thousands of visitors every year. Qinghefang was also close to several government offices, such as the yamens of the Zhejiang Provincial Administrative Commissioner, the Hangzhou Prefect, the Renhe County Magistrate, and the Qiantang County Magistrate. The Hangzhou Prefectural School also was located in this district. Therefore, besides visitors, a large number of officials, private legal secretaries, clerks, and government students gathered in this area. Many bookstores thus were located in Qinghefang. The locations of six Hangzhou bookstores that participated in printing, publishing, and selling the Code can be identified, and three of them were in Qinghefang. The other three bookstores were also located in relatively prosperous and convenient-to-reach districts. For example, the Wubentang bookstore, which published the 1723 edition of TZJC, was inside the Wangjiang 望江 Gate, near the Zhejiang Governor’s yamen. The Mingxintang bookstore, where the 1796 edition of Da Qing lüli quanzuan was printed, was on the Yangshi Street near the Qingtai Gate. This area was also famous for its flourishing commercial activities. Several government facilities like the office of the Zhejiang Salt Inspector and the Qiantang county government school were near this region. In sum, bookstores that retailed commercial editions of the Code in Hangzhou were usually in prosperous commercial areas near government offices and schools. In this way, they could draw more potential customers to

visit. It was also convenient for readers to find and buy the books.

Bookstores that published and sold commercial editions of the Code in Hangzhou usually published and sold other genres of books as well. For example, the Qinglaitang bookstore, managed by the Wu family, published at least five other books besides the 1894 edition of TZJC. These five books are all history manuals, like Nianyishi sipu (Four charts of the twenty-one histories). Some bookstores focused more on publishing legal treatises. For example, the Juwentang bookstore, located on the northern end of Qinghefang, published at least four editions of TZJC, in 1878, 1891, 1898, and 1907. The owner of the bookstore, Mr. Qiu, was quite enthusiastic about revising and publishing TZJC and seems to have taken a particular interest in publishing law books. Besides TZJC, the Juwentang published many other legal treatises, including Yongli yongyan (Trite talk of a mediocre clerk), Dulü xinde (Things I have gained from reading the Code), Shuliao wenda (Questions and answers for Sichuan colleagues), Xiuyuanlu jie (Explanations for Washing Away Wrongs), Zhizhe chenggui (Established regulations for ruling Zhejiang), Liubu chufen zeli (Administrative sanctions of the Six Boards), and so on.

Another publishing center for commercial editions of the Code was Beijing. Among the 71 editions under consideration in this chapter, 16 were printed in publishing houses and sold in bookstores in Beijing (See Chart 2.6). Most of these bookstores, like the Rongjintang, the Shanchengtang, and the Hongdaotang, were on the famous Liulichang Street, the largest book market in North China. Liulichang’s

115 Da Qing lüli zhengxiu tongzuan jicheng (1907), “Tao’s Preface,” “Ying Baoshi’s Preface,” 61a-b.
116 See the list of printings of the Juwentang, in Da Qing lüli zengxiu tongzuan jicheng (1907), 90b.
bookstores were more specialized than Hangzhou’s bookstores. Generally speaking, Liulichang’s bookstores can be sorted into two categories. One type specialized in old and rare books (古舊書 gujiushu). These bookstores collected rare and valuable Song, Ming, and early Qing editions from all around the empire and sold them to Beijing’s bibliophiles. The other category of bookstores focused on printing and retailing editions of jinshenlu (Official almanacs), legal treatises, official manuals, examination aids, and various books for officials’ and scholars’ practical use rather than connoisseurs’ collections. Bookstores that published the Code usually belonged to this category. For example, the Shanchengtang bookstore, founded by a Jiangxi native named Rao Qifeng in the Tongzhi period, published an 1888 edition of Da Qing lüli huiji bianlan (Comprehensive compilation of brief guide for the Great Qing Code). Besides this edition of the Code, Shanchengtang’s publications cover various popular genres. The shop published several editions of almanacs (jinshenlu), history works like the Donghualu (Donghua records), medical manuals like Yilin gaicuo (Correcting errors in the medical field), examination aids like Zhisheng xiangmo lianzhu (A collection of local writings from the Zhili Province), popular literature like Dongxi Han quanzhuan (Complete biographies of the Eastern and Western Han), and so on. Some other bookstores in this category, however, focused more on official and legal publications. They were sometimes referred as

117 Jinshenlu was a popular genre of imprints in the Qing period, published every quarter by various bookstores in Liulichang. According to Liu Qiang’s research, there were three categories of jinshenlu: Juezhi quanlan (爵秩全覽), Jinshen quanshu (搢紳全書), and Zhongshu beilan (中樞備覽). They recorded current officials’ name, title, and hometown, usually based on the officials’ archive in the Board of Civil Office. See Liu Qiang, “Ronglutang yu Qingdai jinshenlu zhi chuban,” Tushuguan zazhi, Vol.10, 2008, 63, 66.
118 Sun Dianqi, Liulichang xiaozhi (Beijing chubanshe, 1962), 13.
119 Da Qing lüli huiji bianlan (1888), the colophon page; Sun Dianqi, Liulichang xiaozhi, 104.
“jinshenpu” 繡紳鋪 (official almanac store) because a large percent of their publications were jinshenlu. According to Liu Qiang’s estimation, at least fifty-one such bookstores existed at one time or another in Liulichang.\textsuperscript{120} Besides official almanacs, these bookstores usually published the Code and other legal treatises. For example, Li Zhen’s Rongjintang bookstore, the publisher of Dingli quanbian (Complete collection of regulations and substrates—a hebian book mentioned above), was a typical official almanac store. It published more than seventeen editions of official almanacs in the Yongzheng and Qianlong period. It also published at least five legal treatises, like Dingli quanbian, \\textit{Benchao tibo gong’an} 本朝題駁公案 (Memorialized and overturned cases of the current dynasty), and \\textit{Mingfa zhizhang} 名法執掌 (Manual for the laws). Judging from the titles of its extant publications, the Rongjintang published few or no other genres of books. Like the Rongjintang, most of the other official almanac stores in Liulichang also solely focused on printing and publishing official almanacs and legal treatises.

The main customers who frequented the bookstores in Liulichang were officials and scholars working in or visiting Beijing. Besides a large number of officials working in the central government, officials from all around the empire came to Beijing to attend imperial audiences when they received a new official appointment. The metropolitan civil service examination and the Shuntian Prefecture civil service examination also took place in Beijing. Candidates from around the empire gathered in Beijing during the examinations and stayed there for months waiting for the results. Officials and candidates usually spent some of their spare time in Liulichang, socializing with other officials and

\textsuperscript{120} Liu Qiang, “Ronglutang yu Qingdai jinshenlu zhi chuban,” 65-6.
scholars as well as reading and purchasing books.¹²¹ Before leaving Beijing, officials and candidates usually picked up some books at Liulichang that they could not obtain in local book markets outside the capital. Yanchang 延昌, a Manchu official who worked in the central government for twenty years and was appointed as Xunzhou 潴洲 Prefect in Guangxi in 1879, listed sixty-eight books that he brought with him when he left Beijing. A large percentage of these books were legal treatises, including the Code, Da Qing huidian, Liubu chufen zeli, Xiyuanlu, Lüli bianlan 律例便覽 (Brief guide for statutes and substratutes), Mingfa zhizhang, Lübiao 律表 (Chart of statutes), and so on. He said that in remote places like Xunzhou local bookstores were rare and books were limited. It was more convenient for officials to buy their books in Beijing and take them with them to their offices in the provinces.¹²²

Compared with book buyers in Hangzhou, customers in Beijing’s bookstores generally had higher social status. Since a large number of private legal secretaries were living in and around Hangzhou, the main social group who bought the Code there was probably private legal secretaries. In Beijing, however, the majority of customers of the Code were officials. Thus specialized bookstores like official almanac stores that targeted mainly an official clientele could flourish in Liulichang. Officials were required to have a certain level of legal knowledge, but they were amateurs compared with private legal secretaries who made a living as legal professionals. Moreover, Beijing lacked Hangzhou’s atmosphere of legal expertise, a product of a large number of private legal secretaries living in and around the Hangzhou city. Qualified editors and revisers were

¹²¹ See Sun Dianqi, Liulichang xiaozhi, 3-67.
¹²² Yanchang, Shiyi xuzhi (1885), preface, 5-6.
also less numerous in Beijing. Even officials and clerks working in the Board of Punishments who might have been able to edit or update commercial editions of the Code seem not to have been interested in doing so. Therefore, although Beijing’s bookstores produced at least eleven commercial editions of the Qing Code, generally speaking, these lack originality—most of the Beijing editions simply copied Hangzhou editions. The names of editors or compilers were often omitted from Beijing editions, and the prefaces written by various officials under the invitation of editors in the original Hangzhou editions were sometimes deleted, probably to avoid potential disputes over proprietary content.\footnote{For detailed discussions on Beijing’s editions, see Fu-mei Chang Chen, “Private Code Commentaries in the Development of Ch’ing Law,” 67-110.}

When western lithographic printing technology was introduced to China in the late nineteenth century, Shanghai quickly rose as a major publishing center.\footnote{See Christopher A. Reed, *Gutenberg in Shanghai: Chinese Print Capitalism, 1876-1937* (University of British Columbia Press, 2004).} Shanghai publishing houses printed at least nine editions of the Code in the late Qing period (See Chart 2.6). Several famous publishing houses in Shanghai, such as the Wenyuan shanfang 文淵山房 and the Saoye shanfang 掃葉山房,\footnote{The Saoye shanfang was originally based in Suzhou. After the Taiping war, the owner established new branches in Shanghai. Most Saoye shanfang books published after the 1880s were printed in Shanghai. See Ellen Widmer, “Modernization without Mechanization: The Changing Shape of Fiction on the Eve of the Opium War,” in Cynthia Brokaw and Christopher A. Reed eds., *From Woodblocks to the Internet: Chinese Publishing and Print Culture in Transition, circa 1800 to 2008* (Brill, 2010), 61.} engaged in printing and selling the Code. The earliest Shanghai edition of the Code that I have found was printed by the Saoye shanfang in 1887. All Shanghai editions can be viewed as reprinted editions of the TZJC that was edited by Tao Jun and Tao Nianlin and was published by the Juwentang bookstore in Hangzhou (1878). Lithographic printing technology was widely used in printing the commercial editions of the Code in Shanghai, and thus Shanghai editions...
were smaller but clearer than the traditional woodblock printing used to print commercial editions of the Code by all publishing houses outside Shanghai. The Wenyuan shanfang publishing house alone printed at least five editions of TZJC, respectively in 1896, 1899, 1904, 1906, and 1908, which indicated that commercial editions of the Code were still in great demand in the last years of the Qing dynasty and that publishing such editions were probably still profitable.

The market for commercial editions of the Code was competitive, especially in the late Qing period. Many bookstores in cities like Hangzhou and Beijing were selling similar editions at similar prices in the same period. Fierce competition among different editions and publishing houses were reflected on their front colophon pages, in which publishers usually announced that their edition was newly updated, more comprehensive, and more precise than other editions. They also criticized other publishing houses for pirating their books, saying that those pirated editions were low in quality and full of mistakes. For example, on the front colophon page of the Lüsutang 履素堂 ‘s Da Qing lüli xinxiu tongzuan jicheng, the publisher printed the following statement in red ink:

The book is closely associated with judicial administration and punishments, and thus we proofread and printed it with extreme carefulness. Recently, there are unauthorized reprinted editions that are full of errors. Some bandits (feitu 匪徒) even forged the stamp of our publishing house and pirated [our book] to pursue profit. [I] hope gentlemen who know well about the book are able to distinguish [it from those pirated ones].

The Juwentang bookstore made the similar statement in its editions of TZJC. The publisher announced in the book:

Our Zhejiang province has been famous for producing the best editions of the Great Qing Code for a long time. [Our editions of the Code] are popular throughout the empire…In recent years some old editions with outdated...

126 Da Qing lüli tongzuan jicheng (1826), the colophon page.
substatutes that were printed in other provinces have been sold [in Hangzhou]. All of them are blurry in printing and full of errors…The worst ones are from Jiangxi, which are clumsily printed on bad paper. Not a single new substatute is included [in these Jiangxi’s editions].

Then the publisher said that his edition not only contained newly established substatutes and updated case precedents, but also was carefully proofread and printed; scholars and merchants who want to purchase the book should recognize the Juwentang stamp.

Besides the Lüsutang and the Juwentang, many other publishers made similar statements in their books. Expressions like “The woodblocks are stored in our [publishing] house” (benya cangban 本衙藏板) and “Unauthorized reprinting will definitely be investigated” (fanke bijiu 翻刻必究) frequently appeared on the front colophon page of Hangzhou editions from the mid-and-late Qing period.

The Qing laws did not specifically protect copyright, and unauthorized reprinting was not illegal. Publishers in late imperial China had several methods to protect their publications, as He Zhaohui points out, including (1) using their connections with local governments, sometimes by bringing law suits to local court, to ban unauthorized reprinting, (2) distinguishing their publication from pirated editions by using special marks, (3) establishing guild regulations (if a guild existed) to prohibit unauthorized reprinting. In terms of commercial publishers of the Code, no evidence indicates that they had a guild or any similar association. Nor did these publishers turned to court to solve the unauthorized reprinting problem, probably because the cost of bringing law suits was higher than the benefit they could gain from banning piracy. Thus expressions

127 Da Qing lüli zengxiu tongzuan jicheng (1907), “Preface,” 90a.
128 Da Qing lüli zengxiu tongzuan jicheng (1907), 90b.
like “Unauthorized reprinting will definitely be investigated” were probably merely warnings on paper and publishers seldom took real action on investigating piracy. Most commonly, renowned Hangzhou publishers of the Code tried to protect their publications by distinguishing their editions from others’ editions, as we have seen in the Lüsutang and the Juwentang’s cases. They usually stamped remarks asserting the superior quality of their editions relative to other editions on their front colophon page, indicated the location of the bookstores, and encouraged readers to distinguish “good editions” from “bad editions.”

In spite of these efforts, unauthorized reprinting of these editions was rampant in the Qing period. Of the 120 commercial editions of the Code that I have found, 49 of them do not have information on their publishers or editors, and a large percentage of them obviously reprinted popular editions published in Hangzhou. Even most of the editions published in cities like Shanghai and Beijing that had publishers’ information also reprinted Hangzhou editions. One reason for this rampant unauthorized reprinting was the lack of copyright law. Even more important reason was that printing and selling these books were so lucrative that various publishing houses and bookstores competed to pursue profit. It also indicates that commercial editions of the Code, especially the editions compiled and published in Hangzhou, were quite popular among readers and were in demand until the late Qing period.

Conclusion
Generally speaking, commercial printing and publishing flourished from the time of the “commercial publishing boom” in the late Ming period. Although a large number of books in various genres were commercially published in the late Ming period, the rise of commercial publications of the Code was a Qing phenomenon. Wu Yanhong’s research on over thirty commentaries of the *Great Ming Code* sheds new light on the publishing history of the Ming Code. Many of these commentaries can be viewed as predecessors of commercial editions of the Qing Code. According to her study, there are several features of the publications of these commentaries and texts of the Code during the late Ming publishing boom. First, most authors, editors, and compilers were Ming officials. The majority of them worked for the Board of Punishments and other central judicial offices, which provided them authority and privilege to write and compile the books. Second, publishers of these books were usually local governments. Although some commercial publishing houses did participate in producing legal texts, as Wu points out, official publishers still played a major role in printing and publishing the commentaries and texts of the Ming Code.¹³¹ Therefore, in Wu’s opinion, judicial officials in the Ming government by and large monopolized the production of commentaries and texts of the Ming Code.

This situation changed dramatically in the Qing period. When exploring both official and commercial editions of the Qing Code, I find that compared with the Ming period, non-official editors and commercial publishers obviously played a far more important role than official publishers in producing commentaries and reproducing the texts of the Qing Code. Editors, compilers, and proofreaders in the Qing period were

overwhelmingly private legal secretaries. They worked for Qing officials but were not a formal part of the Qing bureaucracy. They could access the latest legal information circulating through the Qing bureaucracy because of their work, and they took advantage of their access to that information when compiling, editing and updating the Code. Although officials still participated in publishing commercial editions of the Qing Code, usually by writing prefaces for the books, they no longer directly engaged in editing, compiling, and publishing tasks. Compared with their Ming predecessors, their importance in the publication of the Code was diminishing. Moreover, in the Qing period, most editions of the Code were published by profit-oriented commercial publishing houses and sold by bookstores in Hangzhou, Beijing, Suzhou, and other urban centers. Few provincial or local governments participated in editing and publishing the Code in the Qing period. Therefore, from the Ming to the late Qing period, we see an increasing trend of commercialization and commodification of printing and publishing the Code. Market forces gradually took place of the government in disseminating up-to-date legal knowledge.

Compared with the imperially authorized editions of the Qing Code, commercial editions have their own features in compilation, publication, and circulation. The imperially authorized editions were limited in quantity and mainly provided to high-ranking officials’ yamens. They were not frequently updated and generally were difficult to access. The proofreading and printing processes for these imperially authorized editions of the Code usually took a long time, and thus readers could not often obtain them in time to meet the demands of their work. The quality of these imperially authorized editions was relatively high in the Yongzheng and early Qianlong periods, but
quickly declined in the late Qianlong period. Some official editions produced in the late Qing period even failed to provide legible texts. Generally speaking, it seems that official sources could not satisfy Qing readers’ demand for precise, updated, and comprehensive legal knowledge. Commercial editions filled this gap. Commercial editions of the Qing Code were produced in larger quantities and were frequently updated. They were sold in bookstores in several major book markets and thus were easier to purchase. Besides statutes and substrates originally in the Code, they provided detailed statutory commentaries and annotations, updated substrates and case precedents, Board regulations, cross index, and other useful legal knowledge to their readers. Their target audience included officials, private secretaries, students and other literati, which represented a much broader social spectrum than that did the readers of the imperially authorized editions. Commercial editions of the Code were also much more widely circulated, read, and used by people inside and outside the Qing bureaucracy.

The proper functioning of the Qing judicial administration depended upon timely dissemination and circulation of up-to-date legal information. Commercial publications, to a large extent, provided this information to people working in the Qing legal system, especially officials in lower-levels of the bureaucracy and private legal secretaries. Qing officials, especially provincial judicial officials in Jiangnan, sponsored the compilation and publication of commercial editions of the Code by writing prefaces that elevated the legitimacy and authority of these books among readers. The Qing official publishing houses did not provide enough updated editions of the Code to support the judicial system, which relied more and more on commercial publications. In other words, we can say that the Qing judicial system even had a symbiotic relationship with the commercial
publishing industry. The state and the book market depended on each other for proper functioning and survival. Commercial editors and publishers, however, increasingly challenged the central government’s authority in defining how the Code should be edited and printed. Commercial editions of the Code gradually departed from the imperially authorized editions of the Code in terms of content and printing style. Although the original texts of the imperially authorized editions of the Code were kept in the bottom register of each page, more and more extra texts were added into commercial editions of the Code. From the early Jiaqing period, TZJC editions began to dominate the market for the Code, and their editing and printing principles were widely accepted and adopted by various commercial publishers and even official publishers. Finally, non-official editors and commercial publishers, under the sponsorship of judicial officials, redefined the standard of the Code printing and publishing in the Qing period.
Figure 2.2, a color printed page of *Da Qing lüli zhuzhu guanghui quanshu*, with both upper-register commentaries and interlinear commentaries.
Figure 2.3, two registers in *Da Qing lü jizhu*, 1746 edition, *juan* 24, 6a. The upper register includes Shen Zhiqi’s commentaries; the lower register includes the statutes and substututes.
Figure 2.4, three registers in *Da Qing lüli quanzhuan*, 1796 edition, *juan* 4, 5a. The upper register includes the cross index; the middle register includes commentaries, model cases, and other legal information; the lower register includes the statutes and substatutes.
Chapter 3

Reading the Great Qing Code

This book [the Great Qing Code with collective comments] can help the reader establish himself (shushen 樹身) in the short run, and can benefit the world (shanshi 善世) in the long run. The book will contribute to governance when we distribute it and perform according to it. Can we say that it is not a “useful book” (youyong zhi shu 有用之書)?

Zhang Sichang 張嗣昌
(Guangdong Judicial Commissioner, 1745)

On a summer day in 1835, Zhang Jixin 張集馨 (1800-1878), First-degree Compiler (Bianxiu 編修) of the Hanlin Academy, came to the palace for an individual imperial audience with the Daoguang emperor, who had decided to interview junior members of the Hanlin Academy and select some competent ones to fill official positions in the provinces. After asking Zhang several questions about his past experiences, the emperor told Zhang to read “useful books” (youyong zhi shu) and not to spend too much time on reading and writing useless poems and essays. He said to Zhang: “Try to think about it. How can prose and verse contribute to the rule of the state?” At the end of the audience, the emperor emphasized reading useful books once again: “When at home,

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1 Da Qing lü jizhu (1745), “Zhang Sichang’s Preface,” 2a.
2 Zhang Jixin recorded this audience in details in his autobiography Daoxian huanhai jianwen lu, which was not published until the 1980s. Scholars believe that the information in Zhang’s autobiography is trustworthy. It is one of the best sources for us to see the functioning of the Qing bureaucracy and officials’ lives in the Daoguang and Xianfeng periods. In most cases, Zhang Jixin seems candid and sincere. Unlike most contemporary officials, Zhang did not write his autobiography for publication and did not brag about his own contributions. See Daoxian huanhai jianwen lu (Beijing: Zhonghua shuju, 2008), “Preface,” 2-3; and Pierre-Étienne Will, “Views of the Realm in Crisis: Testimonies on Imperial Audiences in the Nineteenth Century,” Late Imperial China, Vol.29, No.1 supplement, June 2008, 136-137.
you’d be better to read books about statecraft (jingshi zhi shu 經世之書). Attending drinking and poetry parties are the bad habits of Hanlin academicians. Don’t waste your time on that!"³

The Daoguang emperor clearly indicated that “useful books” in his mind were books about statecraft. The Jiaqing and Daoguang periods witnessed a revival of statecraft thinking and practical learning (shixue 實學). In this time of crisis, more and more officials and scholars paid attention to the learning and techniques that would contribute to the functioning of economy, performance of administration, the welfare of society, and so on. “Useful books”—including the Great Qing Code, the Huidian, various official handbooks, collections of works of established officials, and Compendium of Writings on Statecraft from the Present Dynasty (Huangchao jingshi wenbian 皇朝經世文編)—were often contrasted with “useless books:” particularly mediocre poetry and essays, obsolete annotations to Confucian classics, examination aids, unimportant people’s autobiographies and literary collections, and shoddy local gazetteers.⁴

In the Daoguang period the Qing empire faced many challenges, including bureaucratic decline, official corruption, local rebellions, and impending foreign invasion. From the emperor’s perspective, choosing and appointing capable and upright field administrators was an essential solution to the empire’s problems. The conversation during Zhang Jixin’s audience indicates that the emperor sincerely believed that reading

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⁴ See Fang Dashi, Pingpingyan, juan 1, “Houbu yi dushu” and “Du youyong zhi shu” 読有用之書 (Read useful books), 3a-7a, 48a. Zhang Zhidong’s “useful book” list is similar to Fang’s, but it includes a broader range of books. He pointed out that “books for understanding history,” “books for ordering the world,” and “books for establishing one’s mind and body” are all useful books. See Zhang Zhidong, Youxuanyu, “Dushu yidu youyong zhi shu” 讀書宜讀有用之書 (When reading books, you should read useful books), in Zhang Zhidong quanji (Hebei renmin chubanshe, 1998), Vol.12, 9773.
useful books about statecraft would prepare his classically-educated Hanlin officials for future positions in field administration. Most Qing officials, including Zhang Jixin, graduated from the metropolitan civil service examinations, which mainly tested candidates’ literary talents, not administrative knowledge. When they prepared for these highly competitive examinations, few candidates had the spare time or energy to read books about law and administration. In his autobiography, Zhang Jixin himself did not mention that he had read any such books before he got his jinshi degree. Born to a middling literati family of modest means in Yizheng, Jiangsu Province, Zhang studied Confucian classics with various teachers in his hometown. After he passed the provincial level examinations in his early twenties, he moved to Beijing, working as a tutor in an official household as well as preparing for the examinations. At the age of 29, he passed the jinshi examinations and started to work in the Hanlin Academy. By 1835, Zhang had worked in the Academy for seven years and had been appointed twice as supervisor of provincial examinations. When the emperor interviewed him, Zhang was a young, promising official with no experience whatsoever in field administration, the career path to which he aspired. So the Daoguang emperor told him twice during the audience to read useful books and prepare himself well for his future job.

A year later, in 1836, Zhang Jixin was appointed as Shuoping 朔平 Prefect in Shanxi province: the start of a thirty-year-long career as a local and provincial official. Between 1836 and 1865, he served in various positions such as prefect, circuit intendant (daotai 道臺), provincial judicial commissioner, provincial administrative commissioner,

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5 Zhang Jixin, Daoxian huanhai jianwen lu, 475-478.
6 Zhang Jixin, Daoxian huanhai jianwen lu, 16-20.
7 Zhang Jixin, Daoxian huanhai jianwen lu, 22.
and acting governor in several provinces. Despite his lack of experience, Zhang wrote that upon arrival in Shanxi he quickly adapted to local administrative and legal affairs, showing his talent and ability in solving complicated local problems. In the nineteenth century, local governments usually were backlogged with tens or hundreds of unsolved legal cases (ji’an 積案). Clearing up backlogs of these cases efficiently was a crucial capacity of a local official, which would affect his official reputation and future promotion. Though obviously a Confucian-educated literatus, Zhang Jixin showed an amazing familiarity with laws and legal procedures. He did not brag a lot about his legal and administrative knowledge in his autobiography, but he revealed that he was skillful and confident in solving legal cases, even at the very beginning of his career as a prefect in Shanxi. Zhang had probably acquired legal knowledge and administrative techniques by reading books when he waited for the appointment in Beijing. When he was acting Taiyuan Prefect, within only half a year, he resolved over two hundred backlogged legal cases that had accumulated in the office over years. In his autobiography, he expressed distrust of private legal secretaries, insisting that officials should have robust legal knowledge and be able to make sentences on legal cases themselves. Only in this way, he wrote, could officials avoid being deceived or misled by self-serving private secretaries. When he was in Shanxi, he wrote responses to the plaints filed with his court and decided whether to accept them on his own instead of relying on private legal secretaries to do so. He only hired one private legal secretary when he was appointed as circuit intendant.

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9 Zhang Jixin, Daoxian huanhai jianwen lu, 45.
10 Zhang Jixin, Daoxian huanhai jianwen lu, 44.
in Fujian.\textsuperscript{11} During his years there, he himself reviewed all of the legal case records submitted by local governments and let the private secretary deal only with routine paperwork.

In his career working in local and provincial governments, Zhang Jixin paid close attention to learning legal knowledge and techniques of judicial practice. He enjoyed conversing with his private legal secretaries when dealing with complicated legal cases.\textsuperscript{12} He also emphasized legal and administrative training for inexperienced officials. When he was acting Taiyuan prefect, he sent about twenty newly appointed county magistrates to the provincial auxiliary court (\textit{Fashen ju} 發審局), which dealt with capital appeals and automatic judicial reviews.\textsuperscript{13} He hoped that these officials could gain useful legal experience at the court. He also ordered these new magistrates to read the \textit{Great Qing Code} after work and discuss the laws during the day.\textsuperscript{14} He set up an attendance roster for these magistrates at the court to supervise their attendance at the legal training. Through this training, in Zhang’s opinion, new magistrates would be better prepared for their job. “Some day in the future when they assume their own offices,” Zhang wrote, “they will be confident in dealing with legal cases, so other people cannot easily manipulate them.”\textsuperscript{15}

Based on contemporary officials’ autobiographies, it is difficult to conclude whether Zhang Jixin’s concerns about official legal training and his familiarity with the laws were typical, because few Qing officials recorded the details of laws and judicial

\textsuperscript{11} Zhang Jixin, \textit{Daoxian huanhai jianwen lu}, 60. According to Zhang Jixin, this office usually had three private legal secretaries. Zhang, however, thought that one was enough.

\textsuperscript{12} Zhang and his secretaries always debated the proper sentences in complicated legal cases. See Zhang Jixin, \textit{Daoxian huanhai jianwen lu}, 115.

\textsuperscript{13} See Jonathan K. Ocko, “I’ll Take It All the Way to Beijing: Capital Appeals in the Qing,” \textit{The Journal of Asian Studies}, Vol.47, No 2, 307. I will discuss the \textit{Fashen ju} in detail later in this chapter.

\textsuperscript{14} Zhang Jixin, \textit{Daoxian huanhai jianwen lu}, 42.

\textsuperscript{15} Zhang Jixin, \textit{Daoxian huanhai jianwen lu}, “other people” here clearly refers to private legal secretaries and clerks.
administration. However, Zhang’s case forces us to ponder the prevalent assumption that Qing officials knew little about the laws. Scholars like Max Weber and T’ung-Tsu Chü generally assumed that Qing bureaucrats were “incapable” of handling administrative and legal affairs. These “amateur officials” received little professional administrative and legal training, so they had to totally rely on clerks and private secretaries to fulfill their official job. In “Legal Education in Ch’ing China,” Wejen Chang points out that Qing officials “could not get much legal education at regular schools,” and there was “no special legal training program for them after they took office.” He conducts a survey of Qing officials’ writing and biographies, and finds that they do not reveal where and how officials got their legal education. Because they received no formal legal training, Wejen Chang concludes, Qing officials probably had no real, workable legal knowledge. In Chang’s opinion, the only legal experts in the Qing were private legal secretaries, who received many years of legal training and made a living from their legal knowledge.

Several scholars working on the Qing bureaucracy, however, challenge this earlier view. Thomas Metzger, from his research on the internal organization of the Qing bureaucracy and administrative laws, argued that “respect for specialized bureaucratic knowledge was deeply rooted,” and Qing officials were familiar with the penal Code “at least on a superficial level.” Pierre-Étienne Will, looking at famine relief and the

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16 The reason for this selective silence on the laws and judicial administration in autobiographies was complicated. Many officials viewed things related to laws and crimes were inauspicious and were reluctant to mention in their autobiographies. Some thought they were too sensitive or trivial to record.
18 Wejen Chang, “Legal Education in Ch’ing China,” 300.
19 Wejen Chang, “Legal Education in Ch’ing China,” 300.
20 Metzger, *The Internal Organization of Ch’ing Bureaucracy*, 150, 155.
prevalence of administrative handbooks, also argued that the “Confucian amateurism” of Qing officials had been exaggerated; an active group of capable and skillful officials took charge of the Qing bureaucracy, enabling it to run properly and efficiently.\footnote{Wei Pixin, “Ming Qing shiqi de guanzhenshu yu Zhongguo xingzheng wenhua,” in \textit{Qingshi yanjiu}, 1999 (01), 3-5.} Neither Metzger nor Will focused on civil or penal law, but historians now generally believe that judicial administration was a crucial part of Qing field administration. Qing administrative laws required officials from county magistrates up to ministers of the Board of Punishments to sentence criminal cases according to specific statutes and substratutes in the \textit{Great Qing Code} or face administrative sanctions. As for civil cases, scholars find that, rather than using common sense and local custom, many Qing officials relied on provisions from the Code to make civil sentences.\footnote{See Philip Huang, \textit{Civil Justice in China: Representation and Practice in the Qing}.} It is hard to believe that an official without any working legal knowledge could fulfill his task, even with the help of private legal secretaries. Zhang Jixin’s case clearly indicates that an official without specific legal training could know a great deal about the laws. Reading the Code, legal treatises, and official handbooks were probably the most important method for Qing officials like Zhang Jixin to get access to legal knowledge and prepare themselves for judicial work. These books were widely printed and disseminated in the Qing period, and officials could easily buy them.

This chapter explores why reading legal books was important to Qing officials, especially to sub-provincial officials such as prefects and magistrates, which books they read, and how they read them. I will pay special attention to the method of reading the \textit{Great Qing Code}, which officials and private legal secretaries frequently mentioned in various official handbooks. I will discuss how the multiple-register-per-page printing
format that was popular among commercial editions of the Code helped Qing officials without extensive legal training to comprehend the meaning of laws and locate a precise statute or substatute to resolve a legal case. I argue that the lack of formal legal education does not necessarily mean that Qing officials did not have working legal knowledge. Commercial editions of the Code and other legal imprints in the book market provided them with a convenient means of self-training in legal matters and a sufficient access to the body of legal knowledge.

Regulations and Policies Regarding Officials’ Legal Knowledge in the Qing

Laws and administrative regulations in the Qing period required that officials be familiar with laws and various administrative regulations. The Qing Code required that officials and clerks must know the laws; otherwise they would be punished. Article 61, “Explaining and Reading the Laws and Regulations,” in the Qing Code says:

All of the nation’s laws and regulations analyze the seriousness of the facts and circumstances of offense and establish their names. They are published throughout the Empire. They must be eternally honored and obeyed. The officials and clerks must read them so that they are familiar with them and are able to explain clearly the meaning of the laws in order to analyze and decide matters. At the end of every year, both in the capital and outside, each of them will be examined and checked by his superior. If he cannot explain the law, and does not understand its meaning, then, if he is an official, he will be fined one month’s pay. The clerks will receive 40 strokes of the light bamboo.\(^{23}\)

The statute ordered officials to not only read the laws, but also to be able to explain their meaning and pass sentence based on them. Supervisors ought to examine subordinates’ legal knowledge at the end of each year and punish those who could not explain the meaning of the laws. In 1733, the Qing court issued a substatute clarifying the details of

\(^{23}\) William Jones trans., *The Great Qing Code*, 89.
this legal examination for officials. The substatute required that in the capital ministers of the Boards take charge of the examination, and in the provinces governors-general and governors be responsible for testing their subordinates. Ministers and governors were required to submit annual reports to the Board of Civil Office on whether their subordinates were familiar with the laws. Officials who excelled at the tests would be promoted, and those who failed would be punished.24

Besides the Code, imperial edicts and administrative regulations also emphasized examinations on officials’ legal knowledge. In 1725, the Board of Punishments announced that all lower-ranking officials in the Board had to take an examination at the end of each year, in which they were asked to recite a statute selected from the Code. The test result would affect promotions.25 In 1743, the Judicial Commissioner of Jiangsu province submitted a memorial to the throne and suggested testing the legal knowledge of newly-appointed county magistrates. He pointed out that county magistrates should particularly pay attention to the laws. If they initially imposed wrong sentences in local courts, he said, cases would become difficult to conclude, and people implicated in the cases would suffer. Moreover, yamen clerks and private secretaries could easily manipulate the local judicial administration, if magistrates were not familiar with the laws. He proposed that newly selected county magistrates should take a test on explaining the meanings of selected statutes and substatutes from the Code before they were appointed, and test results would determine which particular county they would get.26

24 Qinding Da Qing huidian shili, juan 749, 17b-18a. This substatute was deleted from the Code in 1740.
25 Qinding Da Qing huidian shili, juan 749, 18b-19a.
The Qianlong emperor approved this suggestion, but the test was abolished in the following year.\textsuperscript{27}

From the mid-Qing period, the population doubled but the government and its personnel did not expand accordingly.\textsuperscript{28} The judicial system faced increasing pressure from accumulated unsolved legal cases (\textit{jì\textsuperscript{‘}ān}). In official discourse, local officials were supposed to clear up case backlogs as soon as possible, because these backlogs not only prolonged the suffering of people involved in legal cases but also might lead to social instability. The situation faced by late Qing officials was more challenging than that of their early-and-mid Qing predecessors: they had to deal with more legal cases and resolve them more efficiently. Officials made many suggestions to enhance the judicial system’s efficiency in order to solve the backlog problem. In 1860, the Board of Punishments established a new regulation that required all new officials in the Board to study law and judicial practices with current Board officials for two years. Only after finishing this training could they be in charge of reviewing legal cases on their own, but little evidence indicated that the regulation was seriously implemented.\textsuperscript{29} In the following years, some officials tried to persuade the court to extend such legal training to the whole bureaucracy and to establish a new form of legal examination for all newly-appointed officials.\textsuperscript{30} In response to these recommendations, the Qing court issued an edict in 1866 establishing by far the strictest regulations in late imperial history on newly appointed officials’ legal

\textsuperscript{27} In 1744, the Qianlong emperor abolished the test, saying the test was not helpful for administrative affairs. See \textit{Qing shilu}, the Qianlong Reign, \textit{juan} 229, Vol.11, 958.


\textsuperscript{29} \textit{Qing shilu}, The Xianfeng Reign, \textit{juan} 323, Vol.44, 782-783.

\textsuperscript{30} See Dong Wenhuang 董文煥, “Zouwei jingchen lizhi feichi qing tongchi daxiao chengong jiangqiu lüli dengshi 奏為敬陳吏治廢弛請通飭大小臣工講求律例等事,” The Lüfu Memorials Database, No.03-5017-033.
training and examination. In the edict the Tongzhi emperor said: “Statutes and substatutes [from the Code] are related to governance. All officials should always pay particular attention to them, studying them thoroughly and thinking about them carefully (jingsi shuxi 精思熟習).” Then he pointed out that officials’ unfamiliarity with the laws led to corruption and dysfunction in the bureaucracy. He ordered that: (1) in the capital, ministers of each Board would test newly-appointed officials’ knowledge of the Board regulations. If new officials were not familiar with the Board regulations, they would be sent back to the Board of Civil Office to wait for official openings again (this was intimidating, because the waiting process was usually quite long, several years or longer in the late Qing), or they could stay in the Board for three more years studying laws and administrative regulations; (2) in the provinces, governors-general and governors would hold an examination on the Great Qing Code for officials who were waiting for appointment. Officials’ test results would determine whether and when they would get a good position. In this way, the emperor hoped, officials would pay more attention to studying law. When officials were familiar with the law, clerks and private secretaries could not easily manipulate judicial administration and local governance.31 Evidence indicates that the policy was seriously carried out, at least in some provinces. The Peking Gazette (Jingbao 京報) recorded the test reports from the Shanxi governor in the Guangxu period. In these reports, the governor restated the imperial edict and said that they tested new officials in his province according to the edict. This indicates that the policy was in effect until at least the early Guangxu period.32

32 See Shenbao, “The Peking Gazette, fully recorded,” 1874.01.11, p. 04-05; 1875.06.05, p.04, 05; 1875.07.07, p. 03, 04; 1876.02.10, p. 04, 05; 1876.12.18, p. 03, 04; 1880.08.05, p.03, 04, 05; 1880.09.01, p
Besides taking legal tests, in the late Qing period many new officials had to go through one year legal training in the provincial auxiliary court (Fashen ju). The Fashen ju first emerged in several provinces in the Jiaqing period. At the beginning, it was a temporary institution, usually established in provincial capital cities and designed to assist provincial officials to clear up case backlogs and to investigate capital appeals (jingkong 京控). Beginning in the Daoguang period, the Fashen ju had gradually been institutionalized in most provinces, and it became a permanent provincial auxiliary court. The Fashen ju had a pivotal role in the provincial judicial system: its responsibilities included dealing with cases of capital appeals, cases submitted by subordinate courts for provincial review, and cases that were overruled by the Board of Punishments and sent back for retrial. The majority of the staff were “expectant officials” (houbu 候補), who held official titles but were still waiting for actual openings. Many provinces also sent new county magistrates to the Fashen ju for legal training, as Zhang Jixin did in Shanxi province. For example, in 1897, the Jiangsu governor sent two new county magistrates to the court. In his memorial to the emperor, he explained the reason:

People in those two counties are cunning and deceitful and legal cases are numerous. It is difficult for officials who are not clever and experienced to fulfill the job…[These two officials] are just entering the official world. They do not have any experience…Therefore I sent them to the Fashen ju and let them assist

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35 Li Guilian and Hu Zhen, “Qingdai fashenju yanjiu,” Bijiao fa yanjiu, No.4, 2006, 16.
36 For details of capital appeals and case review process in the Qing, see Jonathan Ocko, “I’ll Take It All the Way to Beijing: Capital Appeals in the Qing.”
37 Li and Hu, “Qingdai fashenju yanjiu,” 22.
in hearing trials and drafting sentences in legal cases, through which they can gain useful experience.\textsuperscript{38} Similarly, based on the palace memorials that I have read from 1872 to 1910, at least 108 new county magistrates in Shandong, Sichuan, Henan, Shanxi, Guangxi, Zhili, Guangdong, Ningxia, Gansu, Anhui, Jiangsu, Hunan, and Jiangxi provinces stayed in the \textit{Fashen ju} for about one year to study law and assist in trying legal cases.\textsuperscript{39} In the late Qing period, therefore, although there was no written regulation, governors in many provinces embraced the strategy of sending inexperienced new magistrates to the provincial auxiliary court, where they could learn laws and gain judicial experience.

The \textit{Fashen ju} was a perfect place for inexperienced officials to get practical legal training. Legal cases sent to the \textit{Fashen ju} were usually difficult and complicated and had been unresolved for years. Dealing with such cases required care and familiarity with the laws. Officials usually were trained to examine case reports, attend trials, and suggest sentences on their own, not depending on private legal secretaries.\textsuperscript{40} Officials’ performance in the \textit{Fashen ju} was carefully evaluated, and the evaluation would influence their future appointment or promotion. For example, the \textit{Fashen ju} in Shanxi established a regulation in 1836: officials who solved more than 30 cases submitted by subordinate courts for provincial review or more than 8 cases of capital appeal within one

\textsuperscript{38} "Zouwei xinxuan Rugao xian zhixian Shan Rushen Liuhe xian zhixian Yan Yiyu liusheng paiwei Jiangningfu yanju bang shen anjian shi" 泰為新選如皋縣知縣單儒紳六合縣知縣嚴義豫留省派委江寧府讞局幫審案件事, The Palace Memorial Database, No.04-01-12-0581-125, Qingshi bianzuan weiyuanhui.

\textsuperscript{39} I found over one hundred memorials submitted by governors-general and governors referring to retain newly appointed county magistrates in Qingshi bianzuan weiyuanhui’s Lüfu Zouze (錄副奏摺, duplicate copies of palace memorials) Database and The Palace Memorial Database. The real number of new officials who had experience in the \textit{Fashen ju} was probably far beyond that.

\textsuperscript{40} Li and Hu, “Qingdai Fashenju yanjiu,” 21; Zhang and Feng, “Bao Shichen zhengyi de chengben,” 18, 21.
year could get an early appointment (bawei 拔委).\footnote{See Zhang and Feng, “Bao Shichen zhengyi de chengben,” 19. It was an appealing reward for expectant officials, because they usually had to wait many years in the provincial capital for appointment.} Bad performance led to administrative fines or prevented future appointments.\footnote{Zhang and Feng, “Bao Shichen zhengyi de chengben,” 19.} Besides dealing with real cases, supervisors of the provincial auxiliary court sometimes asked new officials to read and explain statutes and substatutes from the Code. After one-year training of dealing with real cases and studying the Code, new officials could gain valuable legal experience as well as robust legal knowledge. When going to their own posts, these officials could handle legal cases on their own.

Emphasis on officials’ legal knowledge and training meant that Qing rulers paid much attention to the codified laws in the legal system. The Qing Code inherited the statute from the Ming Code “Citing Laws and Orders in Deciding Cases,” which says: “Every (official) who is deciding a case must cite the statutes or the substatutes from the Code. Any violation (failure to cite) will be punished with 30 strokes of the light bamboo.”\footnote{William Jones trans., \textit{The Great Qing Code}, Article 415, 396.} Although a similar statute had existed in the Code since the Tang period,\footnote{Wu Tan, \textit{Da Qing lüli tongkao jiaozhu}, (Zhongguo zhengfa daxue chubanshe, 1992), 1108.} only the Qing period is there clear evidence that the statute was seriously enforced in the legal system.\footnote{Chiu Peng-sheng, \textit{Dang fali yushang jingji: Ming Qing Zhongguo de shangye fali} (Wunan tushu chubanshi, 2008), 103-108.} In the Yongzheng and early Qianlong period, along with other domestic reforms, the emperors established a number of regulations to implement the statute. For one thing, Qing rulers established seven substatutes under this statute, defining a variety of specific situations and regulations in judicial practice. These substatutes also detailed officials’ punishments if they violated this law.\footnote{Qinding \textit{Da Qing huidian shili}, juan 852, 1a-2b.} For another thing, Qing rulers
reinforced the performance of the judicial review system. Beginning in the Yongzheng period, all criminal cases that had punishments more severe than beating would go through a series of reviews and retrials from county-level courts to the prefectural, provincial, and finally imperial courts. If officials assigned unjustified penalties (i.e., cited improper statutes or substatutes) or violated standard judicial procedures (e.g., using unacceptable torture instruments during trial), they would endure punishments including administrative fines, demotion, cashiering, or even corporal penalties.\(^{47}\) Under such pressure, Qing officials paid more attention to the written laws and judicial procedures than had their counterparts in previous dynasties.

Based on the laws, regulations, and practices discussed above, there is no doubt that Qing rulers and officials were concerned about legal knowledge and judicial performance. But the Qing systematically removed legal tests from the civil service examinations. The early Qing provincial examination (xiangshi 鄉試) and metropolitan examination (huishi 會試) required examinees to write five pan 判 (hypothetical judicial decisions), the structure and content of which were inherited from the Ming dynasty.\(^{48}\) In 1756, however, the Qianlong emperor ordered the abolition of all such tests. He claimed that the pan tests “always follow stale models, make it easy for candidates to guess the answers, and have nothing to do with their real learning.”\(^{49}\) After that, the civil service examinations no longer required any legal tests.

\(^{47}\) For the evolution of the regulations, see Chiu Peng-sheng, Dang falü yushang jingji, 104-108. For actual cases in which officials were punished, see Ting Zhang, “‘Penitence Silver’ and the Politics of Punishment in the Qianlong Reign (1736-1796),” in Late Imperial China, Volume 31, Number 2, December 2010.

\(^{48}\) Wejen Chang, “Legal Education in Ch’ing China,” 294. For details of the structure and content of the civil service examinations in the Qing, see Benjamin A. Elman, A Cultural History of Civil Examinations in Late Imperial China, (University of California Press, 2000).

\(^{49}\) Qinding Da Qing huidian shili, juan 331, 7b-8a.
Wejen Chang viewed the abolition of the *pan* tests as evidence that Qing rulers ignored official candidates’ legal training and were unwilling to promote legal education in society.\(^{50}\) In my opinion, however, abolition of the *pan* tests indicated the Qing rulers’ strategy to raise the bar for formal legal education and training in response to contemporary social demographic changes, rather than a signal of their “ignorance” or “reluctance” regarding officials’ legal education. Compared with previous dynasties, the Qing civil service examinations were far more competitive because of population growth. Most candidates could not pass the provincial examination and had no hope of becoming officials in the future. The Qing rulers feared that if they emphasized legal tests in the provincial examination, candidates might become “too familiar” with the laws. If they failed to pass the examination, they could easily turn into so-called “litigation masters,” who would “incite litigation” and “disrupt social harmony.”\(^{51}\) For example, Yi Jingqing 易鏡清 (b.1791), Investigating Censor (*Jiancha yushi* 監察御史) in the Censorate, submitted a memorial to the throne in 1835. This memorial emphasized that officials should have sufficient legal knowledge and suggested restoring the legal tests in the metropolitan examination. But he insisted that legal tests in the provincial examination were harmful:

> If we require [legal tests] in the provincial examination, I am afraid that there may be many disadvantages. Not all the candidates taking the provincial examination have good moral qualities. Some tricky students and bad licentiates (*diaosheng liejian* 刁生劣監) who know some laws may instigate lawsuits (*baolan cisong* 包攬詞訟) and take advantage of officials (*xiezhi guanli* 挟制官吏).\(^{52}\)

\(^{50}\) See Wejen Chang, “Legal Education in Late Imperial China,” 296-97.

\(^{51}\) In fact, many failed candidates indeed became “litigation masters.” For detailed discussions about litigation masters in the Qing period, see Melissa Macauley, *Social Power and Legal Culture*.

He went on to explain that candidates who passed the provincial examination usually had real learning and good moral qualities, and thus encouraging them to study law and testing their legal knowledge in the metropolitan examination would not create similar problems. Therefore, we should not view removing legal tests from the civil service examinations as evidence that the Qing court ignored officials’ legal training. It reflected the social and demographic changes around the examinations rather than a change in the Qing rulers’ attitudes towards the laws and officials’ legal training. By emphasizing legal tests and training for entry-level officials and canceling the pan tests in the civil service examinations, Qing rulers intended to equip their new officials with legal knowledge just before they assumed office, and simultaneously to reduce the chance for those who failed the civil service examinations to “abuse” the laws and “manipulate” the legal system.

Reading the Code in Scholar-Officials’ Discourse

Providing justice to the people was an important signal of benevolent government, and the capacity to deal with legal cases promptly and properly was an essential attribute of a magistrate. Almost all Qing official handbooks (guanzhenshu 官箴書) stressed the importance of the laws and of officials’ skills in dealing with cases. As Xu Dong 徐棟 (1792-1865), a famous Qing magistrate, said in his handbook: “Nowadays, talking about administration, the most important things are the laws and punishments (xingming), because they not only determine the rewards or punishments of officials, but also involve people’s life and death.”

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53 Xu Dong, Mulingshu jiyao (Jiangsu shuju, 1868), juan 7, 1a.
Official handbooks published in the Qing period encouraged officials, especially newly-appointed county magistrates, to carefully read the *Great Qing Code* and familiarize themselves with the laws and judicial procedures.\(^{54}\) For example, Tian Wenjing 田文鏡 (1662-1732) and Li Wei 李衛 (1687-1738), two famous governors-general in the Yongzheng period, emphasized in their imperially-authorized handbook for officials that new county magistrates should especially pay attention to reading the Code:

> The *Great Qing Code* is our dynasty’s constant canon, which establishes laws for ten thousand years…All officials, scholars, and common people should read [the Code] carefully and be able to explain [the laws] clearly (*shudu jiangming* 熟讀講明). Especially for county magistrates who receive an appointment for the first time, they should not put down the book even for a moment.\(^{55}\)

They pointed out that statutes and substatutes from the Code were great guidelines (*dagang* 大綱) for an official who needed to rule the people. The authors said that new officials should read and discuss law instead of wasting their time on prose and verse. Only through carefully legal study could officials fulfill their responsibilities.\(^{56}\)

In addition to this general emphasis on the importance of laws in administration and governance, officials and scholars usually pointed out specific reasons why officials and those who expected to be officials should be familiar with the laws, and how legal knowledge facilitated their work. First, many authors stressed that sufficient legal knowledge enabled officials to try legal cases more efficiently and to avoid embarrassment in the courtroom. They pointed out that although private legal secretaries

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\(^{54}\) Both authors and target readers of these handbooks were usually officials (including those who wanted to be officials) and private legal secretaries. Based on their own experience, authors wrote and published these handbooks as guides and instructions of the complicated official world for novices. For detailed discussions of late imperial China’s official handbooks, see Wei Pixin (Pierre-Étienne Will), “Ming Qing shiqi de guanzhenshu yu Zhongguo xingzheng wenhua,” *Qingshi yanjiu*, No.1, 1999.


\(^{56}\) Tian Wenjing and Li Wei, *Qinban zhouxian shiyi*, 28a-29a.
could help officials prepare most of the paperwork for a legal case, they could not assist officials to try the case, because Qing regulations did not allow private secretaries to appear in court. For example, Fang Dashi 方大湜 (1821-1886), an experienced prefect, reminded fellow officials in Pingping yan 平平言 (Ordinary sayings):

You can rely on private secretaries to deal with the paperwork of a case, but you are totally on your own when trying a case. This is not something private secretaries can do for you…You should remember as many statutes and substatutes as possible, and during a trial you will know what to do.57

Similarly, Chu Ying 褚瑛, a magistrate in the Guangxu period, pointed out in his handbook that private secretaries “can only help officials handle paperwork, but cannot help officials manage various situations during a trial.” Officials thus should always read legal books carefully and equip themselves with legal knowledge they could draw upon when making a decision during a trial. In this way, officials could use the proper language and get useful confessions in the court. If officials made mistakes out of their ignorance of the laws in the courtroom, Chu Ying wrote, they could become a target of local gossip (beiren yilun 被人議論), and even a laughing-stock (xiaobing 笑柄). Chu Ying concluded that officials must pay close attention to the laws.58

Second, many authors warned new officials that if they were not familiar with the laws, private secretaries and clerks could easily manipulate legal cases for their own benefit, leading to corruption and injustice in the legal system. It would not only disturb local administration and increase the number of wronged people, but also ruin the

58 Chu Ying, Zhouxian chushi xiaobu 州縣初仕小補, juan 2, 9a-b, reprinted in Guanzhenshu jicheng, Vol.8.
officials’ career if this corruption and injustice were someday discovered.\footnote{59} Litigation masters could also take advantage of officials’ ignorance of the laws. Many officials and private secretaries said that if officials knew the law well and showed confidence in their legal knowledge during trials, they would scare litigation masters away from the court and thus reduce the number of false accusations and protect local people’s wealth and livelihood. For example, Liu Heng 劉衡 (1776-1841), an established magistrate and author of several influential official handbooks, wrote in *Shuliao wenda 蜀僚問答* (Questions and answers for fellow officials in Sichuan): “How can we prohibit pettifoggers from filing false accusations and harassing our courts? The only method is that we officials must read the *Great Qing Code* carefully over and over again.”\footnote{60} Wang Huizu 汪輝祖 (1730-1807) also pointed out in his famous official handbook *Xuezhi shuozhui 學治說贅* (Superfluous sayings about learning to administer) that officials should thoroughly study the laws. During a trial, officials could not conveniently consult with their legal secretaries. If officials showed any hesitation when making a decision, Wang Huizu said, litigation masters would immediately know that the officials did not know the laws well and would take advantage of this in the future. On the other hand, if officials were familiar with the laws and could make proper decisions promptly in the court, litigation masters would submit out of awe and the number of false complaints would naturally decrease. It would, Wang Huizu concluded, reduce the local judicial burden and greatly benefit officials.\footnote{61}


Qing officials universally blamed private legal secretaries (muyou), clerks (xuli 吏), and pettifoggers (songgun) for many administrative and social problems, such as corruption, judicial inefficiency, case backlogs, and high litigation rates. Although many officials’ accusations against private secretaries, clerks, and pettifoggers were false or unfair, their fear of them was real. Many officials implied that a magistrate or prefect faced a rather challenging situation in the late imperial period: they were trying to govern a yamen and local society where the people themselves were familiar with the laws. In an age of abundant and high-quality commercial printing, law and legal knowledge, which had been the secret and privileged information of officials and the government, became more widely disseminated in print and available to all who could afford to buy. Reading the Code and studying legal knowledge, therefore, were necessary for officials to survive in this legally sophisticated bureaucracy and society.

Third, some Qing scholars pointed out that reading the Code was a method of self-examination (zisheng 自省). By carefully studying the laws from reading the Code, one could become a better gentleman and a more competent official in the future. For example, Bao Shichen 包世臣 (1775-1855), an influential thinker and a private secretary.

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62 Scholars now generally believe that the rise of private secretaries, clerks, and litigation masters was an autonomous response and solved a major problem in the late imperial period—the population continued to grow, but the late imperial state was extremely reluctant to expend its formal governmental personnel and apparatus. The state thus increasingly relied on semiformal or informal employees (i.e., private secretaries, clerks, and runners) to provide services (esp., legal service) that the people needed. These employees usually received little or no salary from the government. In private secretaries’ case, their salaries were paid out of officials’ own purse. In clerks’ and runners’ case, they usually lived on informal fees (lougui 隙規). Officials considered the informal fees to be a type of corruption, an exploitation of the people’s wealth. However, in practice, most of these informal fees were well instituted and regulated, and should not be seen as a source of corruption. See Bradly Reed, *Talons and Teeth: County Clerks and Runners in the Qing Dynasty*. Melissa Macauley convincingly argues that litigation masters usually provided local people with legal services and helped them go to court, which they otherwise had little means to access. They usually helped people who were powerless and needed legal service, rather than “inciting” them to go to court. See Melissa Macauley, *Social Power and Legal Culture: Litigation Masters in Late Imperial China*. 176
in the early nineteenth century, expressed this idea specifically in an article titled *Dulū shuo* (An explanation for reading the Code):

I always encourage my friends and students who are devoted to learning [and preparing for the examinations] to read the Code. Some think that it is because they will be officials in the future and studying the laws will prevent them from being deceived by private secretaries. But my true reason is not that. I see many talented people who are loved by their father and brothers and admired by their friends. They often indulge themselves and easily engage in evil and heterodox things... How can they be corrected and saved from these evil things? The only way is to [let them] read the Code and examine their deeds according to the laws. When they are aware of the [possible] punishments for these deeds, they must feel shamed and scared. Therefore [reading the Code] is an essential way of self-examination.\(^63\)

Bao Shichen continued that one would try hard to atone for his wrong deeds if he felt scared and ashamed. He would be willing to help people, uphold education for local society, and do good deeds to benefit the world. When such a person got an official appointment in the future, he could turn out to be a careful and considerate official who would devote himself to benefiting local society. “This is why I encourage people to read the laws,” Bao concluded.\(^64\) Reading the Code and studying legal knowledge, therefore, not only would benefit judicial administration and local society, but also would lead scholar-officials to self-examination and self-cultivation and would allow them to “complete themselves as gentlemen” (*chengren* 成人).\(^65\)

Bao Shichen was not alone in viewing law as more than a pure (amoral) instrument for regulating the society, useful only where Confucian moral education failed, but rather as essential part of moral self-cultivation. Knowing the laws would generate fear and restraint. When talking about reading the Code and studying the laws, Qing

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scholar-officials frequently invoked expressions such as regulating oneself (lüji 律己), cultivating oneself (xiushen 修身), establishing oneself in life (liming 立命), and completing oneself as a man (chengren), which were usually associated with Confucian self moral cultivation. As a Qing official wrote about reading the Code: “Every scholar and gentleman should have this book on his desk. It will assist him in self-cultivation (xiushen) and establish him in life (liming)…Through reading the Code, he will be cautious not to commit crimes (jinzui 謹罪). This will greatly benefit people.”

Emphasis on officials reading the Code also was in accord with a changing attitude toward learning and a new sense of the ideal role of officials in the late imperial period. As noted at the beginning of the chapter, the late Qing period witnessed a rise of “substantive learning” (shixue 實學) and statecraft (jingshi 經世) thought. Scholars associated with substantive learning upheld the idea that learning should be “of use” (youyong 有用)—that is, useful for cultivating oneself and regulating the world. They usually strongly opposed scholars wasting their time in “empty” literary production, such as writing poems about clouds and wind and memorizing examination-oriented essays. They should spend their time in reading “useful” books to learn practical skills that would “order the world” (jingshi) and “benefit the people” (jimin 濟民). Facing the quite complicated and sophisticated late imperial society, many scholars and officials who embraced statecraft thought considered that guiding the people through moral correctness and personal example (the ideal Confucian style of administration) was not enough. Officials should be versed in various practical techniques and skills in areas such as

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66 Da Qing lü jizhu, “Jiang Chenxi’s Preface,” 1b.
67 William T. Rowe, Saving the World: Chen Hongmou and Elite Consciousness in Eighteenth-Century China, (Stanford University Press, 2001), 134-137.
hydraulic engineering, relief management, judicial administration, and so on.\textsuperscript{68} Moreover, reading through Qing official handbooks, we find that the authors universally emphasized the importance of techniques and knowledge to rule. In these authors’ opinion, being a moral gentleman was not enough to qualify as a good official; officials must have practical skills and knowledge. \textit{Huangchao jingshi wenbian} (Statecraft compendium of the great dynasty), the most important book of Qing statecraft thought, had five chapters (including about eighty articles) devoted to the laws, legal cases, and judicial administration; whereas its late Ming counterpart \textit{Huang Ming jingshi wenbian} 皇明經世文編 (Statecraft compendium of the Great Ming) had few articles focusing on law.\textsuperscript{69} This indicates that the importance of law and legal knowledge in administration and governance had gradually become rooted in Qing statecraft scholar-officials’ mind. Legal knowledge was an important part of the skill set that officials must have.

\textbf{“Useful Books” and Qing Officials’ Personal Law Libraries}

The flourishing book market in the Qing eased officials’ access to the Code and other legal and administrative books. Some Ming sources indicate that Ming officials had to go to the Board of Punishments or other official libraries to read the Code and supplementary statutes;\textsuperscript{70} in the Qing period, as we have discussed in the previous

\textsuperscript{68} William Rowe, \textit{Saving the World}, 3.
\textsuperscript{69} See He Changling ed., \textit{Huangchao jingshi wenbian}, reprinted in \textit{Jindai Zhongguo shiliao congkan} (Taibei: Wenhai chubanshe, 1972); and Chen Zilong and others eds., \textit{Huang Ming jingshi wenbian} (Pinglutang, publishing date unknown).
\textsuperscript{70} See \textit{Huang Ming jingshi wenbian}, \textit{juan} 102, 4a; and Shen Defu, \textit{Wanli yehuo bian} (Zhonghua shuju, 1959, 1997 reprinted), \textit{juan} 27, 680. Timothy Brook’s research on school libraries in the Ming shows that the Ming government issued the Code to county school libraries, but by far I have not seen any solid evidence that anyone actually used these copies. See Timothy Brook, “Edifying Knowledge: The Building of School Libraries in Ming China,” 106.
chapter, the Code was widely available and sold at reasonable prices. Qing officials and private secretaries usually owned one or several editions of the (commercially printed) Code. They kept the book on top of their desks for ready reference. For example, a governor in the Daoguang period ordered magistrates and prefects in his province to read the Code carefully. After listing the reasons that reading the Code was necessary, he noted: “Regarding books like the Great Qing Code and Washing Away Wrongs (Xiyuanlù 洗冤錄, an imperially-authorized forensic handbook), I think [every official] certainly has them on his desk.”71 The universal ownership of the Code transformed the ways that officials read the book and gained access to the laws, which I will discuss in the following sections. Besides the Code, Qing officials usually possessed other books about legal and administrative information. The Code and a number of other commercially printed books formed a core bibliography and a foundation of legal and administrative knowledge for Qing officials, on which many Qing officials reached a consensus. After a survey on more than 70 Qing official handbooks, I have found three reading lists composed by Qing officials. This section, based on the three extant lists, will explore what books officials bought and what books they thought that they should read.

The first list is from Fang Dashi’s Pingpingyan (Ordinary sayings), mentioned above, an official handbook published in 1878.72 Fang was a Hunan native with a clear

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71 Cheng Hanzhang 程含章, “Tongchi geguan shudu lüli” 通飭各官熟讀律例, in He Changling, Huangchao jingshi wenbian, juan 21, 15b.
72 Fang Dashi was born in a scholar-official family in Hunan, and began his official career by joining Hu Linyi 胡林翼’s army during the Taiping War. He was soon recommended to be Guangji 廣濟 county magistrate in Hubei in 1855. After serving as magistrate of various counties in Hubei for about fifteen years, he was steadily (but slowly) promoted in that province’s government. He became a prefect in 1869 and a circuit intendant in 1879. He then left Hubei and became the Judicial Commissioner of Zhili province in 1880. In 1882 he became the Administrative Commissioner of Shanxi and retired in the same year. Fang Dashi’s biographic information is from the on-line database of Renming quanwei renwu zhuanyi ziliao
statecraft orientation. He was a well acknowledged competent local official and the
_Qingshigao_ (Draft History of the Qing) included his biography in “Biographies of Model
Officials” (_xunlizhuan_ 循吏傳). Fang achieved most of his accomplishments between
1855 and 1878 when he was a county magistrate and then a prefect in Hubei.73 During his
years as an official, Fang compiled an instructive manuscript on how to be a good official,
intending to pass it down to his sons and grandsons who were studying for the civil
service examinations. Fang Dashi specially mentioned this purpose in the “General
Editorial Principles” of the book, saying that “[t]he purpose of this compilation is to
instruct my sons.”74 Because Fang also hoped the manuscript would become a family
instruction (_jiaxun_ 家訓), he did not write it for publication. Indeed, Fang insisted not
publishing it and he turned down several invitations to publish it during his lifetime.

According to the prefaces in the book, Du Guichi 杜貴墀 (1824-1901), Fang’s friend and
an influential scholar in Fang’s hometown in Hunan, read the manuscript and showed
great interest in publishing it. Du asked Fang twice to allow him publish the book, but
Fang stubbornly refused. The book was published after Fang’s death in 1878.75

The content of _Pingpingyan_ was full of practical instructions (altogether 284
articles) on being an official in the troublesome late Qing period. Fang wrote in a direct,
plain, and easy-to-understand way, just like a father instructing his sons. He sounded
sincere and honest, with little embellishment or self-promotion. This makes the text seem

chaxun (Authoritative database for names in biographies), provided by The Institute of History & Philology,
74 Fang Dashi listed the names of his sons and grandsons who were studying for the civil service
examinations, including his second son, who was holding the _juren_ degree, as well as his first son, third son,
nephew, and his brother’s grandson, who were all licentiates (_shengyuan_). Fang said that they would
possibly be officials in the future, and thus the book was particular intended to be helpful for them. See
75 See Fang Dashi, _Pingpingyan_, “Du Guichi’s Prefaces,” 1a-4a.
more trustworthy than many other official handbooks published in the Qing period. The 284 tips that Fang wrote in the book cover a variety of aspects of the official world at the time, including specific and detailed instructions on how to prepare oneself for official career, what to do before going to one’s post, how to deal with legal cases and local financial administration, how to socialize with fellow officials and local literati, how to discipline yamen employees, and so on.

One instruction that Fang provided in the book is that “Expectant officials should read books” (houbu yi dushu 候補宜讀書). He pointed out that the years of being an expectant official were the perfect time to read “useful books” (youyong zhishu 有用之書) and become prepared for future official work.  

Fang then provided a list of 38 books that expectant officials should read (see Chart 3.1). Almost all related to practical aspects of administration and the functioning of local government, which covered the areas of law, agriculture, famine relief, hydraulic engineering and military strategy. Fang excluded genres popular among Qing literati, such as the Confucian classics, dynastic histories, and belles-letters, explaining: “When you become an official, you should no longer act as a student [of the examinations] staying at home and reading such books all day.” Officials must read useful books that concerned practical administrative skills and legal knowledge. “Our dynasty establishes officials originally for the sake of the common people (sheguan yuanwei baixing 設官原為百姓),” Fang argued, and therefore officials should not waste their time on reading books and learning “useless” skills that “were not

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76 Fang Dashi, Pingpingyan, juan 1, “Houbu yi dushu” and “Du youyong zhi shu” 读有用之书 (Read useful books), 3a-7a, 48a.

77 Fang Dashi, Pingpingyan, juan 1, 48a. The only history books that Fang recommended were biographies of famous officials, because great achievements of these famous officials, Fang thought, could inspire one’s spirit of being a distinguished official.
related to the common people’s difficulties and sufferings” (wu guan baixing zhi tongyang 無關百姓之痛癢).  

Chart 3.1: Fang Dashi’s List in Pingpingyan

<table>
<thead>
<tr>
<th>Laws, regulations and treaties (5)</th>
<th>Famine relief (2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Da Qing lüli 大清律例</td>
<td>Kangji lu 康濟錄</td>
</tr>
<tr>
<td>Da Qing huidian 大清會典</td>
<td>Huangzheng jiyao 荒政輯要</td>
</tr>
<tr>
<td>Xuezheng quanshu 學政全書</td>
<td></td>
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<tr>
<td>Chufen zeli 處分則例</td>
<td></td>
</tr>
<tr>
<td>Geguo tongshang tiaoyue 各國通商條約</td>
<td></td>
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<tr>
<td>Legal case collections (4)</td>
<td></td>
</tr>
<tr>
<td>Zheyu guijian 折獄龜鑒</td>
<td></td>
</tr>
<tr>
<td>Luzhou gong’an 鹿州公案</td>
<td></td>
</tr>
<tr>
<td>Xing’an huilan 刑案匯覽</td>
<td></td>
</tr>
<tr>
<td>Bo’an xinbian xubian 駁案新編 續編</td>
<td></td>
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<tr>
<td>Official handbooks and officials’ collected works (11)</td>
<td></td>
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<tr>
<td>Fuhui quanshu 福惠全書</td>
<td></td>
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<tr>
<td>Zuozi yaoyan 佐治藥言</td>
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<tr>
<td>Xuezhi yishuo 學治臆說</td>
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<tr>
<td>Menghenlu jiechao 夢痕錄節鈔</td>
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<tr>
<td>Yongli yongyan 廖吏庸言</td>
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<tr>
<td>Shuliao wenda 蜀僚問答</td>
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<tr>
<td>Mulang shu 牧令書</td>
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<td>Tumin lu 圖民錄</td>
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<tr>
<td>Wuzhong yigui 五種遺規</td>
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<tr>
<td>Shizheng lu 實政錄</td>
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<tr>
<td>Huangchao jingshi wenbian 皇朝經世文編</td>
<td></td>
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<tr>
<td>Agriculture (4)</td>
<td></td>
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<tr>
<td>Nongsang jiyao 農桑輯要</td>
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<tr>
<td>Nongzheng quanshu 農政全書</td>
<td></td>
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<tr>
<td>Shoushi tongkao 授時通考</td>
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<tr>
<td>Buhuang yaojue 捕蝗要訣</td>
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<tr>
<td>Water control (2)</td>
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<tr>
<td>Lidai hefang leiyao 歷代河防類要</td>
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<tr>
<td>Zhihe fanglu 治河方略</td>
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<tr>
<td>Military strategy (3)</td>
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<tr>
<td>Dushi binglu 讀史兵略</td>
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<td>Jintang jiezhu 金湯借箸</td>
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<tr>
<td>Xiangshou jiyao 鄉守輯要</td>
<td></td>
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<tr>
<td>History and biographies (3)</td>
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<tr>
<td>Lidai mingchen yanxing lu 歷代名臣言行錄</td>
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<td>Shizhuan sanbian 史傳三編</td>
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<tr>
<td>Guochao xianzheng shilue 國朝先正事略</td>
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<tr>
<td>Dynastic rituals (1)</td>
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<td>Da Qing tongli 大清通禮</td>
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<tr>
<td>Forensic handbook (1)</td>
<td></td>
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<tr>
<td>Xiyuan lu 洗冤錄</td>
<td></td>
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<tr>
<td>Newspaper (1)</td>
<td></td>
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<tr>
<td>Dichao 郵鈔</td>
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<tr>
<td>Other (1)</td>
<td></td>
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<tr>
<td>Haiguo tuzhi 海國圖志</td>
<td></td>
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</tbody>
</table>

78 See Fang Dashi, Pingpingyan, juan 1, 3a, 48a.
79 Fang Dashi, Pingpingyan, juan 1, 3a-7a.
Fang prescribed not only dynastic laws and regulations, such as the must-read *Great Qing Code* and *Administrative Sanctions (chufen zeli)*, but also various books that would help officials comprehend the laws and apply them in practice. He wrote:

“Officials should deem laws and regulations their teachers (*yi faling weishi* 以法令為師).”

He recommended that expectant officials read legal case collections including *Zheyu guijian* (Magic mirror for solving cases), *Luzhou gong’an* (Legal cases from Luzhou), *Xing’an huilan* (Conspectus of legal cases), and *Bo’an xinbian xubian* (New compilation and expanded compilation and of legal cases overruled by the Board). Reading collections of case reports would help officials understand real meanings of the laws and apply them accurately when sentencing a case. “Leading cases (*cheng’an* 成案) usually have complicated plots,” he wrote by the side of the case collections that he recommended, “and many of them explain the detailed [applications of the laws] that the Code does not specifically indicate.” Besides case collections, he also recommended several popular official handbooks that contained chapters explaining the laws and legal procedures based on local officials’ own experiences, such as *Fuhui quanshu* (Complete book concerning happiness and benevolence), *Zuozhi yaoyan* (Admonitions on assisting with governance), and *Mulingshu* (Handbook for magistrates). According to Fang Dashi, books about the laws were obviously “useful books,” and reading them would not only contribute to administration and society but also would benefit the officials’ own career.

Fang Dashi was not alone among Qing scholar-officials who included the Code, case collections, and official handbooks in their recommended reading list. Liu Heng, an established local official and a popular writer of official handbooks in the late Qing, wrote in *Shuliao wenda*: “Some people ask me whether there are other books besides the
Code that contribute to governance.” Liu Heng then answered with a short list that included Shizhenglu (Records of practical government affairs), Congzheng yigui 從政遺規 (Traditions of attending administration), Fuhui quanshu, Choujibian 筹濟編 (Compilation of preparing to aid), Xuezhi yishuo (Opinions for the study of administration), Zuozhi yaoyan, and Luzhou gong'an. In Liu Heng’s opinion, the Code was the most important book for officials to read, but official handbooks and legal case reports were also “essential books to good governance” (qieyao zhipu 切要治譜). Almost all of the books in Liu Heng’s reading list also appeared in Fang Dashi’s list. The two men, and probably many other contemporary scholar-officials, believed that officials must carefully read this core bibliography of “useful books.”

The third book list comes from Yanchang 延昌, a Manchu official of the late Qing period and the author of Shiyi xuzhi 事宜須知 (What you must know about administrative affairs). One of Yanchang’s instructions was that officials should take enough books to their post, especially when their office was in a remote area where books were difficult to buy. Yangchang wrote that when he left Beijing for Xunzhou 漠洲,

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80 The author of Congzheng yigui was Chen Hongmou 陳宏謀 (1696-1771). The book was included in Wuzhong yigui 五種遺規 (Five kinds of traditions) that Fang Dashi mentioned in his booklist.
81 Choujibian’s author was a Qing official named Yang Jingren 楊景任. This book is about famine relief.
82 Liu Heng also provided the publishing information, which indicated the editions and places where readers could buy these books.
83 Liu Heng, Shuliao wenda, “Lüli erwai shangyou yingdu zhishu” 律例而外尚有應讀之書 (Books needed to read besides the Code), 15b-16a.
84 Fang probably had read Liu’s reading list before compiling his own. Liu Heng’s handbooks were popular in Fang’s period. As a matter of fact, Fang included Mulingshu, which contained several Liu’s handbooks (and also the reading list mentioned in this paragraph), in his own booklist.
85 Yanchang had worked in the central government for about twenty years before he was appointed as Xunzhou prefect. During his years in Guangxi, he noticed many differences between working in the central government and in a local government. See Yanchang, Shiyi xuzhi, “Author’s Postscript,” 1a, reprinted in Guanzhenshu jicheng, Vol.9. Yanchang also indicated that he wrote the handbook based on his own experience for officials like him, who were appointed to local governments from posts in Beijing.
Guangxi Province, he took at least 51 books with him. Since Xunzhou “has few bookstores, and they only sell a few low-quality books,” he had to buy books in Beijing and take them in his luggage. Officials appointed to more developed areas could buy books at local bookstores. “If you are appointed to [developed] areas like the Three Rivers (sanjiang 三江, i.e., Jiangsu, Zhejiang, and Jiangxi) and the Two Lakes (lianghu 兩湖, i.e., Hunan and Hubei),” Yanchang wrote, “then [you will find] numerous local bookstores and get all kinds of books you need.”

For his readers’ reference, Yanchang listed the titles of the books that he took with him (See Chart 3.2). We can put Yanchang’s books into seven categories: books about laws and regulations, imperial edicts, books relevant to local government (official handbooks and official writing collections), books relevant to ritual performance, books about history and geography, literature, and medical books. Yanchang’s list is longer and more diverse than Fang Dashi’s. While Fang excluded imperial edicts, historical and geographic works (except model officials’ biographies), literature, and medical books, Yanchang listed a large number of these works—he even brought popular novels like Liaozhai zhiyi 聊齋志異 (Strange tales from the Liao studio) and Hongloumeng 紅樓夢 (Dream of the red chamber). The two lists look different probably because Fang Dashi’s list was composed of books that officials were supposed to read, but Yanchang’s consisted of the books he actually took with him, including various books that he might want to read in his spare time. Obviously, Yanchang’s concern not only included how to be a competent official and how to deal with administrative and legal challenges in local government; he also considered his health, his entertainment, and his future promotion.

86 Yanchang, Shiyi xuzhi, juan 1, “Beidai shuji” 備帶書籍 (Books prepared to carry), 9a-11a.
### Chart 3.2: Yanchang’s Book List in *Shiyi xuzhi*87

<table>
<thead>
<tr>
<th>Books about laws and regulations (11):</th>
<th>History and Geography (10):</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Da Qing lüli</em> 大清律例</td>
<td><em>Nanxun shengdian</em> 南巡盛典</td>
</tr>
<tr>
<td><em>Da Qing huidian</em> 大清會典</td>
<td><em>Shengwu ji</em> 聖武記</td>
</tr>
<tr>
<td><em>Liubu chufen zeli</em> 六部處分則例</td>
<td><em>Nianyi shi yuebian</em> 廿一史約編</td>
</tr>
<tr>
<td><em>Gebu gesi zeli</em> 各部各司則例*</td>
<td><em>Niansi shi</em> 廿四史</td>
</tr>
<tr>
<td><em>Libu xinding baoju zhangcheng</em> 吏部新定保舉章程</td>
<td><em>Xiaoting zalu</em> 嘯亭雜錄</td>
</tr>
<tr>
<td><em>Qiushen shihuan bijiao</em> 秋審實緩比較</td>
<td><em>Benchao zhanggu</em> 本朝掌故</td>
</tr>
<tr>
<td><em>Bo'an xinbian xubian</em> 駁案新編續編</td>
<td><em>Manhan mingchen zhuhan</em> 滿漢名臣傳</td>
</tr>
<tr>
<td><em>Junwei daoli biao</em> 軍衛道里表</td>
<td><em>Chenhuan shilue</em> 宸垣識略</td>
</tr>
<tr>
<td><em>Lüli bianlan</em> 律例便覽</td>
<td><em>Gangjian yizi lu</em> 經典易知錄</td>
</tr>
<tr>
<td><em>Mingfa zhizhang</em> 明法指掌</td>
<td><em>Hongxue yinyuan</em> 鴻雪因緣</td>
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<tr>
<td><em>Lübiao</em> 律表</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Official handbooks and officials’ collected works (7)</th>
<th>Dictionaries and encyclopaedias (4):</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Juguan risheng lü</em> 居官日省錄</td>
<td><em>Kangxi zidian</em> 康熙字典</td>
</tr>
<tr>
<td><em>Congzheng bidu</em> 從政必讀</td>
<td><em>Peiwen yunfu</em> 佩文韻府</td>
</tr>
<tr>
<td><em>Fuhui quanshu</em> 福惠全書</td>
<td><em>Yuanjian leihan</em> 濟齋類函</td>
</tr>
<tr>
<td><em>Muling shu</em> 牧令書</td>
<td><em>Siku quanshu mulu</em> 四庫全書目錄</td>
</tr>
<tr>
<td><em>Chen Wengong gong quanji</em> 陳文恭公全集</td>
<td></td>
</tr>
<tr>
<td><em>Lüzi jielu</em> 呂子節錄</td>
<td></td>
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<tr>
<td><em>Huangchao jingshi wenbian</em> 皇朝經世文編</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Imperial edicts (2)</th>
<th>Literature and poetry(5):</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Yongzheng shangyu</em> 雍正上諭</td>
<td><em>Liaozhai zhiyi</em> 聊齋志異</td>
</tr>
<tr>
<td><em>Zhupi yuzhi</em> 瞅批論旨</td>
<td><em>Suiyuan shihua</em> 隨園詩話</td>
</tr>
<tr>
<td></td>
<td><em>Zhaoming wenxuan</em> 昭明文選</td>
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<tr>
<td></td>
<td><em>Honglou meng</em> 紅樓夢</td>
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<tr>
<td></td>
<td><em>Yuyang jinghua lu</em> 漁洋精華錄</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Books about dynastic rituals (5):</th>
<th>Medical books (5):</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Dahun dianli</em> 大婚典禮</td>
<td><em>Bencao beiyao fu yifang jijie</em> 本草備要附醫方集解</td>
</tr>
<tr>
<td><em>Dazhang dianli</em> 大葬典禮</td>
<td><em>Bihua yijing</em> 笔花醫鏡</td>
</tr>
<tr>
<td><em>Wenmiao siwei kao</em> 文廟祀位考</td>
<td><em>Xiyuanlu xiangji</em> 洗冤錄詳節</td>
</tr>
<tr>
<td><em>Lingqin tucao</em> 陵寢圖考</td>
<td><em>Buzhiyi beiyao</em> 不知醫必要</td>
</tr>
<tr>
<td><em>Manzhou jisi hunsang lijie</em> 滿洲祭祀婚喪禮節</td>
<td>Others (2)**</td>
</tr>
</tbody>
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87 Yanchang, *Shiyi xuzhi, juan 1*, 9a-11a.

Although Yanchang did not have so obvious a connection with the substantive learning and statecraft movements as Fang Dashi did, and he did not include as many as statecraft books (i.e., books about water control, famine relief, and military strategy), he...
and Fang shared the same interest in books about laws and regulations, as well as official handbooks explaining the laws and legal procedures. Yanchang brought at least eleven books about laws and regulations with him. These books included dynastic laws such as the *Great Qing Code* and *Da Qing huidian* (Collected statutes of the Great Qing), administrative regulations such as *Liubu chufen zeli* (Administrative sanctions of the Six Boards), *Gebu gesi chufen zeli* (Administrative regulations of various Boards and Departments), and *Libu xinding baoju zhangcheng* (Newly established regulations on recommendations and promotions of the Board of Civil Office), legal case collections such as *Bo’an xinbian xubian*, legal handbooks such as *Qiushen shihuan bijiao* (Comparative regulations on “deferred execution” and “deserved execution” in the Autumn Assizes), *Lüli bianlan* (Brief guide for the statutes and substatutes), *Mingfa zhizhang* (Guide for clarifying the laws), and *Lübiao* (Table of statutes). Yanchang also brought at least two official handbooks, *Fuhui quanshu* and *Mulingshu*, which contained chapters talking about law and judicial procedures in detail.

Yanchang listed more books about laws and regulations than books in any other category. He thought that he would need these legal books as a prefect in Guangxi. Judging from the legal books he chose in the list, his main concern was his own official career, which he closely related to his performance in dealing with legal cases in his jurisdiction. He included a number of books about the regulations of officials’ promotions and punishments. He brought at least two books of tables of laws (i.e., *Mingfa zhizhang* and *Lübiao*), a popular genre of Qing legal handbook that reorganized simplified statutes and substatutes into tables so that officials could easily locate and cite.
Like Fang Dashi and Liu Heng, Yanchang also included several collections of legal case reports and official handbooks in his list. Therefore, Yanchang’s personal law library could provide him with a whole range of legal knowledge that he might use in office, from the statutes, substatutes, administrative regulations, and leading cases, to various books for simplifying, clarifying, reorganizing, and explaining these laws and regulations.

According to the three reading lists discussed above, Qing officials, especially magistrates and prefects in the late Qing period, included many legal books in their reading list and personal library. Fang Dashi, Liu Heng, and Yanchang were all magistrates or prefects working in local government for many years. Their experience told them that legal books were important for their job, and thus all of these officials recommended that their fellow officials buy and read these legal books. They also agreed that besides the most important legal book—the *Great Qing Code*—officials also needed to read and possess other books about laws and regulations, including administrative regulations, legal treatises, and administrative manuals. The three reading lists overlap with each other in terms of the titles and genres of the legal books that the authors recommended reading. This indicates that Qing officials, at least in the late Qing period, probably had a general agreement on a “core bibliography” of what books officials should read to build their legal and administrative knowledge.

Moreover, in terms of legal books, these officials’ reading lists look similar to those of private legal secretaries, as tabulated by Wejen Chang. Private secretaries

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88 This genre of legal handbook was a new phenomenon in the Qing. For detailed discussions on this type of legal handbooks, see Wei Pixin (Pierre-Étienne Will), Zhang Shiming trans., “Zai biaoge xingshi zhong de xingzheng fagui he xingfadian,” *Qingshi yanjiu*, No.4, 2008.
usually studied the following types of books during and after their training period: laws
(the Great Qing Code, Collected statutes of the Great Qing, and administrative
regulations), works that comment on or reorganize the Qing Code,\textsuperscript{89} collections of case
reports, books relevant to local government (official handbooks), works by legal
secretaries about their experience, and general books on government and culture
(Confucian classics, histories, and so on).\textsuperscript{90} The core bibliography of legal books that
officials and private legal secretaries read was almost the same: it centered on the laws
and administrative regulations, legal manuals, case reports, and official handbooks. Most
of these books were published by commercial publishing houses and circulated in the
Qing book market. In other words, Qing officials and private legal secretaries generally
agreed upon the same core legal knowledge that included not only the laws and
regulations promulgated by the state, but also case precedents, commentaries, and judicial
memoirs in the books published by commercial publishers and sold on the book market.

\textit{Reading the Code}

Many Qing officials agreed that reading the Code was important, and they also
owned the book and included it in their reading lists. But possessing the Code was one
thing, and reading it, especially reading and understanding it efficiently and effectively,
was another thing. The Code was notorious for its complexity and length: it contained

\textsuperscript{89} Here Chang means various legal treatises, like Wang Kentang’s \textit{Lüli jianshi}, as well as “charts or lyrics
to help people memorize” the laws, such as \textit{Mingfa zhizhang} and \textit{Lübiao} mentioned in Yanchang’s list. See
Wejen Chang, “Legal Education in Ch’ing China,” 308.
\textsuperscript{90} Wejen Chang, “Legal Education in Ch’ing China,” 307-310.
436 statutes and 1892 substatutes that were divided into 47 chapters. Although compilers of the Code certainly had a clear principle of classification in their mind—they put these statutes and substatutes into six categories (civil office or  başlat, revenue or  hū, rites  or  lǐ, wars or  bīng, punishments or  xīng, public works or  gōng) based on the division of labor of the Six Boards in the central government, in fact many statutes and substatutes dealing with similar crimes were spread across various chapters. Another barrier for readers to effectively understand the Code was the numerous minutely different punishments for slightly different crimes. The editorial principle of the Code was, in Bodde and Morris’s words, “maximizing justice by enabling the law to fit as closely as possible every foreseeable circumstance.” Thus, the Code compilers tried to assign exact punishments to every crime in every circumstance. If readers of the Code did not read with extreme care, they would soon be lost in the seas of circumstances that seemed similar but led to different punishments. Qing officials, even though most of them were advanced readers with years of Classical training, usually found reading the Code and thoroughly understanding the laws difficult. As one Qing official said: “The contents of the Code are complex, lengthy, redundant (fanrong 繁冗) … [and] tedious; it is quite easy to fall asleep when you read it.” Another official also complained based on his

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91 The number of substatutes is based on the 1870 edition of the Code—the last imperially authorized edition—published by the Wuyingdian. For the details of the content of the Code, see my discussion in chapter 1.
92 I discussed the classification method in length in chapter 1.
93 Many experienced Qing readers noticed this. For example, Liu Heng mentioned in Shuliao wenda that he saw that many substatutes of similar crimes were put into several different chapters and under different statutes. See Shuliao wenda, 4a.
94 Bodde and Morris, Law in Imperial China, 31-32.
95 Wang Mingde, Dulū peixi (Falū chubanshe, 2000), 1.
experience of reading the Code: “What you read one day you will totally forget after just two days!”  

To help officials overcome these difficulties, authors of many popular official handbooks summarized the theories and methods of reading the Code, usually based on their own reading experience. Most authors admitted that it was impractical for an official to read and remember every single statute and substatute in the Code. They suggested officials focus on the chapters that were most useful for them. As Wang Mingde, a leading legal expert working in the Board of Punishments in the early Qing, pointed out, the first principle of reading the Code was to “grasp the important points” (e’yao 拊要).

Reading the Code was quite different from reading Confucian classics. He wrote: “If you intend to read the entire Code from beginning to end and make notes on everything, just as an old Confucian scholar or a young student reads the Classics, you will soon get tired, lost in the complexity of the content, and even reluctant to open the book again.” Wang went on to point out that the situation would become even worse when officials were reading under pressure: “When there are major legal cases unresolved and deadlines impending, you will find that your mind goes blank, your heart beats fast, and your eyes become dizzy.” Under such circumstances, in Wang’s opinion, it was almost impossible for officials to effectively read and understand the Code. Wang Mingde’s solution was to select the most important chapters—chapters about “General Public Disorder and Theft” (zeidao 賊盜), “Homicide” (renming 人命), and “Affrays and Blows” (douou 鬥毆)—to read first and most carefully. Wang pointed out that these chapters included only about 70 statutes and 130 substatutes. He also emphasized that officials should pay special

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96 Muhan, Mingxing guanjian lü (1880 preface), 6a.
97 Wang Mingde, Dulü peixi, 1.
attention to the first two chapters of “Terminology of the Statutes and Substatutes”
(minglilü 名例律), which explained the general principles of punishments and specific
terms used in the Code. Wang considered the minglilü chapters as “the pivot of applying
the entire Code” (yunyong quanlü zhi shuniu 運用全律之樞紐) and thus “the essence of
the essence” (yaozhong zhiyao 要中至要). If officials did not digest the minglilü
chapters well, Wang pointed out, they would find it difficult to make accurate judicial
decisions. As for the method of reading these important chapters, Wang Mingde
suggested that officials not try to read the whole text at one time, but try to read several
statutes every day, making notes and finding out the exact meanings of each paragraph,
each section, each sentence, and even each character (zhuduan 逐段, zhujie 逐節, zhuju
逐句, zhuzi 逐字). Officials should review what they had read frequently, and in this way
they could easily grasp the exact meanings of these statutes and substatutes within several
months.

Another renowned legal expert, Wang Huizu, also had a method for reading the
Code. Because he had worked as a private legal secretary for many years before he
became a county magistrate, Wang could compare the differences between the nature of
these two jobs, and pointed out that the method of reading the Code for officials was
fundamentally different from that of private legal secretaries. He said that because private
legal secretaries made a living based on their legal expertise, they certainly should
remember all of the statutes and substatutes in the Code. Officials, on the other hand,

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98 Wang Mingde, Dulü peixi, 2.
99 Wang Mingde, Dulü peixi, 2.
100 Wejen Chang has detailed discussions on private secretaries’ legal training, including the books they
read, the ways of reading, and so on. See “Legal Education in Late Imperial China,” 302-313.
were usually busy and had little spare time, and thus they should focus their energy on studying the chapters that were useful when hearing cases (tingduan 聽斷). He listed the chapters in the Code that he thought officials must read, including the minglīlū chapters and the chapters of “Fields and Houses” (tianzhai 田宅), “Marriage” (hunyìn 婚姻), “General Public Disorder and Theft,” “Homicide,” “Affrays and Blows,” “Judicial Procedure and Litigation” (susong 訴訟), “Forgeries and Counterfeiting” (zhawei 詐偽), “Fornication” (fanjian 犯奸), “Miscellaneous Offenses” (zafan 雜犯), and “Judicial Judgments and Prisoners” (duanyu 斷獄). These chapters covered the laws dealing with crimes and disputes that commonly happened in local society. For the chapters in the Code that had little relation with local criminal and civil cases, such as chapters relating to administration, rites, military, and public works, Wang Huizu implied that officials needed not to waste too much time on reading them, and could leave them to their private legal secretaries.

Liu Heng, the author of several popular official handbooks, also emphasized that officials should first focus on several important chapters when they started reading the Code. The most useful chapters, in Liu Heng’s opinion, were the chapters about “Judicial Procedure and Litigation” and the chapters about “Judicial Judgments and Prisoners.” These chapters were directly related to officials’ performance as local judges. He wrote in Shuliao wenda:

Some people ask me: “The statutes and substatutes in the Code are numerous and complicated (haofan 浩繁). Where are the essentials? Are there any chapters that are most important and we should read first?”

101 The translation of the chapter titles were based on minor modifications of William Jones’s translation. See William Jones, The Great Qing Code, ix-xxix.
102 Wang Huizu, Xuezhi shuozhui, 8a-b.
I answer: “Yes, there are... The essence of the laws was to preserve respectable common people (baoquan liangmin 保全良民), prohibit harassment by ‘litigation rascals’, and reduce false accusations. [Thus] the twelve statutes in the ‘Judicial Procedure and Litigation’ chapters and the twenty-nine statutes in the ‘Judicial Judgments and Prisoners’ chapters are especially important and [you] had better read them first.”

Wang Huizu also included these four chapters in his “must-read” list, but he did not mention that they were more important than other chapters. Liu Heng specifically emphasized these four chapters probably because his book targeting a particular audience: magistrates and prefects in Sichuan province, where people were notorious for being litigious. Liu Heng himself had served as magistrate of Ba County and Chengdu Prefect for several years, and thus knew this local situation. He insisted that reading these four chapters would protect “good common people” and magistrates themselves from the people who tried to “abuse” the local judicial system. Liu Heng also suggested his readers read the whole Code after carefully studying the four most important chapters about litigation and judicial procedures, and he implied that chapters like “General Public Disorder and Theft,” “Homicide,” “Affrays and Blows,” “Forgeries and Counterfeiting,” “Miscellaneous Offences,” and “Receiving Illegally Obtained Property” (shouzang 受贓) were also important and “good to read” (yidu 宜讀). Liu Heng also thought that the minglilü chapters were essential for officials who sought to understand and apply the laws in the Code. He recommended that officials should put the minglilü chapters aside at

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103 Liu Heng, Shuliao wenda, 2a-b.
104 Liu Heng also recalled his own experience on studying the Code: He started reading the Code and studying the laws when he was an expectant official in 1808. When Liu Heng was waiting at home for appointment, his father—an experienced local official—told him that legal knowledge was important and taught him to read the Code. Liu Heng was appointed as county magistrate in Guangdong in 1813, and he worked as a private secretary for his uncle between 1819 and 1823 while in mourning for his father, and was then reappointed as magistrate in Sichuan. During these years, he refurbished his legal knowledge and accumulated judicial experience, which he said helped him be a capable local official in Sichuan. See Liu Heng, Shuliao wenda, 2b-3b, and his biographic information in the on-line database of Renming quanwei renwu zhi ziliao chaxun (Authoritative database for names in biographies), provided by The Institute of History & Philology, Academia Sinica.
first and read them after finishing other chapters of the Code. He explained that only after digesting the content of other chapters could officials thoroughly understand the meaning of the *minglilü* chapters.¹⁰⁵ Like Wang Mingde, Liu Heng suggested that officials gradually accumulate their legal knowledge by carefully reading a small section of the Code every day, instead of trying to read the entire Code intensively, which, in Liu Heng’s opinion, was fruitless and led one to fall into confusion.¹⁰⁶ Liu Heng’s list of useful chapters looks quite similar to Wang Huizu’s, and also includes the all of the important chapters mentioned by Wang Mingde. All of these men suggested that readers of the Code pick up the most important chapters first and read them seriously, rather than reading the whole Code indifferently and aimlessly.

Besides focusing on important chapters, many Qing officials indicated that discussions with private legal secretaries would help them read the Code more efficiently. Liu Heng said that before hearing a case, officials should review the statutes and substatutes relating to the case. They should read them carefully and discuss them with their private legal secretaries. Case by case, officials could accumulate some legal knowledge, and in the long run, they could grasp the meanings and applications of the laws in the Code.¹⁰⁷ Muhan 穆翰 (1804-1863), a Manchu magistrate, also pointed out that officials should spend time discussing the laws and legal cases with their private legal secretaries. He said that every private secretary would be willing to discuss the laws if officials requested help modestly (*xuxin* 虛心) and showed true eagerness to learn.

Officials could also carefully read cases that had been concluded, learning how to apply

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¹⁰⁵ See Liu Heng, *Shuliao wenda*, 4a-b.
¹⁰⁶ See Liu Heng, *Shuliao wenda*, 4a-b.
¹⁰⁷ See Liu Heng, *Shuliao wenda*, 4a-b.
the law in practice. In this way, officials could at least have a general idea about the statutes and substrates of the Code even if they could not remember all of them, enabling them to deal with cases by themselves when their legal secretaries were on leave.\textsuperscript{108} It seems to have been quite common for Qing officials to discuss and sometimes even debate with their private legal secretaries when dealing with legal cases, especially complicated and confusing ones. Zhang Jixin, Wu Tingchen, Qi Gong, and many other Qing officials recalled that they used to discuss law and legal cases with their private legal secretaries and that they had learned a lot from such discussions.\textsuperscript{109} For example, Wu Tingchen, a provincial judicial commissioner in the Daoguang period, wrote that he always talked with his legal secretary Yao Run over and over again about puzzling legal cases (\textit{yíyu} 疑獄) until midnight, and neither of them felt tired. Yao Run was also willing to talk with him and give him useful instructions.\textsuperscript{110}

As suggested by the book lists, many officials pointed out that the Code should be read in conjunction with other books and local documents, especially official handbooks, case reports, and administrative regulations. Only through closely reading the Code along with these books could officials gain comprehensive legal knowledge that enabled them to deal with actual legal cases in practice. For example, Liu Heng wrote in \textit{Shuliao wenda} that after they became familiar with the statutes and substrates of the Code, officials must read \textit{Bo’an xinbian} (New compilation of legal cases overruled by the Board) and \textit{Chufen zeli} (administrative sanctions). When closely reading the legal cases reports, Liu wrote, officials could clarify the subtle differences among various similar substrates and

\textsuperscript{108} Muhan, \textit{Mingxing guanjian lü}, 5b.
\textsuperscript{109} See Zhang Jixin, \textit{Dao Xian huanhai jianwen lü}, 115; \textit{Da Qing lüli zengxiu tongzuan jicheng}, 1907, 46b, 49a.
\textsuperscript{110} \textit{Da Qing lüli zengxiu tongzuan jicheng}, 1907, 46b.
think about how the laws were applied in practice; and when reading the administrative sanctions, officials could be alert to various administrative violations in judicial procedures, and if they knew the boundaries, they could become more confident when dealing with cases.\textsuperscript{111} Thus, in Liu Heng’s opinion, officials should read these three books (the Code, the case report collections, and the administrative sanctions) together. Liu Heng also recommended several other official handbooks and case reports for officials to read in their spare time, which he thought could also aid officials in fulfilling their judicial and administrative tasks.\textsuperscript{112} As seen from the book lists discussed in the previous section, Qing officials brought not only the Code but also many official handbooks, legal treatises, case report collections, and administrative sanctions and regulations with them when they went to office. It seems to have been common practice for Qing officials read the Code itself along with these books when they tried to gain useful legal and administrative knowledge and information.

By following these methods, reading the Code and studying the laws seemed less intimidating for officials. While private legal secretaries probably had to spend several years to go through legal training, many officials said that several months were enough for them to read the Code and familiarize themselves with the laws that they would use in their work. For example, Wang Huizu said that following his method officials could learn enough legal knowledge for their work within only a few months.\textsuperscript{113} Liu Heng recalled his experience of reading the Code and said that it only took him eight months to

\textsuperscript{111} See Liu Heng, \textit{Shuliao wenda}, 4b.
\textsuperscript{112} We have talked about these books in the previous section on the book lists that Qing officials were recommended to read.
\textsuperscript{113} Wang Huizu, \textit{Xuezhi shuozhui}, 8b.
thoroughly understand the laws in the Code. The different requirement for legal knowledge between officials and legal secretaries contributed to the difference on time and energy that they spent on reading the Code. Legal secretaries made a living from their legal expertise and they usually had to compose case reports and deal with other administrative paperwork. Thus they needed to be familiar with the entire contents of the Code, from administrative laws to penal laws. Officials, on the other hand, could focus on several of the most important chapters on the laws that they might use in making judicial decisions and, especially, hearing trials, which they usually had to conduct on their own. Thus, the different approaches to reading the Code reflected the division of labor between officials and legal secretaries in the Qing period. While magistrates and prefects were usually in charge of hearing trials, their legal secretaries handled case reports and other paperwork.

Therefore, Qing officials built up their legal knowledge mainly through three channels. The most important channel was reading the Code itself, together with official handbooks, collections of case reports, and administrative regulations, all of which they could easily obtain from the book market. The second channel was consultation with their legal secretaries about law and judicial practices. The third channel was through judicial practice—officials could accumulate useful knowledge and practices regarding the laws through dealing with real cases in local governments. Among them, carefully reading the Code was the most important way for officials to study law and gain legal knowledge,

114 Liu Heng, Shuliao wenda, 3a.
115 Compared with those of officials, private legal secretaries’ method of reading the Code and legal trainings have been well researched. See Guo Runtao, Guanfu, mayou yu shusheng, 138-142; Weijen Chang, “Legal Education in Ch’ing China,” 302-313; Li Chen, “Legal Specialists and Judicial Administration in Qing China,” 10-17.
116 See Zhang Jixin, Dao Xian huanhai jianwen lü, 115; Da Qing lüli zengxiu tongzuan jicheng (1907), 46b, 49a.
and Qing officials advised that the reading should be conducted selectively but intensively, accumulating legal knowledge bit by bit every day.

_The Code as Text_

In *A History of Reading in the West*, Guglielmo Cavallo and Roger Chartier point out that “any history of the practice of reading is...necessarily a history of both written objects and the testimonies left by their readers.”¹¹⁷ The previous section discusses what readers of the Qing Code wrote about their methods of reading the Code and accumulating legal knowledge. This section will focus on the physical aspects of the Code, exploring how the printing format and the organization of the text of the Code, especially those of three-register-per-page commercial editions, influenced Qing readers’ reading experiences and their interpretation and application of the laws.

As we have seen in the previous chapter, commercial editions of the Code published in the late Qianlong period and afterward usually followed the three-register-per-page printing format. Commercial editors kept the original text from the imperial editions of the Code in the bottom register and added a cross index in the upper register. In the middle register, editors included private commentaries, leading cases, and administrative regulations. In commercial editions, the proportion of additional legal information was usually far larger than in the imperial editions. For example, in the imperial edition of the Code published in 1870, the “Fornication” (fanjian) Article has only one statute and 14 substatutes. In a commercial edition published in 1873, the

¹¹⁷ Guglielmo Cavallo and Roger Chartier eds., *A History of Reading in the West* (University of Massachusetts Press, 1999), 3.
editors attached to the Article at least 28 leading cases, 8 paragraphs of commentaries, 2 administrative regulations, and a cross index.\textsuperscript{118}

The three-register-per-page printing format was a product of the evolution of commercial printing culture since the late Ming. Shang Wei, a scholar of late Ming print culture and literature, points out that the multiple-register printing format first became popular in the Wanli period (1573-1620).\textsuperscript{119} Late Ming commercial publishers widely adopted the multi-register printing format in several popular genres of books, such as drama miscellanies and everyday encyclopedias (\textit{riyong leishu} 日用類書). In most cases, the texts that were printed in different registers on the same page are unrelated to each other. In terms of late-Ming drama miscellanies, Shang Wei argues, the multi-register printing format has at least two implications. On the one hand, “it served as a means for ordering otherwise disorganized text;” and on the other hand, it “presented readers with choices, allowing them to select what to read as they turned from page to page.”\textsuperscript{120} That late-Ming editors utilized a multi-register printing format and presented different texts in different registers on the same page “dramatizes not merely choice but the competition to be chosen.”\textsuperscript{121}

Qing publishers adopted this multi-register printing format in commercial editions of the Code. While late-Ming publishers usually printed unrelated and heterogeneous texts and genres on the same page, Qing editors of the Code organized texts in the middle and upper register following (though not always very closely) the content of imperially

\begin{footnotesize}
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  \item[{119}] Shang Wei, “Jin Ping Mei and Late Ming Print Culture,” in Judith T. Zeitlin et al., \textit{Writing and Materiality in China: Essays in Honor of Patrick Hanan} (Harvard University Press, 2003), 204.
  \item[{120}] Shang Wei, “Jin Ping Mei and Late Ming Print Culture,” 204.
  \item[{121}] Shang Wei, “Jin Ping Mei and Late Ming Print Culture,” 217.
\end{itemize}
\end{footnotesize}
promulgated statutes and substatutes in the bottom register. Statutes and substatutes in the bottom register played the leading role in relation to the texts in the other two registers. Commentaries and leading cases that commercial editors selected in the middle register seldom contradicted original laws in the imperial editions of the Code; in most cases, they defined various subtle circumstances of crimes and suggested suitable punishments that the statutes and substatutes did not specify. The editors of *Da Qing lüli quanzuan*, a popular commercial edition of the Code of the late-Qianlong period, explained why they incorporated leading cases in their book:

As for [the cases] that do not perfectly fit any statute and substatute, we must weigh and consider the specific situations in order to decide sentences. Leading cases are used to assist (*fu* 輔) statutes and substatutes…Thus here we specially select leading cases that are extremely essential and important but do not rigidly adhere to the statues and substatutes (*jùnì lüli* 掬泥律例). We include them in our compilation…for readers’ reference.122

Similar statements were ubiquitous in the “General Editorial Principles” of commercial editions of the Code. Generally speaking, editors selected leading cases based on two basic principles. First, as in the above example, leading cases should not “rigidly adhere to the statutes and substatutes;” otherwise it would be redundant to include them in the Code. In most cases, based on my reading, the difference was that leading cases defined specific circumstances and corresponding sentences that statutes and substatutes did not clearly explain. Second, editors announced that they would only include leading cases that “do not contradict the statutes and substatutes” (*yu lüli bubei* 與律例不悖).123

Rejecting cases deemed “too strange” or “too exceptional,” editors intended to establish the texts of leading cases in the middle register as a reliable and coherent legal reference

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122 *Da Qing lüli quanzuan*, “General Editorial Principles,” 1b.
work, helping judges decide sentences for difficult cases and broadening readers’ perspectives [on the law] (guangren shijian 廣人識見).\footnote{Da Qing lüli huizuan (1793), “General Editorial Principles,” 1b.}

Some leading cases in the middle register represented changes in the judicial application of some old statutes, instructing readers to pay close attention to recent judicial practice rather than rigidly following the literal meanings of statutes. An example was the leading case attached to Article 107 “Marrying Someone with the Same Surname,” which was established as early as the Tang period (618-907). The statute strictly banned marriage between two people with the same surname:

In every case of marriage between two people with the same surname, (the one in charge of the marriage together with the man and woman) will each receive 60 strokes of heavy bamboo, and the marriage will be dissolved.\footnote{William Jones, The Great Qing Code, Article 107, 128.}

The centuries-old statute had survived various revisions and was kept in the Code throughout the late imperial period. However, the leading case attached to the statute, which was printed in the middle register above the statute, indicates changes in judicial practice. In this 1789 leading case Tang Huajing killed his wife Tang shi in a fight. Because both Tang Huajing and his wife had the same surname, their marriage was void according to the statute. Tang Huajing, therefore, should have been sentenced according to Article “Engaging in an Affray [and Killing] or Intentionally Killing Another,” which dealt with murder of a person with no family connection in a fight. The punishment was decapitation after the Autumn Assizes. However, officials of the Board of Punishments were not satisfied with the original sentence. Instead, they argued that Tang Huajing and Tang shi were living together and had children, so their marriage was valid in fact, even though it violated the law. Thus, Tang Huajing should be sentenced according to the
statute on a husband killing his own wife in a fight, the punishment for which was
strangulation after the Autumn Assizes, two degrees lower than the original sentence. The
Board further explained in the leading case that in “remote and backward places”
(qiongxiang pirang 穷鄉僻壤) marriages between two people who had the same surname
were quite common. “We should not abolish the established rules of the law simply
because people frequently violate the law out of ignorance;” the Board officials said, “but
we should also not disregard the obligation of marriage between a husband and a wife
(fufu mingfen 夫婦名分) only because they committed the minor offense of ‘marrying
someone with the same surname.’”126 This suggests that officials of the Board neither
intended to abolish the law nor were they willing to strictly apply it to every case in
judicial practice. When editors of commercial editions incorporated the leading case in
the middle register right above the statute, preceded by a comment reminding readers to
follow the principles of the leading case, rather than the outdated statute:

What the Great Board (dabu 大部, the Board of Punishments) has discussed
makes perfect sense. Yamens that have judicial responsibilities should follow it.
Thus we especially attach [this leading case] for readers’ reference.127

Leading cases such as the above provided important and practical legal information for
Qing judges. They were important supplements and updates of imperially promulgated
statutes and substatutes from the Code, which readers would not know about if they only
read the imperial editions of the Code.

Private commentaries in the middle register played a similar role to leading cases
in defining various circumstances that original statutes and substatutes did not specify.
Editors usually put commentaries before leading cases in the middle register, which

126 Da Qing lüli huitong xinzuan (1873), juan 9, 1041-42.
127 Da Qing lüli huitong xinzuan (1873), juan 9, 1041.
indicates that commentaries were treated with greater importance. The narrative of commentaries sounded decisive and authoritative. They gave detailed interpretations of statutes and substatutes, sometimes defining and redefining the circumstances and potential applications of the laws. For example, in Article 366 “Fornication,” the statute talks about “selling one’s wife to her adulterous lover” (*jiamai yu jianfu 嫖賣與姦夫*):

As for consensual fornication (*hejian 和奸*)…The adulterous wife will be sold or married [to another] according to her husband’s wishes. If he wishes to keep her, he may. If she is married or sold to the adulterous lover, the adulterous lover and the real husband will both receive 80 strokes of the heavy bamboo.\(^\text{128}\)

The statute gave the husband the right to sell his adulterous wife to someone else, but strictly banned him from marrying or selling her to her adulterous lover. The middle-register commentaries printed above the statute, however, redefined the prerequisite of this statute:

The *Collective Commentaries* says: This “marrying and selling to the adulterous lover” only applies to those [whose adulterous behavior] has already been formally prosecuted. As for [the husband] who does not accuse [his wife’s adulterous behavior] in court but marries or sells his wife to the adulterous lover…it should refer to the statute “Facilitating and Tolerating the Wife’s or Concubine’s Fornication”…the real husband will receive 100 strokes of heavy bamboo. The punishment that the wife and the adulterous lover receive will follow the original statute.\(^\text{129}\)

Although the original statute and the following substatutes did not confine the boundary of the “marrying and selling to the adulterous lover” law, the commentary specifically defined that the law could only be applied to those who went through judicial procedures and then married or sold convicted wives to adulterous lovers. For those who married or sold wives to adulterous lovers without formally prosecuting the adulterous behavior, the commentary stipulated that the husband would receive 100 strokes of heavy bamboo

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\(^{129}\) *Da Qing lüli huitong xinzuan* (1873), juan 31, 3199.
according to another article in the Code, rather than the original 80 strokes in the this article. Similar redefinitions or reinterpretations by private commentaries on the laws were prevalent in commercial editions of the Code.

In many cases middle-register commentaries provided updated explanations for old statutes and told readers to adapt obsolete statutes and substatutes to conform with contemporary judicial practice. For example, Article 112 “Forcibly Taking in Marriage the Wife or Daughter of an Honorable Family” said:

In all cases where a person who is influential and strong (haoqiang shili zhi ren） forcibly takes the wife or daughter of an honorable family, and wrongfully makes her his wife or concubine, he will be punished with strangulation (with delay).\(^{130}\)

The original statute emphasized that the law was only applied to those who were “influential and strong.” The middle-register commentary, however, completely overthrew this prerequisite, articulating:

[As for] cases nowadays, no matter what kind of person he is, if he forcibly takes another person’s wife or daughter as his own wife, he should be sentenced according to this statute. It is not necessary to that he be influential or powerful.\(^ {131}\)

Through denying “being influential and powerful” as a prerequisite of the statute, the commentary redefined the boundary of the contemporary application of the statute.

Sometimes middle-register commentaries also reminded readers of updates to the laws. Because the Qing updated substatutes more frequently than statutes, old statutes kept in the Code sometimes contradicted newly established substatutes. Commercial editors reminded readers of this in the middle register, by adding commentaries such as “there


\(^{131}\) *Da Qing lüli huitong xinzuan* (1873), juan 9, 1061.
are new substatutes” above old statutes. In this way, they hoped that readers would not easily make the mistake of citing outdated statutes when sentencing legal cases.132

In three-register-per-page format editions of the Code, although the texts of each register within a chapter were usually related to one another, they did not correspond perfectly with one another on each page. Editors did not always arrange additional legal information in the middle and upper registers exactly according to the sequence of statutes and substatutes in the bottom register. Moreover, the texts in the middle register, especially commentaries and leading cases, were usually much longer than the related cross index in the upper register as well as statutes and substatutes in the bottom register. Qing commercial editors seem to have been reluctant to leave blanks between each statute and substatute in order to align them with corresponding commentaries and leading cases in the middle register. Therefore, although the texts in the middle register were printed in smaller characters than those of statutes and substatutes in the bottom register, the textual body in the middle register still extended beyond those of the texts in the bottom and upper registers (For example, see Figure 3.1). On the one hand, that editors did not attach leading cases and a cross index strictly with corresponding statutes and substatutes indicates that they did not intend to disrupt the text and the printing format of the bottom register. Such an arrangement, on the other hand, gives the appearance of relative independence of the texts of each register.

While readers of commercial editions of the Code did not have the same freedom as readers of late-Ming multi-register printed literary works to choose preferred texts among different registers, it does not mean that the sense of competition among the texts

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132 For example, see Shen Zhiqi, Da Qing lü jizhu (Beijing: Falü chubanshe, 2000), 913.
of different registers, emphasized by Shang Wei, did not exist when Qing readers read the Code. Printing private commentaries and leading cases together with imperially authorized statutes and substatutes enhanced the authority of commentaries and leading cases, especially after the rise of *Tongzuan jicheng* editions, when commercial editions formed a well-accepted standard for selecting commentaries and leading cases. In other words, commercial editions of the Code published after the late-Qianlong period established a standardized database of commentaries and leading cases in the middle register that leading legal experts deemed authoritative and applicable in judicial practice. The Qing judicial system required judges to impose a sentence according to a statute or substatute that precisely fit the circumstance of the crime. The designers of the Code also tried to define each crime narrowly and provide exact punishments for each possible variation.\(^{133}\) However, in judicial practice, the circumstances of real cases were infinite in variety and usually not precisely covered by any statute or substatute; to find the closest statute or substatute was a constant challenge.\(^{134}\) Although Qing judges were not allowed to directly cite private commentaries and leading cases, case reports reveal that they did refer to them quite often when choosing statutes or substatutes in order to formulate judicial sentences.\(^{135}\) Sometimes Qing judges openly cited private commentaries and leading cases as evidence when suggesting a sentence, even though it violated the regulation.\(^{136}\) As a matter of fact, some scholars have found that private commentaries and leading cases played an increasingly important role in judicial practice as a “source

\(^{133}\) See Derk Bodde and Clarence Morris, *Law in Imperial China*, 496.

\(^{134}\) Bodde and Morris, *Law in Imperial China*, 175.

\(^{135}\) For detailed discussions on the functions of leading cases and commentaries in the Qing laws, see Fu-mei Chang Chen, “Private Code Commentaries in the Development of Ch’ing Law, 1644-1911;” Wang Zhiqiang, “Qingdai cheng’an de xiaoli heqi yunyong zhong de lunzheng fangshi,” *Faxue yanjiu* 3 (2003): 147.

\(^{136}\) See Fu-mei Chang Chen, “Private Code Commentaries in the Development of Ch’ing Law, 1644-1911;” Wang Zhiqiang, “Qingdai cheng’an de xiaoli heqi yunyong zhong de lunzheng fangshi.”
of law” (fayuan 法源) in the Qing period. The popularity of commercial editions of the three-register-per-page printing format might have contributed to this change in the Qing judicial administration. Commercial editions contained a well-accepted database of private commentaries and leading cases as supplements and instructions to the imperially promulgated laws. Together they formed a common foundation of the laws that would be applied in judicial practice. The multi-register printing format enabled Qing readers to connect additional legal information to the imperial laws, compare it with the imperial laws, and choose the most exact and applicable legal information.

Another salient feature of commercial editions of the Code is that they were designed to enable readers to quickly search and locate certain information, in a way similar to modern dictionaries and reference books. Commercial editions usually have a clear and well-organized general index. Moreover, on the margin of each page, commercial editors usually printed the name of the book, the chapter (juan) number, the chapter name, the respective page numbers of the juan and of the article, and the name of the article. For example, in Da Qing lüli xing’an xinzuan jicheng, a revised version of TZJC published in 1871, juan 4, page 9a (See Figure 3.1), editors printed the title of the book on the top of the margin. In the middle of the margin, they printed “Volume No.4” (juan si 卷四), which refers to the chapter number, and “Names and General Rules, Part II” (Minglilü 下 名例律下), which refers to the name of the chapter. In the lower part of the margin, editors printed “Restitution and Confiscation of Illegally Obtained Property” (Geimo zangwu 給沒贓物), the title of the article. Above it, they printed the page number “Nine”, indicating that this page is the ninth page of the article. Below the name of the

137 Wang Zhiqiang, “Qingdai cheng’an de xiaoli heqi yunyong zhong lunzheng fangshi,” 147; Su Yigong, Ming Qing lüdian yu tiaoli (Beijing: Zhongguo zhengfa daxue chubanshe, 1999), 40.
article, editors printed another page number “Another seventeen” (又十七), indicating that this page is the second seventeenth page (actually the eighteenth page) of the volume.\textsuperscript{138} By containing such detailed information of the page in the margin, readers of the Code could easily know the brief information of the page without looking into the main content. Thus they could conveniently locate the pages that they intended to read by turning pages quickly, which enhanced their reading speed. In “General Editorial Principles,” editors said that they expected their readers would search for information in their books by jumping from one section to another or quickly turning pages. They used terms to describe their readers’ reading pattern, such as “turning over the leaves and reading” (翻阅), “searching” (搜索), “searching and reading” (检阅), and “looking for” (寻找).\textsuperscript{139} Both the design of the book and the terms used by editors indicate that Qing readers were expected to browse the Code quickly, looking for useful information.

The cross index printed in the upper register was another convenient tool for readers to pinpoint the location of statutes and substatutes. In the Code, it was common that similar or related statutes and substatutes were compiled into different chapters. For example, although Article 292 “Killing in Play, Mistaken Killing; the Unintentional Killing or Injuring of Another” in “Laws relating to the Board of Punishments” (刑律) chapters talks about the general definition and punishments of accidentally killing someone, statutes and substatutes for accidental killing in specific circumstances are

\textsuperscript{138} Da Qing lüli xing’an xinzuan jicheng (1871), juan 4, 9a-b. The English translation of the title of the article is cited from William C. Jones trans., The Great Qing Code, x.
\textsuperscript{139} Da Qing lüli quanzuan (1796), “Zhang Yingji’s Preface,” 1b, “General Editorial Principles,” 4b; Da Qing lüli huiji bianlan (1872), 42b, 52a; Da Qing lüli quanzuan jicheng huizhu (1804), “General Editorial Principles,” 2a; Da Qing lüli quanzuan jicheng (1799), “General Editorial Principles,” 2a.
dispersed in other chapters of the Code, such as “killing someone in public construction work because of using bad materials” and “drowning someone in a ferry because of ignoring strong wind and big waves,” respectively in the “Laws relating to the Board of Works” (gōnglǜ 公律) chapters and the “Laws relating to the Board of War” (bīnglǜ 兵律) chapters. If a reader only used Article 292 to deal with accidental killing cases, he might quite easily make mistakes and cite the wrong statute. The cross index reminded readers to refer to all of the related statutes and substatutes scattered in different chapters of the Code and helped readers find the most exact law according to the circumstances of a case. For example, in above mentioned Article 292, commercial editors added a cross index to the upper register that included at least 14 items, enumerating all of the other statutes and substatutes relating to accidental or unintentional killing in various chapters.\footnote{See Da Qīng lǜlì huìzüan (1873), juan 25, 2527-31.}

The cross index in the upper register was usually comprehensive. Commercial editors carefully listed all of the statutes and substatutes relating to one another. As editors of Da Qīng lǜlì huìzüan pointed out in “General Editorial Principles:"

Statutes and substatutes are grouped into different categories, but they should be cross-referenced (hùjiàn 互見). As for [the statutes and substatutes] of same categories but attached to different articles, we list each and every one of them on the top of pages...We would rather [provide] excessive information than [have] omissions. So that readers who are looking for something will never feel regret because of omissions.\footnote{Da Qīng lǜlì huìzüan (1792), “General Editorial Principles,” 2b.}

Thanks to the cross index, readers without specific legal training could easily locate all of the related statutes and substatutes, compare them with one another, and choose the most relevant one. This made Qing judicial officials’ task of looking for the best statute or...
substatute when sentencing cases much less difficult; even amateur or inexperienced officials could find the exact legal information. They no longer needed to thoroughly read through the Code. They could focus on several important chapters, as most Qing readers of the Code mentioned, and locate related laws in other less familiar chapters by using the cross index. The popularity of the cross index also proved its convenience and usefulness. Commercial editions of the Code that I have seen published after the 1790s, when the cross index first appeared, all printed the cross index in the upper register.

Commercial editions of the Code that used the three-register-per-page printing format and included the cross index, private commentaries, administrative regulations, and leading cases, fundamentally transformed Qing readers’ reading experience as well as their understanding and application of the laws. In commercial editions the relationship between the imperially promulgated laws and legal information that was not authorized by the court were redefined. The judicial authority of private commentaries and leading cases was enhanced, and their function as a “source of law” was increasingly recognized. Commercial editions offered Qing readers options of choices, from either the imperial laws or additional legal information incorporated by commercial editors or both. Moreover, commercial editions of the Code deciphered legal knowledge, making it accessible and understandable for people without professional legal training. They provided detailed interpretations of the statutes and substatutes, reminded readers of updates and contemporary applications of the laws, and enabled readers to quickly locate related statutes and substatutes from different chapters. Commercial editions made it much less intimidating for Qing readers to read, understand, and apply the laws.
Conclusion

In “A History of Reading in Late Imperial China,” Li Yu argues that a “reading revolution,” which refers to the rise of “silent reading” and “extensive reading” associated with the printing revolution in early modern Europe, did not occur in late imperial China.\textsuperscript{142} She suggests that the Song and Ming printing revolution had only a limited impact on the Chinese literati’s reading experiences, because reading aloud and intensively were commendable behavior, which was an essential ingredient of the literati’s cultural identity. In terms of reading Confucian Classics and literary works, the main sources that she uses in her dissertation, this argument is well-founded and convincing. Reading experiences became increasing diverse in late imperial Chinese society, however, due to the development of publishing industry and the rise of various genres of printed books. In terms of reading the Code, we have seen that the reading methods and experiences of Qing readers were more sophisticated than what Yu has described. No evidence indicates that Qing readers read the Code aloud. They did read some important chapters intensively, probably reciting some statutes and sub-statutes, but they also read the whole book extensively, quickly turning over pages and locating the information by relying on the labels and indexes that commercial publishers provided in the Code. Qing readers did not need to intensively read all parts of the Code and carefully recite the content of the book. The Code was widely available and affordable, and thus did not need to be memorized and recited.

Reading the Code was the most important means for Qing officials to obtain legal knowledge. Commercial editions of the Code not only provided up-to-date legal

\textsuperscript{142} Li Yu, “A History of Reading in Late Imperial China,” PhD dissertation, The Ohio State University, 2003, 8, 59, 94, 289.
information, but also made it easier for readers to read, understand, and apply it in judicial practice. The commercial publishing industry provided a whole range of printed books, including all of the books that formed the “core bibliography” of Qing legal and administrative knowledge. The Qing government emphasized that officials must read the Code and become familiar with the laws before they assumed office. It established various tests and regulations covering newly appointed officials’ legal knowledge. Qing scholar-officials also generally thought that the laws and legal information were quite useful in terms of being a capable official and fulfilling one’s official responsibilities. They published handbooks, instructing fellow officials on why they should read the Code and how they should read it. In such a context, I think Zhang Jixin’s case is probably ordinary, and a large number of Qing officials believed that legal knowledge was important, carefully read the Code and other legal books, were able to understand the books, and applied the laws in judicial practice, even though they received no formal or professional legal training.
Figure 3.1: These two pages are selected from Da Qing lüli xing’an xinzuan jicheng, a revised edition of TZJC published in 1871, juan 4, 8a, 9a-b, 10a. The substatutes in the bottom register end in page 9a, but leading cases in the middle register go on from 9a to 11b. The cross index of this juan ends in 7a, even earlier than the statutes and substatutes. Therefore there is no cross index on the pages we see here.
Chapter 4

Popular Legal Education in the Qing Empire

Lecture on the laws, in order to warn the ignorant and obstinate (Jiang falü yi jing yuwan 講法律以儆愚頑).

*The Sacred Edict* (1670)

An empire-wide market in books meant that officials and commoners could easily buy legal books, including the *Great Qing Code*, a variety of legal treatises, and popular legal manuals. Literate people who could afford to buy books thus had access to accurate and up-to-date legal information. But most of the Qing populace—arguably 70% of the male population and more than 90% of the female population—were illiterate. Were there any reliable channels for the illiterate or partially literate to get access to accurate legal knowledge? In other words, besides printed texts, were there other forms of legal information circulating in Qing society? Could illiterate people get accurate information about the law? If so, how?

The most comprehensive study of legal education and the dissemination of legal knowledge in Qing society is Wejen Chang’s “Legal Education in Ch’ing China,” published two decades ago. Chang argues that there was no effective popular legal education in the Qing. He briefly mentions that “public education” about the laws existed

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in the community lecture (xiangyue 鄉約) system, but since officials never seriously carried out such lectures, “the general public did not get the legal education the government prescribed.” He then argues that commoners could only receive some “fragmented and usually imprecise” legal information through sources such as novels, plays, and operas.

This chapter challenges these previous findings. Through carefully examining community lecture manuals and a variety of imperial and local documents, I have found that the Qing state and many officials made serious efforts to educate the common people with accurate legal knowledge from the Code. The most important vehicle for legal education was the community lecture system. Although formerly understood as moral indoctrination, the community lecture system not only incorporated moral lectures, but also included legal lectures, which covered a significant part of the statutes and substatutes from the Code. Lecturers usually read these statutes aloud and explained them in colloquial language to the audience. Laws were carefully selected and imparted to men and women, young and old, literate and illiterate, Han and non-Han, around the Qing Empire. These lectures enabled people with limited education to understand basic laws and legal procedures. Common people in the Qing had unprecedented access to written laws and punishments, in the form of texts, speeches, lectures, and pictures, thanks to commercially printed editions of the Great Qing Code, popular legal imprints, and the community lectures that this chapter will discuss.

*Popular Legal Education: Attitudes and Policies*
Most Qing rulers embraced the idea that the populace needed to know state-authorized legal principles and basic statutes from the Code. Many Qing emperors and their officials believed that a benevolent government should promulgate its laws to its people, establish popular legal education, and tell the people about the potential harsh punishments if they dared to violate the laws. In this way, the people would be forewarned and less likely to commit crimes, and it thus would contribute to the building of ideal society. The idea of upholding popular legal education was far from new in the Qing period—it could be traced back as early as two thousand years ago. *The Rites of Zhou*, one of the “Five Confucian Classics,” dating to some time in the Han (206 BCE – 220 AD), recorded the responsibilities of the legal minister of the Western Zhou:

> On the first day of the first month [of each year], [Minister of Justice] starts to promulgate the rule of punishments in cities and towns of the kingdom. He puts up images of the punishments and laws on the wall of the high towers outside the palace gate and let all the people see them.  

The Western Zhou government depicted in the *Rites of Zhou* symbolized the ideal benevolent government in Confucian discourse. The book thus indicated that an ideal benevolent government ought to publicize its laws and punishments and let everyone in the realm know them.

This story about the Zhou’s popular promulgation of the laws may be legendary, but it provided historical foundation for the Qing ruling elites to uphold popular legal education. They frequently cited this paragraph to legitimatize their efforts in publicizing and promulgating laws to the general public. For example, in his preface to the *Great Qing Code*, the Yongzheng emperor cited the story and wrote:

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[Seen through the Zhou case] We know that when law and regulations were established, ancient kings promulgated them clearly to both officials and the common people. When officials studied [the laws], they were able to judge; when the common people knew [the laws], they would not commit crimes.\(^4\)

The emperor then noted that the Qing should follow the Zhou precedent to promote popular legal education. This was an essential means of perfecting social customs:

> From large cities and towns to remote lands and poor villages, every magistrate should follow the institution of reading the laws recorded in the *Rites of Zhou* and constantly expound [the laws to local people]. They should also order men in local community to teach each other the laws. In this way, the people will learn to respect the laws and value themselves. [After knowing the laws] officials will make wise judgments; people will cease to engage in litigation. Customs will be rectified; rituals and comity (*lirang* 礼让) will be restored.\(^5\)

Similar discourse was prevalent in Qing genres that supported popular legal education and that promoted the dissemination of legal knowledge in local society, including imperial edicts, official documents, manuals for community legal lectures, and official handbooks.

Some Qing rulers, however, doubted the effectiveness of popular legal education in transforming customs and stabilizing local society. The well-accepted method of popular legal education in the Qing was community legal lectures, an integral part of the Qing community lecture system, as the following sections will show. Qing emperors and officials never questioned the legitimacy or effectiveness of such legal lectures, but some of them did question the necessity for additional forms of popular legal education. For example, although the Qianlong emperor followed the Yongzheng emperor’s policies on supporting legal education in community lectures, in 1773 he expressed doubts when refuting a suggestion from an official that county magistrates should establish special legal lectures to educate local people:

\(^4\) *Da Qing lü jijie fuli* (1725), the Imperial Preface, 1a-b.

\(^5\) *Da Qing lü jijie fuli* (1725), the Imperial Preface, 4a-b.
As for [the suggestion that magistrate should] constantly lecture on the laws in order to prevent the people from committing crimes, this is extremely impractical. Even the most stupid men and women know that the penalty for robbery is beheading, and the penalty for murdering one’s husband is slow slicing. But the people still commit crimes one after another. Do common people commit crimes all because they are ignorant of the laws?\textsuperscript{6}

The emperor assumed that the common people learned enough about legal principles from community legal lectures or other channels. He expressed doubt that further legal knowledge would serve to deter crime, and said that magistrates needed no further actions to promoting legal education besides regular channels such as the community lecture system.

Some Qing ruling elites even worried about the danger of “over-educating” the populace in the laws. Viewing law and legal knowledge as a threat to morality and social stability had its roots in early Chinese thoughts. Although the \textit{Rites of Zhou} indicated that the government should promulgate its laws to the general public, as discussed above, some other early Confucian texts warned that popularizing legal norms would be fraught with moral and political danger. \textit{The Chronicle of Zuo (Zuozhuan 左傳)} recorded a sharp criticism from Shuxiang 叔向, minister of Zheng 鄭 state, on the promulgation of Zheng’s “books of punishment” (\textit{xingshu} 刑書), known as the first “codes” of written law in Chinese history.\textsuperscript{7}

“[W]hen people know what the penalties are, they lose their fear of authority and acquire a contentiousness which causes them to make their appeal to the written words [of the penal laws], on the chance that this will bring them success [in court cases]...As soon as the people know the grounds on which to conduct disputation, they will reject the [unwritten] accepted ways of behavior (\textit{li} 禮) and make their

\textsuperscript{6} \textit{Qing shilu}, the Qianlong reign, Vol.20, \textit{juan} 933, 554.
\textsuperscript{7} Bodde and Morris, \textit{Law in Imperial China}, 16.
appeal to the written word, arguing to the last over the tip of an awl or knife. Disorderly litigation will multiply and bribery will become prevalent.”

Shuxiang argued that promulgation of written law would threaten the people’s respect for unwritten li (i.e., ritual), which would inevitably lead to moral decline and political disorder.

The Qing judicial system faced many troubles and challenges, especially after the mid-Qianlong period. Case backlogs piled up on magistrates’ desks; false accusations flooded in despite frequent prohibition; and a skyrocketing number of capital appeals bombarded the system. In this troublesome era, some Qing ruling elites began to reconsider the popular education policies. They thought that the people were already too litigious, and teaching them law would do more harm than good to society. In this context, the discourse on the potential danger of legal knowledge was resurfacing. For example, although he did not openly oppose legal education in community lectures, the Jiaqing emperor frequently rejected his officials’ suggestions on the popularization of legal information through other channels. In 1812, aiming at preventing the people from engaging in unorthodox religions, an official suggested that the court should print and disseminate the statutes and substatutes about teaching and practicing unorthodox religions. The emperor responded sternly in an edict stating:

"Our state establishes law and punishments. When there is a public execution, [officials] post proclamations that list the convicts’ names and their crimes. We do so in order to make illiterate men and women (yufu yufu 愚夫愚婦) hear and watch, and then they can generate fear and get caution. But the people still violate the laws one after another. Is it that we can stop the evil and prevent the violence merely by printing and disseminating the texts of the statutes (lüwen 律文)? Moreover, the statutes have their profound meanings. They are the foundation of..."

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8 Bodde and Morris, Law in Imperial China, 16-17.
9 See Philip Huang, Civil Justice in China, 173-81, 214-18; Jonathan Ocko, “I’ll Take It All the Way to Beijing: Capital Appeals in the Qing,” 296.
our dynasty’s judicial administration. Are they things that illiterate commoners of every household (bianhu yumeng 編戶愚氓) in the empire can thoroughly understand? The suggestions in the memorial are impractical. 

Similarly, in 1815, the Jiaqing emperor criticized another official’s memorial on printing and posting proclamations to propagate the laws in the “Names and General Rules” (Mingliliü 名例律) chapters in Guizhou province. The official suggested teaching local people law in order to transform local customs. The emperor listed the reasons why he disliked the proposal in an imperial edict:

As for printing and posting the statutes from the “Names and General Rules” chapters, it is extremely useless as a method to transform the people. Even peddlers and servants know that they should not commit the heinous crimes defined by the chapters, such as “the ten great wrongs” (shi’e 十惡). Good and cautious people dare not to commit crimes even though they have never read the Code; fierce and arrogant people violate the laws even though they know the laws well. In ancient times, the wise people laughed at the promulgation of “the book of punishment” (in The Chronicle of Zuo). …The suggestion on citing the statutes from the Code and posting proclamations is indeed uncalled for. We order that it be stopped. 

Here the emperor used the case from The Chronicle of Zuo to legitimatize his assertion about additional legal education for the populace beyond the community lecture system. In another imperial edict against disseminating legal knowledge, the emperor cited (and slightly revised) a famous sentence from the Analects—“The people may be made to follow a path of action, but they may not be made to understand it” (Min ke shi you 民可使由, bu ke shi zhi 不可使知). In the Jiaqing emperor’s eyes, therefore, educating the people on the laws could not help prevent crimes and transform social customs. He indicated that most people had already obtained some basic knowledge of legal principles, and it was also impossible for them to understand thoroughly the complicated laws in the

10 Qing shilu, the Jiaqing reign, Vol.31, juan 258, 488-89.
11 Qing shilu, the Jiaqing reign, Vol.32, juan 310, 115.
12 Qing shilu, the Jiaqing reign, Vol.32, juan 308, 92.
Code. Popular legal education could contribute little to their understanding of the laws, let alone restraining their behavior.

Therefore, Qing rulers held complicated attitudes towards popular legal education. Some ruling elites, such as the Yongzheng emperor, embraced the idea that educating the people about law could transform social customs and reduce the number of people who committed crimes. Others, including the Qianlong emperor and the Jiaqing emperor, sometimes expressed doubts about the effectiveness of additional popular legal education in transforming local customs and maintaining social order. They indicated that the common people already knew the laws well, and further legal education provided by the state would do more harm than good. But none of them questioned the legitimacy and effectiveness of community lectures—the main vehicle of popular legal education in the Qing—that the following sections will address.

The Community Lecture System

The Qing community lecture system played an important role in state-sponsored popular legal education. The precedent for community lectures was the community compact (xiangyue 鄉約) of the Northern Song period (960-1127). Promoted by leading Confucian scholars, the community compact in the Song symbolized a voluntaristic community organization that emphasized “mutuality, reciprocity, and cooperation among

community members.”

By establishing the community compact, Song educated elites intended to build self-regulating local communities without the state’s interference and to assert their local leadership. They also aimed to implement popular moral education by “bringing to life the moral potential of the compact members,” rather than applying stiff moral indoctrination. The community compact declined during the Yuan period. When it revived in the late-Ming, according to Joseph McDermott, the community compact began to be associated with more imperial control and moral indoctrination.

Specifically, it was usually local officials, rather than gentry, who initiated xiangyue in the late Ming. All community members were required to join the community compact and perform the five bows and three kowtows ritual to a wooden tablet bearing Ming Taizu (the first Ming emperor, r.1368-1398)’s “Six Edicts” (Liuyu 六諭), whereas in the Song they usually kowtowed to Confucius’s image. Reading and expounding Taizu’s “Six Edicts,” sometimes together with a number of statutes from the Great Ming Code, became the center of the compact and took the place of The Community Compact of the Lü Family (Lüshi xiangyue 呂氏鄉約), usually read in the Song. Moreover, the community compact also became fused with baojia surveillance units, designed to suppress social and political unrest. Thus the essential feature of the organization was

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14 de Bary, Asian Values and Human Rights, 59.
15 de Bary, Asian Values and Human Rights, 63; Übelhör, “The Community Compact (Hsiang-yüeh) of the Sung and Its Educational Significance,” 382.
16 Übelhör, “The Community Compact (Hsiang-yüeh) of the Sung and Its Educational Significance,” 386.
19 Chang Jianhua, “Xiangyue de tuixing yu Mingchao dui jiceng shehui de zhili,” 2.
gradually transformed from voluntaristic, gentry-led, local community self-regulated “compacts” to compulsory, official-led, state-sponsored “lectures” in the Ming and Qing.

The community lecture system had several new features in the Qing. First, the central government asserted more control over community lectures, especially in the early- and mid-Qing period. Qing emperors established detailed regulations on how the lectures should be organized and performed, and also issued several imperially authorized manuals for community lectures to local officials. The content of Qing community lectures also emphasized the state’s power and imperial authority more than their Song and Ming counterparts had. In 1670, the Kangxi emperor promulgated *The Sixteen Maxims of the Sacred Edict* (*Shangyu shiliu tiao* 上諭十六條, abbreviated as “the Sacred Edict” henceforth), which later became the outline of the content of Qing community lectures.22 The *Sacred Edict* was adapted from Ming Taizu’s “Six Edicts.”23 Although

22 The *Sacred Edict* consisted of the following sixteen maxims:
   1. Esteem most highly filial piety and brotherly submission, in order to give due importance to the social relations.
   2. Behave with generosity toward your kindred, in order to illustrate harmony and benignity.
   3. Cultivate peace and concord in your neighborhoods, in order to prevent quarrels and litigation.
   4. Recognize the importance of husbandry and the culture of the mulberry tree, in order to ensure a sufficiency of clothing and food.
   5. Show that you prize moderation and economy, in order to prevent the lavish waste of your means.
   6. Give weight to colleges and schools, in order to make correct the practice of the scholar.
   7. Extirpate strange principles, in order to exalt the correct doctrine.
   8. Lecture on the laws, in order to warn the ignorant and obstinate.
   9. Elucidate propriety and yielding courtesy, in order to make manners and customs good.
   10. Labor diligently at your proper callings, in order to stabilize the will of the people.
   11. Instruct sons and younger brothers, in order to prevent them from doing what is wrong.
   12. Put a stop to false accusation, in order to preserve the honest and good.
   13. Warn against sheltering deserters, in order to avoid being involved in their punishment.
   14. Fully remit your taxes, in order to avoid being pressed for payment.
   15. Unite in hundreds and tithings, in order to put an end to thefts and robbery.
   16. Remove enmity and anger, in order to show the importance due to the person and life.


23 Originally promulgated in 1397, the “Six Edicts” contained six moral maxims: (1) Be filial to your parents. (2) Be respectful to your elders. (3) Live in harmony with your neighbors. (4) Instruct your sons and grandsons. (5) Be content with your calling. (6) Do no evil. See Victor Mair, “Language and Ideology
issued by the imperial court, the “Six Edicts” overwhelmingly emphasized the people’s proper behavior and responsibilities on the family and community level, rather than their relationships with the ruler or the state. The Kangxi emperor’s *Sacred Edict* indicated a clear ideological continuation of the “Six Edicts” in terms of family and local community, but it significantly extended to the realm of the people’s legal and political obedience to the state. As Wm. Theodore de Bary convincingly argues, the *Sacred Edict* “would serve to enhance state power and imperial authority: namely the enforcement of dynastic law, obedience to the state, crime prevention, punishment of deserters, payment of taxes and tithes, banning heterodoxy, etc.”24

The Kangxi emperor and his successors made serious efforts to promulgate the *Sacred Edict* and rebuild the community lecture system to educate commoners with the moral principles in the *Sacred Edict* and some basic legal knowledge from the Code. The Kangxi emperor ordered officials to print and issue the *Sacred Edict* to “the Manchu banners as well as prefectures, counties, and villages” so that the people in the whole empire could learn from it.25 In 1679, the court issued copies of an imperially authorized manual for community lectures to prefectures, counties, and villages in the empire.26 The manual instructed lecturers to read the *Sacred Edict*, its colloquial explanations, and a

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24 de Bary, *Asian Values and Human Rights*, 72. Besides the concern of strengthening state’s authority, in the context of the early Qing period, the *Sacred Edict* seems to sever two other goals. First, through the promulgation of the *Sacred Edict* the emperor intended to establish his reputation as a sponsor of Confucianism in order to win over the support of many Han Chinese who still doubted this young Manchu emperor’s commitment to Confucianism and Han-Chinese civilization. Second, the emperor viewed the *Sacred Edict* as an essential means of moral education, which would contribute to restore social and economic order after the devastating wars of the Ming-Qing transition. See Li Bo, “Lun Shengyu guangxun zai Qingchu hanhua guocheng zhong de xunyu zuoyong,” *Lantai shijie* 02 (2010): 58-59.
25 *Da Qing huidian shili*, juan 397, 3a.
26 *Da Qing huidian shili*, juan 397, 3a-b.
number of statutes from the *Great Qing Code* to local people. In 1686, the emperor ordered officials to promote the lectures in the military and in Southwest regions where non-Han people dwelled. In 1700, he ordered teachers to read and expound the *Sacred Edict* to students in local schools.

In the Yongzheng reign, the court continued to institutionalize the community lecture system. In 1724, the Yongzheng emperor expanded the Kangxi emperor’s sixteen maxims in the *Sacred Edict* into longer essays and published them under a new title—*The Amplified Instructions on the Sacred Edict* (*Shengyu guangxun* 聖諭廣訓). Five years later, the emperor issued an imperial edict, in which he ordered to establish community lectures in every community and large village. Local officials or officially appointed compact leaders (yuezheng 約正) took charge of giving the lectures on the first and fifteenth day of each month. This imperial edict defined *xiangyue* as reading and expounding the *Sacred Edict*. Following this edict, the Qing court began to take direct control over the institution: the imperial court regulated the content of the lectures and gave local officials the power to choose compact leaders, who had been publicly selected (gongju 公舉) by community members in the past. In the Yongzheng reign, therefore, community lectures formally became state-dominated moral lectures, aimed at inculcating ethical orthodoxy in local people, as well as strengthening central political control over local society.

28 *Da Qing huidian shili*, juan 397, 3b. See also Zhou Zhenhe, *Shengyu guangxun: jijie yu yanjiu* (Shanghai: Shanghai shudian chubanshe, 2006), 585.
30 *Da Qing huidian shili*, juan 397, 34b.
After the Yongzheng reign, the Qing court continued to emphasize the importance of community lectures in the people’s moral education, and ordered local officials to make real efforts in implementing them. The Qianlong emperor issued at least fifteen imperial edicts about community lectures. He told officials to give the lectures in remote villages and in frontier regions where non-Han people dwelled.31 He also encouraged lecturers to use colloquial language when expounding the *Sacred Edict* and to teach imperial laws and regulations to the people in the lectures.32 The Jiaqing emperor issued about ten related edicts, and the Daoguang emperor issued at least five. Even in the Tongzhi and Guangxu reigns when the dynasty was on the verge of collapse, the court still issued a number of imperial edicts and stressed that lectures were fundamental in the people’s moral education, and officials and schools should regularly delivered the lectures.33

Besides the imperial control, another salient feature of Qing community lectures was that the ritual ceremony was diminishing, and at the same time, moral and legal lectures played an increasingly important role. The late Ming community compact usually had lengthy ritual ceremonies. All of the participants (officials, gentry, and commoners) performed the “five bows and three kowtows” ritual—identical to the ritual carried out by officials at an imperial audience—in the late Ming community compact. Many Ming gentry believed that the ritual would uphold social hierarchy and transform the local people’s morality.34 In the early Qing, however, the ritual of community lectures had been simplified. Although commoners were ordered to kneel when officials

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31 *Da Qing huidian shili*, juan 398, 1b; *Qing shilu*, the Qianlong reign, Vol.12, juan 264, 419-20.
33 For example, see *Qing shilu*, the Guangxu reign, Vol.57, juan 449, 932.
kowtowed to the imperial tablet, they no longer had to perform the court audience ritual. In the late Qing lectures, commoners just gathered and stood around the lecture altar, and no kneeling was required (See Figure 4.1). While many late-Ming and early-Qing lecture manuals painstakingly described how the ceremony should be conducted, late-Qing manuals usually did not mention such ritual ceremonies at all. In some places, even officials and lecturers did not have to kowtow to the imperial tablet any more.

Some late-Qing lectures were held on a daily basis. In late Qing Guangzhou, example, local officials hired lecturers, set up tables at local markets or busy roads, and let the lecturers read and expound the *Sacred Edict*, the laws, and meritorious books to the local populace every day. The orderly, serious, and ritualistic ceremony of community lectures in the late Ming and first-half of the Qing dynasty became increasingly like a crowded and noisy storytelling party in the late Qing. A lithographic painting in *Dianshizhai huabao*, depicted a late Qing lecture in Suzhou: a lecturer—apparently an official—was speaking, and the audience, including both men and women, stood around. Some were listening; some were talking with others; some were running (See Figure 4.1). The whole picture looks dramatically different from the depiction of a well-regulated community lecture ceremony in an early Qing woodblock illustration (See Figure 4.2).

Along with the decline of the ritual, Qing officials and gentry incorporated more and more oral indoctrination into community lectures. The focus of the lectures, therefore, gradually shifted from the ceremony to moral doctrine and legal knowledge that lecturers imparted to local people. One part of the lectures significantly extended in the Qing was

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“reading the statutes and substatutes from the Code.” Although some lecturers began to introduce law in the late-Ming, the Qing lecturers incorporated a much larger number of statutes and substatutes from the Code. Moreover, the colloquial explanations of the Sacred Edict in the Qing lectures were longer and closer to everyday language, and had a lot more details and examples than those in the Ming lectures.\(^{36}\) In the late Qing, lecturers not only taught the audience about the Sacred Edict and the laws, but also talked about stories of karma and retribution from meritorious books.\(^{37}\) That Qing officials and gentry paid increasingly more attention to the content of the lectures reflected the change of their attitude toward popular education.\(^{38}\) While their late-Ming counterparts believed that the people would be transformed through performing the ritual properly, Qing officials and gentry generally thought that only through carefully teaching the people moral principles (telling them what they should do), legal knowledge (warning them about the potential punishments), and religious ideas (binding them with ideas of retribution) could they be truly touched and transformed. In his influential work *The Rise of Confucian Ritualism in Late Imperial China*, Kai-wing Chow argues that Qing philosophers embraced a “ritualist approach to moral cultivation”—that is, employing ritual ceremonies to educate the populace and transform social customs.\(^ {39}\) In terms of community lectures, however, we observe a gradual decline of the role of ritual ceremony and increase of moral and legal lectures from the late Ming to the late Qing. This indicates that although Qing thinkers

\(^{36}\) The discussion on the language used in the late-Ming lectures, see Wang Sixia, “Ming Taizu ‘Shengyu liuyan’ yanyi wenben yanjiu;” for the Qing, see Victor Mair, “Language and Ideology in the Written Popularizations of the Sacred Edict.”


might have advocated the “ritualist approach,” most officials and gentry adopted a much more didactic approach in the practice of popular moral cultivation.

The performance of community lectures varied according to time and place, but many shared the following similar procedures. In cities, magistrates usually personally led the “reading and expounding the Sacred Edict” ceremony on the first and fifteenth day of each month. They could choose their own yamen’s hall, the Confucius Temple (wenmiao 文廟), Buddhist or Taoist temples, or another spacious place as the lecture location. The ceremony started in the morning, around ten o’clock. The magistrate and his fellow officials wore formal official robes and performed the ceremony of kneeling three times and knocking their heads on the ground nine times (sangui jiukou 三跪九叩, the ritual performed at the imperial audience) to the tablet bearing the sixteen maxims in the lecture hall (See figure 4.3). The local people gathered outside the lecture hall, lining up according to their ages and kneeling when officials performed the ceremony to the imperial tablet. Then everyone rose, and the magistrate himself or a hired lecturer started to choose one or several maxims from the Sacred Edict and read them aloud in Mandarin (guanyu 官語). He then explained the maxim(s) in colloquial language. In some southern areas, the lecturer explained in local dialect (tuyin 土音). After explaining, he usually read a number of statutes and substatutes from the Code that were related to the content of the maxim(s) that he had just expounded, and cautioned the people on the potential punishments if they dared to violate the laws. In some places, lecturers also showed the audience pictures of laudable behaviors or pictures of horrific punishments for criminals.
Some lecturers also taught the local people rhymed jingles revised from the *Sacred Edict*. At the end of a lecture, local officials, gentry, and lecturers again kowtowed to the imperial tablet, and other listeners were required to kneel down. Then yamen clerks carried the imperial tablet back to the magistrate’s yamen, and the lecture was over.

In villages, the lecturers, usually hired by local officials, led the reading ceremony. The lecturer, his assistants (*yuefu 約副*), and local gentry performed the roles in a village that a magistrate and other officials performed in the lectures in a city. The village lectures were usually not conducted as frequently as those in cities. For example, villages in Henan in the Yongzheng period held the lecture only in the second month, the ninth month, the tenth month, and the eleventh month of a year. Altogether villages in Henan had eight lectures per year, far fewer than the twenty-four lectures that the imperial court had mandated. Lecturers and local gentry usually chose temples or lineage shrines as the place for the lectures; in some locations where those were not available, they built a temporary wooden stage, like those used in village opera parties. The ceremony and the

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40 For example, see Liang Yannian, *Shengyu xiangjie* (Chengxuantang, 1681), and Chen Haiyun, *Shengyu guangxun zhi jie fu Da Qing xinglü tu* (Changsha: Judetang).
44 Zhang Boxing 張伯行, “*Shenchi xiangyue baojia shi*” 申飭鄉約保甲示 (Proclamation to instruct community lectures and *baojia* surveillance units), cited from Zhou Zhenhe, *Shengyu guangxun: jijie yu yanjiu*, 543.
content of the lectures in villages, as many records indicate, were similar to those in cities.\(^45\)

Some previous studies have argued that community lectures were not seriously carried out in local society in the Qing period. For example, in his classical research on the issue, Kung-chuan Hsiao argues that the Qing community lecture system was basically a dead letter and achieved nothing.\(^46\) My research in this chapter, however, supports several recent studies based on local archives, official handbooks, and lecture manuals, which show that Qing community lectures were influential and effective, though they were more seriously carried out in some places and periods than others. As Victor Mair points out, “a large number of the populace were exposed to and, in some cases, thoroughly familiarized with the *Sacred Edict* through the village lecture system.”\(^47\) Wang Er-Min’s argument is even more enthusiastic: “From its first promulgation [in the Kangxi reign] to the Sino-Japanese War, everyone was familiar with the *Sacred Edict*.”\(^48\) Zhou Zhenhe uses evidence from Qing genealogies to prove the popular acceptance of the *Sacred Edict*: many quoted sentences from the *Sacred Edict*, and many used words from the *Sacred Edict* as their clan titles (*tanghao* 堂號).\(^49\)

In the early-and-mid Qing, the imperial state and officials were the major force to implement community lectures. Many provincial and local officials made serious effort to


compile manuals and uphold the lectures in local society.\textsuperscript{50} In the Daoguang and Xianfeng periods, when the officially-sponsored community lecture organizations were in decline, local gentry began to advocate and fund the lectures. Tobie Meyer-Fong points out that even during the Taiping War (1851-1864), community lectures were not totally abandoned. Local activists in Jiangnan, such as Yu Zhi 余治 (1809-1874), embraced the lectures as a fundamental means of awakening the listeners, eliminating evils, and avoiding the catastrophe of war.\textsuperscript{51} After the war, the court, officials, and gentry saw community lectures as an effective instrument to restore social and cultural order. Late-Qing gentry not only organized, regulated, and financed the local community lectures, but also transformed the lectures by simplifying the required ceremony and incorporating stories from meritorious books, which made the lectures more appealing to local people.\textsuperscript{52} Their endeavors in reforming community lectures usually won local officials’ endorsement and support.\textsuperscript{53} In the last years of the Qing, community lectures, at least in some places, could still attract a large group of listeners.\textsuperscript{54} Therefore, thanks to the efforts of the imperial state, officials, and gentry, community lectures were long-lived and effective, and few other programs reached its influence and popularity in disseminating orthodox ideas, moral principles, and legal knowledge in society in the Qing Empire.

\textsuperscript{50} Many officials mentioned the importance of community lectures and how they established the lecture institutions in their jurisdiction. Among many examples, see Huang Liuhong, \textit{The Complete Book Concerning Happiness and Benevolence}, 530-35; Chen Hongmou, \textit{Xueshi yigui bubian, juan 2, 1a-12a}, in \textit{Guanzhenshu jicheng}, Vol.4; Tian Wenjing and Li Wei, \textit{Zhouxian shiyi}, 7a-9b.\textsuperscript{51} Tobie Meyer-Fong, \textit{What Remains: Coming to Terms with Civil War in 19th Century China} (Stanford, CA: Stanford University Press, 2013), 30-34.\textsuperscript{52} For detailed discussion on gentry’s involvement in the late-Qing lectures, see Sakai Tadao, \textit{Chūgoku zensho no kenkyū}, 506-526. See also Dai Zaochen, \textit{Conggong sanlu}, 15a-21a.\textsuperscript{53} Dai Zaochen, \textit{Conggong sanlu}, 15a-21a.\textsuperscript{54} See Zhou Zhenhe, \textit{Shengyu guangxun: jijie yu yanjiu}, 629; Victor Mair, “Language and Ideology in the Written Popularizations of the Sacred Edict,” 354-55.
Legal Information in the Lectures

Qing community lectures not only taught orthodox Confucian moral principles, but also introduced legal knowledge. Previous scholarship on community lectures, however, has omitted this perspective.\(^55\) The reason is probably that the original text of the *Sacred Edict* itself has little legal information. Only a few of the sixteen maxims mention law and litigation. For example, No. 3 “Cultivate peace and concord in your neighborhoods, in order to prevent quarrels and litigation” told people that they should establish good relations with their neighbors and should not get involved in litigation. No. 8 “Lecture on the laws, in order to warn the ignorant and obstinate” encouraged people to gain some legal knowledge. When knowing the laws and punishments, in the Qing rulers’ opinion, people would not dare to commit crimes. Although these maxims talked about the laws and litigation, they provided no specific legal information. Even the Yongzheng emperor’s lengthy *Amplified Instructions* included little applicable legal knowledge.

Many lecture manuals, however, included a large amount of accurate legal information. These manuals were widely used in practice as instructions for local officials and lecturers to conduct community lectures. Zhou Zhenhe, a modern researcher on the *Sacred Edict*, carefully collected 23 different manuals compiled in the Qing period,\(^56\) and eight of them, including the most widely used lecture manuals empire-wide,

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\(^55\) Many scholars, such as Victor Mair, Zhou Zhenhe, and Sakai Tadao, have noticed that the legal education section of community lectures in their research. But what they have described is quite sketchy, and many only briefly mention that legal principles from the Code were introduced in the lectures. No details have been explored. See Victor Mair, “Language and Ideology in the Written Popularizations of the Sacred Edict,” 329, 332-33; Zhou Zhenhe, *Shengyu guangxun: jijie yu yanjiu*, 621-623; Sakai Tadao, *Chūgoku zensho no kenkyū*, 496; Wejen Chang, “Legal Education in Ch’ing China,” 296.

\(^56\) Zhou Zhenhe lists 29 “collective commentaries” (*jijie* 集解) of the *Sacred Edict* in his book, but only 23 were lecture manuals that could be used in practice. The rest six, such as *Yunwen yanyi* 韻文衍義 (Additional commentaries for the rhymed essay) and *Shengyu xiangjie* 聖諭像解 (Illustrated explanations
contained detailed legal knowledge—usually the statutes and substatutes from the *Great Qing Code*. Zhou’s collection shows that community lectures commonly introduced laws and regulations from the Code. Here I select two manuals that were quite popular in the Qing to illustrate what legal knowledge the lectures conveyed, and why.

The most influential manual in the early Qing was *Shangyu helü xiangyue quanshu* 上諭合律鄉約全書 (Complete book of the Sacred Edict and community lectures, with statutes), first published in 1679. It was also one of the earliest manuals that contained detailed legal information from the *Great Qing Code* and the *Substatutes for the Board of Punishments in Operation* (Xingbu xianxing zeli 刑部現行則例). The author was Chen Bingzhi 陳秉直 (d.1686), a Han Bannerman from Liaodong 遼東 and a prominent early-Qing official. In his preface, Chen said that he compiled *Shangyu helü zhujie* 上諭合律注解 (Notes and commentaries on the Sacred Edict, with statutes) soon after the Kangxi emperor issued the Sacred Edict. As Zhejiang provincial judicial commissioner, he compiled the book to guide his fellow officials and subordinates to correctly conduct the lectures on the Sacred Edict. The wars and unstable social situation at that time, however, interrupted his endeavor. In 1679, Zhejiang province was pacified, and Chen, having been promoted to Zhejiang governor, revised the book, had it printed under the title *Shangyu helü xiangyue quanshu*, and issued copies to magistrates and

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57 Chen Bingzhi’s biographic information is from the on-line database of Renmin quanwei renwu zhanji ziliao chaxun (Authoritative database for names in biographies), provided by The Institute of History & Philology, Academia Sinica. The website link: [http://archive.ihp.sinica.edu.tw/ttsweb/html_name/search.php](http://archive.ihp.sinica.edu.tw/ttsweb/html_name/search.php)

58 In this revision, he enclosed Wei Xiangshu’s *Liuyu jijie* 六諭集解 (Collective commentaries on the Six Edicts) in his manual. See Chen Bingzhi and Wei Xiangshu, *Shangyu helü xiangyue quanshu*, 287-88.
community leaders in Zhejiang province.\(^5^9\) Later Chen asked the emperor to promote the manual in other provinces; when the emperor ordered all governors to print and issue the manual as the guide for community lectures, it gained nationwide influence.\(^6^0\)

Chen’s preface pointed out that the lectures on the *Sacred Edict* were a fundamental means of “transforming the people and perfecting moral customs” (*huamin chengsu* 化民成俗). Worried that local people could not grasp the profound meanings of the *Sacred Edict*, he explained each maxim in simple colloquial language, so that even “illiterate men and women in remote lands and poor villages” would be able to easily understand.\(^6^1\) Chen noted that moral education was much more important than legal punishments, but if the government taught people the basic principles of the laws and the harsh punishments that could result from crime, even the most ignorant and obstinate people would comply with the laws. So Chen attached to each maxim’s explanation a number of the current statutes and substatutes (*xianxing lüli* 現行律例). Chen hoped that “the people would be able to know that they should do good things and that they should not violate the laws.”\(^6^2\)

Chen Bingzhi wrote that all the people were educable, but that officials needed to use different approaches to educate people of different intellectual levels. As for those who were wise and reasonable, the *Sacred Edict* would help them establish themselves (*lishen 立身*) and cultivate their morality; but for those who were stupid and stubborn,

\(^{59}\) See Chen Bingzhi and Wei Xiangshu, *Shangyu helü xiangyue quanshu*, 268.

\(^{60}\) *Da Qing huidian shili*, juan 397, 3a-b; Chen Bingzhi and Wei Xiangshu, *Shangyu helü xiangyue quanshu*, 271-75.

\(^{61}\) Chen Bingzhi and Wei Xiangshu, *Shangyu helü xiangyue quanshu*, 268-69.

\(^{62}\) Chen Bingzhi and Wei Xiangshu, *Shangyu helü xiangyue quanshu*, 268.
the moral instructions in the *Sacred Edict* were less effective.\(^{63}\) When positive instructions from the *Sacred Edict* failed to touch their hearts, Chen argued, fear of punishment would at least stop crime. The laws, though less-desirable, were useful in popular moral education. As Chen wrote in the explanation for maxim No.8 “Lecture on the laws, in order to warn the ignorant and obstinate:”

> We are now particularly telling you the details [of the laws and punishments]… Even though you people are extremely stupid and perverse (*jiyu jiwan* 極愚極頑), you don’t have a little bit of fear in your heart when listening to these laws now? …We are teaching you the laws in order to warn you not to commit crimes. You people should think about it carefully and be forewarned.\(^{64}\)

By teaching the laws in the lectures, Chen intended to generate public awe and fear of the punishments and the state’s legal power. For example, for maxim No.1 “Esteem most highly filial piety and brotherly submission, in order to give due importance to the social relations,” Chen first provided detailed explanations and examples of the proper behavior according with the maxim, and then he incorporated the following “reading the statutes” (*dulü* 讀律) section:

> You, the people, must know that filial piety (*xiao* 孝) and brotherly submission (*di* 弟) are the fundamental principles of human beings. If you can perform *xiao* and *di*, you are the top-grade good people in the world. For those who don’t follow the principles of *xiao* and *di*, let’s try to read the following laws from the Code:

If someone curses his grandparents or parents, or if the wife or concubine curses her husband’s grandparents or parents, the punishment will be strangulation (Article 329).

If someone curses an elder brother or sister, the punishment is 100 strokes of the heavy bamboo (Article 328).

\(^{63}\) Chen Bingzhi and Wei Xiangshu, *Shangyu helü xiangyue quanshu*, 299-300.

\(^{64}\) Chen Bingzhi and Wei Xiangshu, *Shangyu helü xiangyue quanshu*, 418.
If a younger brother or sister strikes an elder brother or sister, the punishment will be 90 strokes of the heavy bamboo and penal servitude of two and half years. If there is an injury, the punishment is 100 strokes of the heavy bamboo and penal servitude of three years. If there is fracture, the punishment is 100 strokes of the heavy bamboo and exile to 3000 miles (li 里). If the injury is made with a knife, or if there is fracturing of a limb, or the blinding of one eye, then the punishment is strangulation. If the victim dies, all will be beheaded (Article 318).  

Chen continued to list five other statutes and substatutes (Articles 318.01, 319, 299.09, 284, and 388) that were related to the crimes of violating the rules of filial piety and brotherly submission, such as murdering one’s parents or grandparents, violating parents’ or grandparents’ orders, and failure to take care of one’s parents or grandparents.  

At the end of the section, Chen concluded:

Reading these texts from the Code, you should always be alert at any time and always be fearful. Definitely do not do things that violate the rules of xiao and di, and throw yourself into the net of the dynasty’s law (guofa 国法).  

Chen cited the eight statutes and substatutes directly from the Great Qing Code, but abbreviated many complicated legal definitions and simplified the language. Chen’s short version of the laws did, however, keep most of the original terminology of the laws, and the crimes and punishments that he mentioned were mostly accurate, and not hard to understand. The “reading the Code” part, according to Chen’s design, should be read aloud to the local people after officials and lecturers had explained the maxims.

Similarly, Chen’s manual provided laws that related to each of the remaining fifteen maxims: all together about 39 statutes and 12 substatutes from the Code, and 8 regulations from the Substatutes for the Board of Punishments in Operation and imperial

65 See Chen Bingzhi and Wei Xiangshu, Shangyu helü xiangyue quanshu, 357-59. The translations are modified from William Jones’s translation. See William C. Jones, The Great Qing Code, 311-12, 303. Chen’s text does not have article numbers. I added them according to Jones’s translations so that readers can easily locate the statutes in the Code.  
66 Chen Bingzhi and Wei Xiangshu, Shangyu helü xiangyue quanshu, 357-59.  
67 Chen Bingzhi and Wei Xiangshu, Shangyu helü xiangyue quanshu, 359.
edicts (See Chart 4.1). The laws that Chen selected to introduce in the lectures had several features:

(1) Chen included a lot more statutes than substatutes and other regulations. In Chen’s time, the *Great Qing Code* had almost equal number of statutes and substatutes (459 statutes and 449 substatutes), but Chen obviously prefer statutes, which conveyed fundamental and constant principles of the laws, rather than the more practically applicable substatutes. It was basic legal principles he was after.

(2) The laws that Chen included in the manual were carefully selected as closely related to lives of the common people. The 51 statutes and substatutes Chen selected from the 908 statutes and substatutes in the Code covered a variety of scenarios that the common people would encounter. Chen omitted a large portion of the Code containing laws about administration, civil office, the imperial palaces and gardens, the imperial household, military affairs, etc. He focused on the laws dealing with commoners’ usual crimes in “the Board of Revenue” (*hulü* 戶律) and “the Board of Punishments” (*xinglü* 刑律) chapters in the Code, such as laws regarding marriage, general public disorder and theft, homicide, affrays and blows, and judicial procedure (See Chart 4.1). Chen chose only one statute from the “Name and General Rules” (*Minglilü* 名例律) chapters, one from “the Board of Civil Office” (*Lilü* 吏律), and one from “the Board of War” (*Binglü* 兵律); but he included 12 from “the Board of Revenue” and the rest 24 statutes all from “the Board of Punishments.”
Chart 4.1 The Statutes from the Code in Chen’s Manual

<table>
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<th>Article No.</th>
<th>Name</th>
<th>Chapter</th>
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<td>Names and General Rules</td>
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<tr>
<td>61</td>
<td>Explaining and Reading the Laws and Regulations</td>
<td>Official Rules</td>
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<td>Establishing Separate Household Registration and Dividing the Family Property</td>
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<td>101</td>
<td>The Marriage of Men and Women</td>
<td>Marriage I</td>
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<td>105</td>
<td>Marrying or Taking in Marriage during Mourning</td>
<td>Marriage I</td>
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<td>225</td>
<td>Privately Exporting by Going Beyond the Land Frontiers or by Sea in Violation of the Prohibitions</td>
<td>Law of Control Pass</td>
</tr>
<tr>
<td>254</td>
<td>Plotting Rebellion and High Treason</td>
<td>General Public Disorder and Theft I</td>
</tr>
<tr>
<td>266</td>
<td>Theft with Force</td>
<td>General Public Disorder and Theft II</td>
</tr>
<tr>
<td>268</td>
<td>Wrongful Taking in the Daytime</td>
<td>General Public Disorder and Theft II</td>
</tr>
<tr>
<td>269</td>
<td>Non-Manifest Theft</td>
<td>General Public Disorder and Theft IV</td>
</tr>
<tr>
<td>270</td>
<td>Stealing Horses, Cattle, and Other Livestock</td>
<td>General Public Disorder and Theft V</td>
</tr>
<tr>
<td>278</td>
<td>The Harboreer of Thieves and Robbers</td>
<td>General Public Disorder and Theft VII</td>
</tr>
<tr>
<td>282</td>
<td>Plotting to Kill Another</td>
<td>Homicide I</td>
</tr>
<tr>
<td>284</td>
<td>Plotting the Killing of Paternal Grandparents and Parents</td>
<td>Homicide I</td>
</tr>
<tr>
<td>289</td>
<td>Making or Keeping Gu Poison for Killing People</td>
<td>Homicide I</td>
</tr>
<tr>
<td>290</td>
<td>Engaging in an Affray and Killing or Intentionally Killing Another</td>
<td>Homicide II</td>
</tr>
<tr>
<td>302</td>
<td>Affrays and Blows</td>
<td>Affrays and Blows I</td>
</tr>
</tbody>
</table>

68 Chen Bingzhi and Wei Xiangshu, Shangyu helü xiangyue quanshu. The translations are based on William Jones’s translation. Chen’s manual has no names or article numbers of the statutes. I looked them up in the Code according to the content of the statutes, and added their names and numbers so that readers can easily locate them in the Code.
(3) The laws that Chen included in the manual were up-to-date. Chen not only closely followed the latest edition of the *Great Qing Code* when he compiled the manual, but also incorporated some substatutes and regulations that had not yet been compiled into the Code. At least 7 substatutes that Chen mentioned in the book had been established or revised in the Shunzhi or Kangxi period. Chen sometimes noted “new substatute” (*xinli 新例*) at the beginning of a substatute. For example, in the No.6 maxim’s “reading the Code” section, Chen cited a substatute issued in 1673, which banned licentiates from filing complaints:

There is a new substatute. In recent years, the common practice of licentiates has been greatly deteriorating…From now on, if licentiates dare to come to Beijing…to file false complaints or submit unauthorized memorials, we will not only reject their complaints or memorials, but also deprive them of their licentiate
titles. We will also send them to the Board of Punishments for more severe sanctions.\textsuperscript{69}

Judging from the tone of language, it seems that Chen directly cited the paragraph from a memorial or an imperial edict, not from the Code. When tracing the history of this statute, I found that although the ban was issued in 1673 and became a statute in the same year, it was only formally incorporated into the Code in 1727.\textsuperscript{70} As the first chapter has discussed, the Kangxi court made no serious effort in compiling and publishing updated editions of the Code, and many new laws circulated in the form of separate statutes. Chen’s inclusion of new statutes that had not been compiled into the Code guaranteed that the laws in his book were up-to-date and indicated that the common people also could have access to new laws and regulations in that period.

Therefore, the legal information in Chen’s manual was accurate, up-to-date, and close to the people’s life. It was designed to be read aloud together with the maxims in the bimonthly lectures on the \textit{Sacred Edict}. In this way, even illiterate people, Chen hoped, would know well the laws relevant to their lives. As he wrote at the end of maxim No.8’s “Reading the Code” section:

\begin{quote}
You should know that I painstakingly encourage you people [to listen to the laws in the lecture]. What I hope is that you will all know the statutes and statutes, think them through, and understand each of them thoroughly (\textit{tiaotiao tongxiao 條條通曉}).\textsuperscript{71}
\end{quote}

Of course, Chen’s aim of upholding popular legal education was to boost moral education and prevent the people from committing crimes, not to encourage the people to use this knowledge in litigation. He specifically explained the function of the Code to his audience in the colloquial explanations of maxim No.8:

\textsuperscript{69} Chen Bingzhi and Wei Xiangshu, \textit{Shangyu helü xiangyue quanshu}, 398-99.
\textsuperscript{70} \textit{Da Qing huidian shili}, juan 767, 6b; juan 815, 9b.
\textsuperscript{71} Chen Bingzhi and Wei Xiangshu, \textit{Shangyu helü xiangyue quanshu}, 419.
You, people, listen. Do you know why our dynasty establishes the Great Qing Code? It is because we are afraid that you people take chances of doing evil things and committing crimes... There are a lot of harsh punishments in the Code, such as “beating with the light bamboo,” “beating with the heavy bamboo,” “penal servitude,” “exile,” “strangulation,” “beheading,” and “slow slicing,” but it is only because our ruler has a benevolent heart. We want you people to see the laws and generate fear, so that you dare not go with bad people or have evil ideas. You should be always vigilant and cautious (jingxing 警醒) and behave as good, respectable, common people (shanliang baixing 善良百姓).

Chen’s manual was influential and circulated widely. For example, Huang Liuhong 黃六鴻, a county magistrate in Shandong, mentioned that he received Chen’s manual and adhered to it when conducting community lectures in his jurisdiction. Chen’s manual was the only community lecture manual to win imperial endorsement until 1868, when the imperial court endorsed a new manual on community lecture, compiled by Xia Xin.

Xia Xin 夏炘 (1789-1871)’s manual, Shengyu shiliutiao fulü yijie 聖諭十六條附律易解 (Sixteen maxims of the Sacred Edict with statutes and simple explanations), first published in 1868, also contained detailed information about the law. Xia Xin was a renowned Confucian scholar and worked as an instructor in several county and prefecture schools in Jiangxi and Anhui. Although Xia himself was only a low-ranking official, he had many friends and admirers who were influential officials at the time, including Zeng Guofan 曾國藩, Tao Shu 陶澍, and Zuo Zongtang 左宗棠. In 1868, the same year when Xia published his manual, his friend Hu Zhaozhi 胡肇智, Vice Minister of the
Board of Civil Office, submitted the manual with two other Xia’s books to the throne for imperial review. The throne was particularly pleased with the manual, praising the book for “inheriting the ancient ideas that taught the people to read the laws (yu min du fa 與民讀法) in the Rites of Zhou” and “extremely useful when used in community lectures.”

The throne then decided to promote the manual as the authorized instruction for community lectures, and asked the Wuyingdian Imperial Publishing House to publish the manual. In 1869, the Wuyingdian reported that it had finished printing the book and would issue copies to governor-generals, governors, prefects, and educational intendants (xuezhen 學政) in provinces as well as generals in Shengjing, Jilin, and Heilongjiang.

The Wuyingdian also sold the manual through its Book Circulation Bureau (Tongxing shuji chu 通行書籍處) to the public, at the price of only 0.15 taels. Several provincial governments reprinted and republished the book. In 1870, the Jiangsu Provincial Book Bureau (Jiangsu shuju 江蘇書局)—the provincial publishing house established by Governor Ding Richang 丁日昌 (1823-1882)—republished the book. In Xinjiang, provincial officials translated the manual into Uyghur language, published it, and issued the book to local officials and community leaders. In the late Qing and Republican periods, readers around the country could easily buy the Jiangsu edition of the manual for 0.185 yuan per copy, through a mail order catalogue. Xia’s manual, therefore, was widely circulated in the late Qing period under the sponsorship of the imperial court and provincial officials.

77 Qing shilu, The Tongzhi Reign, juan 247, Vol.50, 437.
78 Qing shilu, The Tongzhi Reign, juan 266, Vol.50, 698.
79 Qing Tongzhi Guangxu nianjian Wuyingdian maishu dibu, in Weng Lianxi, Qing Neifu keshu dang’an shiliao huibian, 711.
81 Zhou Zhenhe, Wan Qing yingye shumu (Shanghai: Shanghai shudian chubanshe, 2005), 54
Similar to Chen’s manual and many other manuals for community lectures, Xia’s manual attached simple explanations in colloquial language and explicated the laws related to each maxim of the Sacred Edict. Although the structure and the content of Xia’s manual are similar to Chen’s manual, it has two distinct features. First, Xia’s manual did not mention the ritual ceremony of community lectures at all, while Chen’s manual specifically explained how the ritual should be properly conducted, including providing illustrations and detailed descriptions on the arrangement of the lecture hall as well as the step-by-step process of the ceremony. Second, Xia’s manual contained more detailed and accurate legal information than Chen’s manual did. Xia included 75 statutes and substatutes in his manual, compared with Chen’s 51. Seen from Xia’s manual, therefore, popular legal education played an increasingly important role in the moral education program while the role of ritual performance was declining.

In the manual, Xia elucidated why popular legal education was necessary. He argued that the people could be divided into three groups, and officials should use different methods to instruct them. The superior people (shangdeng ren 上等人), Xia wrote, could understand the teachings of the sages—that is, they could fully understand the profound meanings of the Sacred Edict and receive instructions from it. As for the medium people (zhongdeng ren 中等人), officials and lecturer could reach their hearts and transform their morality by telling religious stories about karma and retribution. The low people (xiadeng ren 下等人), however, were extremely stupid and obstinate. Neither the Sacred Edict nor meritorious books could enlighten them.\(^{82}\) The only method,

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therefore, was to restrain them by the laws and punishments. Xia continued to explain in
the manual:

Although these [low] people are ignorant and stubborn, they all fear the laws and
the pain [of punishments]. If we teach them clearly [what the laws and
punishments are], they will surely take them as a caution and abstain from
committing crimes… Therefore, …the laws not only are used for punishing
violence (chengbao 懲暴), but also are used for driving the people to do good
things (quren weishan 驅人為善).83

Xia admitted that it was impractical to teach the people all the legal knowledge in the
Code. He pointed out that officials should give lectures on simplified statutes and
substatutes (jianming lüli 簡明律例) frequently.84 As for local people, besides learning
the laws from community lectures, in a family, the father or elder brother should teach his
sons or younger brothers the laws.85 Similarly, in a community, educated people should
instruct to those who were illiterate in the laws.86 In this way, everyone in a community,
young or old, literate or illiterate, could know and understand the Sacred Edict and the
laws well.

Almost all the laws that Xia cited in the manual were statutes and substatutes
from the Code. Compared with Chen’s manual compiled in the Kangxi era, Xia included
fewer laws and regulations beyond the Code. While Chen cited eight such laws and
regulations, Xia only cited three.87 Xia also incorporated a lot more substatutes (22) in his
manual than Chen did (12) (See Chart 4.2). By the Tongzhi reign, when Xia’s manual
was published, the Qing legal system had undergone several changes: first, the Code

83 Xia Xin, Shengyu shiliutiao fulü yijie, 590-92.
84 Xia Xin, Shengyu shiliutiao fulü yijie, 592.
85 Xia Xin, Shengyu shiliutiao fulü yijie, 592.
86 Xia Xin, Shengyu shiliutiao fulü yijie, 552-53.
87 In Xia’s manual, only three regulations were not from the Code. One was a ban on parents forcing their
children to become Buddhist monks or Daoist priests; one was a ban on providing shelter to Bannermen
who were criminals; the last one was about drunk people who beat and robbed others. See Xia Xin,
Shengyu shiliutiao fulü yijie, 603, 606, and 612.
played a greater role in later Qing legal practice, as discussed in Chapter 1, whereas in the early Qing statutes issued separately from the Code had been more important. Second, Qing legislators had increased the statutes from 449 in the Kangxi reign to 1892 in the Tongzhi reign. Xia’s manual mirrored these changes. Moreover, Xia also simplified the language and deleted many confusing circumstances of the statutes and substatutes, while trying, like Chen, to maintain the key terms and the original meanings of the laws. Legal information in Xia’s manual, therefore, was accurate and straightforward. When read to the audience, Xia hoped, even the people with no formal education could understand easily.

Xia carefully chose the statutes and substatutes that were relevant to the common people. Like Chen, Xia emphasized that the common people should be familiar with the laws in “the Board of Revenue” and “the Board of Punishments” sections, which included many “core” statutes and substatutes of civil and penal law in the Qing period. Among the 51 statutes and 22 substatutes in Xia’s manual, 45 statutes and 19 substatutes were from these two sections. The laws from “the Board of Revenue” chapters chosen by Xia were generally about marriage, taxation, business, land and property, and inheritance (See Chart 4.2 and 4.3). The laws from “the Board of Punishments” chapters that Xia picked were usually about rebellion, homicide, theft, robbery, affray, fight, cursing, rape, adultery, and violations on litigation procedures. He also incorporated several statutes and substatutes regarding mourning, burial, clothing and housing rules, public road, and sorcery from the rest chapters (See Chart 4.2 and Chart 4.3). Xia’s introduction to the

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laws in his lecture manual, therefore, was comprehensive, including a variety of aspects of the civil and criminal laws that Xia thought the common people needed to know.

**Chart 4.2 Article Numbers of the Statutes and Substatutes in Chen’s and Xia’s Manual**

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Article No. of the Statutes and Substatutes in Chen’s Manual</th>
<th>Total numbers*</th>
<th>Article No. of the Statutes and Substatutes in Xia’s Manual</th>
<th>Total numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Names and General Rules Chapters</td>
<td>30</td>
<td>1</td>
<td>31</td>
<td>1</td>
</tr>
<tr>
<td>The Board of Civil Office Chapters</td>
<td>61</td>
<td>1</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>The Board of Revenue Chapters</td>
<td>87, 97, 101, 102, 105, 107, 119 [119.n**]</td>
<td>7 [1]</td>
<td>77, 78, 82, 87, 93, 96, 97, 101, 105, 107, 117, 119, 141, 149, 154 [77.01, 78.01, 78.05, 93.04, 93.06, 105.01, 119.01]</td>
<td>15 [7]</td>
</tr>
<tr>
<td>The Board of Rites Chapters</td>
<td>162, 175, 179, 181, 182 [161.02, 162.n**, 175.04, 175.11]</td>
<td>5 [4]</td>
<td>161, 162, 175, 181 [175.04]</td>
<td>4 [1]</td>
</tr>
<tr>
<td>The Board of War Chapters</td>
<td>225</td>
<td>1</td>
<td>[187.01, 233.02]</td>
<td>[2]</td>
</tr>
</tbody>
</table>

*See Chen Bingzhi and Wei Xiangshu, *Shangyu helü xiangyue quanshu*, and Xia Xin, *Shengyu shiliutiao fulü yijie*. Chen and Xia did not include article numbers in their texts. I assign them according the content of the statutes and substatutes so that readers can easily locate the statutes and substatutes and know their contents. The article number of statutes is based on William Jones’ the translated edition of the Great Qing Code. Because Jones’ edition does not include substatutes, I use the serial number of the substatutes according the popular on-line edition of the Code at the Guoxue website (http://www.guoxue123.com/shibu/0401/01dqll/index.htm).
Xia did not mention whether he referred to Chen’s manual when compiling his own manual, but he and Chen included many similar statutes and substatutes in their manuals. Although they apparently used different editions of the Code, Xia cited at least 25 statutes that Chen also included in his manual—that is, nearly half of Xia’s statutes (25 out of 51) and more than 60% of Chen’s statutes (25 out of 39) were the same (See Chart 4.3). This indicates that Xia and Chen agreed upon “the core legal knowledge” that the common people should have. These 25 statutes included five statutes (Art.87, 97, 101, 107, and 119) from “the Board of Revenue” chapters, three statutes (Art.162, 175, and 181) from “the Board of Rites” chapters, and the rest seventeen (Art.254, 266, 269, 278, 282, 290, 302, 311, 317, 318, 319, 324, 328, 329, 332, 336, 338, 374, and 378) from “the Board of Punishments” chapters. These statutes regulated the fundamental principles of proper behavior in family and community, as well as the punishments if one violated these principles, such as those regarding marriage, inheritance, and funerals, as well as

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90 Despite the similarity in terms of the laws they covered, Xia’s manual and Chen’s manual look quite different in many ways, such as the language of the colloquial explanations of the Sacred Edict.

91 For the name of these statutes, see Chart 4.1.
the punishments for theft, rioting, gambling, homicide, and rebellion. Both Xia and Chen also included several statutes that emphasized an essential feature of the late imperial Chinese law—that is, penalties for similar violations differed sharply according to seniority and degree of kinship if the offender and the victim were from the same family.\textsuperscript{92} The audience was told that they would get much harsher punishments if they disobeyed, cursed, beat, or killed a senior family member or a relative.

Despite many common statutes, Xia obviously emphasized more economic and sexual offenses than Chen did in his manual. Xia did not explain the reason, but it could be a response to social and economic changes in the Qing—as Matthew Sommer has argued, law changed as the economy became increasingly commercialized, and traditional social relations and sexual order had been threatened by overpopulation and an increasing number of single men who could not afford a wife.\textsuperscript{93} For example, in maxim No.10 “Labor diligently at your proper callings, in order to stabilize the will of the people,” Chen only cited three statutes and regulations on gambling, robbery, and swindling.\textsuperscript{94} Xia listed six, including “the Salt Laws” (Art.141) that banned people from engaging in the salt trade without a proper license, “Monopolizing the Market” (Art.154), and “Privately Casting Copper Cash” (Art.359). At least twelve of Xia’s additional statutes were the laws and regulations on business, market, property, and transportation (See Chart 4.3), which were relevant to the common people’s economic and financial life. Another sharp difference between Xia and Chen was that Xia introduced at least six statutes about offenses related to sex—five of them from “Fornication” chapter and one from “Homicide” chapters. Xia included several core statutes of rape and adultery, such

\textsuperscript{92} See Bodde and Morris, \textit{Law in Imperial China}, 35-38.
\textsuperscript{93} See Matthew Sommer, \textit{Sex, Law, and Society in Late Imperial China}, 8-15, 96-101
\textsuperscript{94} Chen Bingzhi and Wei Xiangshu, \textit{Shangyu helü xiangyue quanshu}, 436-39.
as “Fornication” (Art.366), “Facilitating and Tolerating the Wife’s or Concubine’s Fornication” (Art.367), “Fornication between Relatives” (Art.368). He also included “Killing the Adulterous Lover” (Art.285):

Whenever a husband catches his own adulterous wife and the adulterer at the place and immediately kills both of them, there is no punishment.\(^{95}\)

Although Xia Xin significantly shortened the statutes by deleting details of various circumstances and conditions, the legal information they conveyed was accurate and clear. Chen, on the other hand, did not mention such laws in his manual at all (See Chart 4.2 and Chart 4.3).

**Chart 4.3 Additional Statutes that Xia Included in the Manual\(^{96}\)**

<table>
<thead>
<tr>
<th>Article No.</th>
<th>Name</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>31</td>
<td>The Facts of the Offence are Discovered While the Offender is in Flight</td>
<td>Names and General Rules</td>
</tr>
<tr>
<td>77</td>
<td>Privately Establishing a Buddhist or Taoist Convent and Ordaining Taoist or Buddhist Priests</td>
<td>Households and Services</td>
</tr>
<tr>
<td>78</td>
<td>Establishing a Son of the Official Wife as One’s Successor Contrary to the Law</td>
<td>Households and Services</td>
</tr>
<tr>
<td>82</td>
<td>Hiding Persons from Compulsory Service</td>
<td>Households and Services</td>
</tr>
<tr>
<td>93</td>
<td>The Theft and Sale of Fields and Houses</td>
<td>Fields and Houses</td>
</tr>
<tr>
<td>96</td>
<td>Wrongfully Cultivating and Sowing Public or Private Land</td>
<td>Fields and Houses</td>
</tr>
<tr>
<td>117</td>
<td>The Punishment of the One in Charge of the Marriage and the Marriage Broker in the Case of Marrying or Taking in Marriage Contrary to the Law</td>
<td>Marriage I</td>
</tr>
<tr>
<td>141</td>
<td>The Salt Laws</td>
<td>Taxes</td>
</tr>
<tr>
<td>149</td>
<td>Taking Interest in Violation of the Prohibitions</td>
<td>Monetary Obligations</td>
</tr>
<tr>
<td>154</td>
<td>Monopolizing the Market</td>
<td>Markets</td>
</tr>
<tr>
<td>187</td>
<td>Walking on the Imperial Way</td>
<td>Guarding the Palace</td>
</tr>
<tr>
<td>233</td>
<td>Slaughtering Horses and Cattle</td>
<td>Stables and Herds</td>
</tr>
</tbody>
</table>

\(^{95}\) Xia Xin, *Shengyu shiliutiao fulü yijie*, 594.

\(^{96}\) The statutes in this chart were those that Xia cited in his manual but Chen did not.
<table>
<thead>
<tr>
<th>Page</th>
<th>Topic</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>256</td>
<td>Writing Books on Sorcery or Speaking about Sorcery</td>
<td>General Public Disorder and Theft I</td>
</tr>
<tr>
<td>271</td>
<td>Stealing Rice and Wheat from Fields</td>
<td>General Public Disorder and Theft V</td>
</tr>
<tr>
<td>285</td>
<td>Killing the Adulterous Lover</td>
<td>Homicide I</td>
</tr>
<tr>
<td>287</td>
<td>Killing Three Persons from One Household</td>
<td>Homicide II</td>
</tr>
<tr>
<td>340</td>
<td>Instigating Actions</td>
<td>Procedure II</td>
</tr>
<tr>
<td>359</td>
<td>Privately Casting Copper Cash</td>
<td>Forgeries and Counterfeiting</td>
</tr>
<tr>
<td>366</td>
<td>Fornication</td>
<td>Fornication</td>
</tr>
<tr>
<td>367</td>
<td>Facilitating and Tolerating the Wife’s or Concubine’s Fornication</td>
<td>Fornication</td>
</tr>
<tr>
<td>368</td>
<td>Fornication Between Relatives</td>
<td>Fornication</td>
</tr>
<tr>
<td>370</td>
<td>A Slave or Hired Servant Who Engage in Fornication with the Wife of the Household Head</td>
<td>Fornication</td>
</tr>
<tr>
<td>375</td>
<td>To Buy a Person of Honorable Condition as a Prostitute</td>
<td>Fornication</td>
</tr>
<tr>
<td>390</td>
<td>Persons Sentenced to Penal Servitude or Exile who Run Away</td>
<td>Arrests and Escapes II</td>
</tr>
<tr>
<td>412</td>
<td>Examining a Sentence in a Way that is not in Accordance with the Rules</td>
<td>Judgments and Prisoners II</td>
</tr>
<tr>
<td>435</td>
<td>Occupying the Public Ways</td>
<td>Dikes</td>
</tr>
</tbody>
</table>

Both Chen’s and Xia’s manual contained a substantial amount of accurate and up-to-date legal information. These two manuals are typical examples of how much legal knowledge was taught to the public through the community lecture system in the Qing.

Some other lecture manuals, less widely used, also contained detailed legal information. For example, *Guangxun fulü cheng’an* 廣訓附律成案 (The amplified instructions with statutes and model cases), a community lecture manual compiled by Zhao Bingyi 趙秉義 and published in 1745, contained not only the statutes and substatutes from the Code, but also a large number of related model cases. Another manual published in 1857 in Suzhou “translated” the statutes and substatutes from the Code into the local dialect—the

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Wu dialect (Wuyu 吳語). Some manuals attached pictures of the five punishments (wuxing 五刑) so that lecturers could show these horrific pictures to the local people to warn them from committing crimes (See Figure 4.4 and 4.5). The Qing court strongly supported local officials and lecturers teaching the laws in community lectures. In fact, Chen’s manual and Xia’s manual were the only two community lecture manuals that gained the imperial endorsement in the Qing, and as we have seen, both manuals contained detailed legal knowledge for community lectures. Therefore, lecturing on the laws was well-accepted and prevalent in the Qing community lecture system. Many common people could easily gain legal information by attending community lectures, and Qing local society might have been more sophisticated in its awareness of the law and more “Code smart” than we previously assumed.

Legal Education in Frontier Regions

Qing officials not only enthusiastically promoted lectures on the Sacred Edict and the laws in China proper, they also sponsored similar lectures in frontier regions. The Qing was an expanding multi-ethnic empire. The goals of giving the lectures in China proper were to transform customs, maintain social stability, and cultivate people’s morality. In frontier regions where non-Han ethnic groups dwelled, the goals were similar but also conveyed the purpose of “acculturation”—that is, to transform indigenous people through moral and legal education as well as to establish the state’s cultural and judicial hegemony in frontier communities. Many Qing officials believed that educating

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indigenous people, who were usually non-Han ethnic groups, the Qing laws could transform (hua 化) their “backward” and “brutal” local customs, “civilize” them, and nourish law-abiding subjects of the Qing Empire. In some regions, the Qing state contested with the local power, and the Qing laws largely based on the Han Chinese traditions contested with local customs or laws of minority ethnic groups. Therefore, disseminating and propagandizing orthodox principles and imperial laws were important for the Qing state to establish and stabilize its control in frontier regions.

Many non-Han ethnic groups, such as Miao 苗, Yao 瑶, and Zhuang 壮, lived in the southwest frontier. Although the region had been nominally a part of China’s territory since the Han period, the central government did not attempt to establish direct control until the late imperial period. In the Ming and especially the Qing, the imperial state gradually replaced indirect control through native headmen with direct bureaucratic administration. The Qing court established the regular bureaucracy, along with the tax system, household registration, and the legal system similar to those in China proper. In the process of the empire’s expansion, many Qing officials assigned to frontier areas firmly believed that their first and foremost mission was to “transform the [indigenous] people and perfect local customs,” which they could achieve through promoting education in local society. Some officials, such as Chen Hongmou in Yunnan, focused on building community schools to teach local children Chinese culture and Confucian values. Some officials, such as Li Laizhang 李來章 (1654-1721) and Liu Jintang 劉錦

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99 William T. Rowe, “Education and Empire in Southwest China: Ch’en Hung-mou in Yunnan, 1733-38,” 418, in Elman and Woodside eds., Education and Society in Late Imperial China, 1600-1900.
100 See William Rowe, “Education and Empire in Southwest China: Ch’en Hung-mou in Yunnan, 1733-38.”
Tang (1844-1894), employed the community lecture system for propagating basic Confucian principles and the imperially authorized laws to the local populace.

Take Magistrate Li Laizhang’s endeavor in Lianshan 連山 county for example. Lianshan was a remote and mountainous county on the border of Guangdong, Guangxi, and Hunan, where over 80% of the local population was Yao and Zhuang people. As Li recalled his first impression of the county when he arrived in 1704:

There are only seven villages and two thousand Han people. All of the other people are Zhuang and Yao. They have five large villages (pai 排) and seventeen small villages. Their population is over ten thousand. There are mountains after mountains. Stones are thin and cliffs are steep, as if they are cut by knives. Only ten percent of the land can be cultivated. Even though people are working hard all year, what they can get is very slim.101

The poverty and remoteness of the county, however, did not stop Li’s ambition to transform local society. Like many other scholar-officials in the Qing period, Li disdained the local customs of non-Han ethnic groups in the southwest. Embracing Han-Chinese-Confucian cultural and moral superiority, he criticized the Yao people in his jurisdiction: “They have strange languages and eat dirty and smelly foods. Although they may look like human beings, they behave like beasts.”102 Their customs were “savage,” “primitive” and “brutal,” and thus should be completely reformed. Li believed that although these people were “stupid” and “stubborn,” they were educable, because most of them were by nature good.103 Many Yao people even were “longing for [moral and cultural] transformation” (xianghua 向化).104 He listed four fundamental methods to control (yueshu 約束) the Yao people. The first and foremost was education (jiao 教); the

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101 Li Laizhang, Shengyu tuxiang yanyi, the preface, in Zhou Zhenhe, Shengyu guangxun: jijie yu yanjiu, 557-58.
102 Li Laizhang, Lianyang bapai fengtuji (Taibei: Chengwen chubanshe, 1967), the preface, 2a.
103 Li Laizhang, Lianyang bapai fengtuji, juan 8, 1a.
104 Li Laizhang, Lianyang bapai fengtuji, juan 8, 1a.
other three were respectively nourishing/cultivating (yang 養), military control (bing 兵) and punishments (xing 刑)\(^\text{105}\).

The educational policies, through which Li intended to reform various aspects of the Yao people’s social and cultural life, were comprehensive. He established the Lianshan Academy in the county seat to teach the Confucian classics to local talents.\(^\text{106}\) He launched a campaign to collect and openly burn Yao books (yaoshu 猶書) that he thought were “evil,” “vulgar,” “absurd” and “inciting rebellion.”\(^\text{107}\) He also ordered the Yao people to abandon their original way of livelihood, which was, in his eyes, basically “robbing and looting” (jielue 劫掠).\(^\text{108}\) He encouraged them to relocate their villages from mountains to lower lands where they could learn agricultural skills and make a living on the land. He painstakingly taught the Yao people how to plant tea and mulberry trees, and how to cultivate farmland.\(^\text{109}\)

Among all the educational measures, Li valued community lectures most and made enormous efforts to implement the lectures in local communities. In his first year, Li published a community lecture manual titled *Shengyu tuxiang yanyi* 聖諭圖像衍義 (the *Sacred Edict* with illustrations and additional commentaries). Two years later, he published another manual—*Shengyu yanyi sanzige sujie* 聖諭衍義三字歌俗解 (the trimetric song of the *Sacred Edict* with additional commentaries and vernacular explanations), which was designed to help local children read and recite the *Sacred Edict*. He himself gave the lectures in the county seat and several nearby large Yao villages, and

\(^{105}\) Li Laizhang, *Lianyang bapai fengtuji*, juan 7, 1a.  
\(^{106}\) Li Laizhang, *Lianyang bapai fengtuji*, juan 7, 14a-15a.  
\(^{107}\) Li Laizhang, *Lianyang bapai fengtuji*, juan 7, 5a-6b.  
\(^{108}\) Li Laizhang, *Lianyang bapai fengtuji*, juan 3, 1a.  
\(^{109}\) Li Laizhang, *Lianyang bapai fengtuji*, juan 7, 20a-29a.
he hired Confucian scholars to conduct the lectures in the Yao villages far away from the county seat.\textsuperscript{110}

Li’s lectures were similar to community lectures performed in other areas in the Kangxi period. He provided the sixteen maxims, their colloquial explanations, and related statutes and substatutes from the Code in the lectures. Compared with other lecture manuals, community lectures in Li’s manual had several features designed specifically for the local audience in Lianshan, especially the non-Han ethnic groups. For each maxim, Li divided the speech into five sections—colloquial explanations (\textit{yanshuo} 演説), principles and regulations (\textit{shiyi} 事宜), statutes and substatutes (\textit{lüli} 律例), popular songs (\textit{suge} 俗歌), and instructions for the Yao people (\textit{yaoxun} 猿訓),\textsuperscript{111} whereas regular lectures in other regions usually only had two sections—colloquial explanations and reading the laws. In the “principles and regulations” section, Li propagated the “proper behavior” that a good subject ought to do according to Confucian-Chinese (Han) values. He compiled rhymed songs in the “popular songs” section to help local people remember the maxims and related principles. He also provided particular instructions for the Yao people whose customs and culture were different from those of the Han, attempting to draw their attention to their specific “bad customs” and to provide instructions on how to rectify them. He donated his own salary to build the lecture pavilion (\textit{shengyuting} 圣諭亭) in each of the five large Yao villages and hired Confucian scholars as lecturers. He asked them to live in the villages, leading the bi-monthly lectures and teaching Yao children.

\textsuperscript{110} Li Laizhang, \textit{Shengyu tuxiang yanyi}, 535, 558.
\textsuperscript{111} Li Laizhang, \textit{Shengyu tuxiang yanyi}, 558.
He also designed specific procedures and rituals for the community lecture ceremony in the Yao villages.\footnote{112}

In the community lectures, Li enthusiastically introduced the state’s laws to local Han people and non-Han ethnic groups. He included about 30 statutes, 22 substatutes, 2 regulations outside the Code, and 4 substatutes from the Substatutes for arresting escapees (Dubu zeli).\footnote{113} The total number of the statutes and substatutes from the Code in Li’s manual was 52, similar to the 51 in Chen Bingzhi’s manual of 1679. Li chose different statutes and substatutes from Chen, but he similarly focused on “the Board of Revenue” chapters and “the Board of Punishments” chapters, with a slightly greater preference for the former. It seems that he intended to introduce laws about tax, land, household, and marriage to the local non-Han audience in order to “transform their customs.” Moreover, Li greatly simplified the statutes and substatutes, shortening the sentences and abbreviating many complicated legal concepts. But he kept most key legal terms and original meanings of the statutes and substatutes, as both Chen and Xia did, and thus the laws in his manual were mostly accurate.

Li noted that teaching the people law was an effective way to protect the common people and reform local society. He pointed out that the state established law to punish crimes and violence, but many good common people unintentionally violated the laws out of ignorance. These people were like unfortunate blind men walking on the road and accidentally falling into traps.\footnote{114} Li felt pity for these people. Similarly, he observed

\footnote{112} Li Laizhang, Shengyu tuxiang yanyi, 535.
\footnote{113} The statutes in Li’s manual are: Article 61, 78, 81, 82, 83, 84, 87, 88, 90, 97, 105, 112, 149, 162, 175, 178, 182, 272, 301, 316, 319, 329, 336, 338, 340, 365, 385, 386, 393, and 396. The substatutes belong to Article 4, 52, 54, 87, 90, 119, 162, 173, 175, 182, 278, 294, 299, 318, 332, 336, 360, and 374.
\footnote{114} Li Laizhang, Shengyu tuxiang yanyi, 79.
that the Yao people committed many wrongs and even crimes, such as stealing, robbing, and killing, mainly because they did know about the state’s laws. Teaching them laws, therefore, was the first and foremost method to prevent crimes, restrain local people, and reform Yao customs. Li pointed out that everyone in local communities should learn the laws. Even though “illiterate people in villages” (cun zhong yumin 村中愚民) could not know every statute, they could choose to learn the laws related to household and marriage, land and property, cursing, affray and blow (dou’ou), etc., which were close to their life. Moreover, they should follow new statutes. Once there was a new statute, officials should let local people know about it. Li even promoted popular legal education beyond the community lecture system. He sent one copy of his manual to each village school in his county and asked teachers to teach local children the laws in it. He also emphasized that women must learn the laws, because they were usually “emotional and ignorant” and inclined to commit suicide. Many did so in the vain hope that they could revenge someone by involving them in capital cases. To solve this problem, Li hired women who were over sixty years old or old blind men in villages. He taught them basic laws and tales of the virtuous and the filial, and they then could go to each household and teach local women the laws and stories.

Li reported that the moral and legal education in Lianshan was effective. During his eight year tenure (1704-1712) as magistrate, the county’s local customs were transformed. Several years after he established the community lectures in Yao villages, he wrote that most Yao children could recite the Sacred Edict and explain its basic

115 Li Laizhang, Shengyu tuxiang yanyi, 80.
116 Li Laizhang, Shengyu tuxiang yanyi, 79.
117 Li Laizhang, Shengyu tuxiang yanyi, 80.
meaning. He also claimed that the lectures successfully touched the hearts of Yao men and women and the local customs were fundamentally transformed.118 The author of his biography also praised Li Laizhang for having made the non-Han people in Lianshan believe in essential Confucian values such as “loyalty,” “sincerity,” and “honesty.” Talented Yao men graduated from the academy established by Li started to pursue examination degrees, and the valleys of the county were “filled with sounds of local children chanting books.”119 Although these writings almost certainly exaggerated the changes, Li tried seriously to promote moral and legal education in Lianshan’s local Han and, especially, non-Han communities. By his report, legal education changed local attitudes towards the state’s law and opened their access to the legal system. Li reported that there were an increasing number of lawsuits filed by the Yao people in the local court during his tenure. While this might have displeased magistrates in the heartland, on the border it was a step up. The Yao people, as Li observed, used to solve local conflicts by themselves, usually by violent and brutal ways. If there was a conflict between the Yao and the Han, the Yao usually burned the Han people’s houses and captured them without going to the yamen. Several years after he launched his reforms, in cases of conflict that could not be resolved through mediation by the Yao headmen, the Yao would file a complaint to the court in the county seat. Li proudly wrote: “now, all of the conflicts in the Yao villages are solved in the county court.” Rather than viewing these law suits as burdens, Li viewed them as a sign of social and cultural transformations among local people.120

118 Li Laizhang, Lianyang bapai fengtuji, juan 7, 6b.
119 Qing shigao, Vol.43, juan 480, 13136-37.
120 Li Laizhang, Lianyang bapai fengtuji, juan 8, 12a-b.
The Qing state and officials established community lectures and upheld moral and legal education in many other frontier regions. For example, in 1746, the Qianlong emperor ordered to establish administration and promote education in the Sanqi area—a frontier region on the border of Sichuan province and Tibet where the majority population was Qiang. In this edict, the emperor said that the region had recently been incorporated into Maozhou prefecture of Sichuan province and formally became a part of the empire’s territory, and thus “aborigines” (fanmin 蕃民) of the thirty-six Qiang tribes in this region should be treated as ordinary subjects of the empire. They should pay their taxes and were allowed to take the civil service examinations. The emperor also ordered officials of the prefecture to build lecture halls and give lectures to local people. The lecturers should teach the Sacred Edict as well as statutes and substratutes from the Code that people were wont to violate (yi fan zhi tiao 易犯之條). The emperor wanted to gradually build up a regular legal system in the region, and one important step was to teach local people law. He ordered that local officials could temporarily sentence cases according to “the barbarous laws” (yili 夷例) because local people were not yet familiar with the state’s laws, but they should judge criminal cases based on the Great Qing Code after ten years of legal education, when local people would know the laws well.\(^{121}\)

The Qing state implemented similar educational and legal policies in Xinjiang, but only quite late. When the Qing troops conquered this vast inner Asian land in the mid-Qing period, the Qing court did not rush to establish the regular bureaucracy and the legal system. It seems that the court was comfortable with limiting itself to the military and commercial control of the region, rather than spending money and energy in

\(^{121}\) Qing shilü, the Qianlong reign, Vol.12, juan 264, 419-20.
establishing formal administrative and judicial institutions to govern non-Chinese Xinjiang natives. In the eighteenth and early nineteenth century two legal systems operated simultaneously in Xinjiang. The one was the Qing legal system based on the Great Qing Code, administered by Manchu, Mongol, and Han military as well as civil officials in the Urumchi area. The other was Xinjiang’s local customary laws based on the Muslim law of the Hanafite School, administrated by the native East Turkestani bureaucracy. Generally speaking, the two legal systems were applied based on ethnic groups: Han, Manchu, and Mongol people were subject to the Qing law, while local Muslims were under the control of Islamic law. It seems that the Qing court did not establish the community lecture system in regions where Turkic-speaking Muslims dwelled. Even for the area where people from China proper concentrated, such as Urumchi, it is not clear whether or not local officials established community lectures.

The Qing state changed its policy in Xinjiang dramatically after the Dungan revolt (1862-1877). When the Qing court restored its control over Xinjiang after 1877, it took more aggressive measures to build up its political control and legal hegemony as well as to whittle the authority of local headmen and religious leaders. In 1884 the Qing court incorporated Xinjiang as a formal province, transplanting administrative and legal institutions from China proper to this vast northwest frontier region. Along with this process, Qing officials (most of them were Han Chinese) in Xinjiang enthusiastically

122 For the details of the Qing polices in Xinjiang in the 18th and 19th centuries, see James A. Millward, Beyond the Pass: Economy, Ethnicity, and Empire in Qing Central Asia, 1759-1864 (Stanford University Press, 1998).
123 See Wang Dongping, Qingdai huijiang falü zhidu yanjiu (Haerbin: Heilongjiang jiaoyu chubanshe, 2003); Liang Haixia, “Jindai Xinjiang Nanjiang sifa zhidu yanjiu” (PhD dissertation, Shaanxi shifan daxue, 2010), 17-24; and James Millward, Beyond the Pass, 121.
124 Some serious capital cases, such as rebellion and homicide, were sentenced according to the Great Qing Code, despite of ethnicity. See Liang Haixia, “Jindai Xinjiang Nanjiang sifa zhidu yanjiu,” 23-25.
125 James Millward, Beyond the Pass, 121.
engaged in establishing regular lectures on the *Sacred Edict* and systematically propagating Chinese moral values and the Qing laws to Xinjiang’s Muslims. They viewed the lectures as one of the most efficient ways to “transform their strange customs and acculturate them to our Chinese traditions” (*hua bi shusu tong wo Huafeng* 化彼殊俗同我華風).\(^{127}\) Zhao Yao 張堯 (1832-1891), a Han general who was then in charge of Xinjiang’s military affairs, hired scholars to translate Xia Xin’s *Shengyu shilütitiao fulüyijie*, the popular manual discussed above, into the Uyghur language, republished the book in Xinjiang, and issued the book to local lecturers. In this translated edition of Xia’s manual, the editor retained the original Chinese text and added Uyghur translations between the lines.\(^{128}\) Liu Jintang, another Chinese general who took charge of southern Xinjiang’s military and administrative affairs, reprinted Zhang Yao’s translated version of Xia’s manual in large numbers and issued it to public schools and native headmen (*begs*). He also ordered local *begs* to read and explain the *Sacred Edict* and the Qing laws attached to the edicts in the book to Muslim communities.\(^{129}\) At the same time, Qing officials strictly banned local nobles and religious leaders from judging legal cases based on the *Quran*. Each and every criminal case in Xinjiang, no matter whether it involved Han, Manchus, Mongols, or Muslims, should go through the state’s judicial system and should be sentenced according to the *Great Qing Code*.\(^{130}\) Through propagating the Qing laws and weakening local leaders’ judicial power, the Qing state attempted to establish its legal authority and judicial hegemony in Xinjiang in order to strengthen the state’s control over this newly established province.

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\(^{129}\) Cao Shangting, *Tulufan wuqiannian*, II, 575.  
\(^{130}\) Liang Haixia, “Jindai Xinjiang Nanjiang sifa zhidu yanjiu,” 47-53, 64-65.
Many records of local lectures on the *Sacred Edict* and the laws survive in Xinjiang’s local gazetteers published in the late Qing periods. These records give us the details of the lectures such as how the lectures were organized, where they were given, and how often they were given. For example, in Luopu 洛浦 county—an oasis in the Hotan (in Chinese: Hetian 和田) region where the overwhelming majority of the population was Turkic-speaking Muslims, the Qing officials built at least five “platforms for lectures on the *Sacred Edict*” (*shengyu xuanjiang tai* 聖諭宣講臺) in several local bazaars.\(^{131}\) They also appointed local scholars (*mawali*) who were familiar with Chinese language as lecturers and paid them monthly salaries. These lecturers went up on the platforms and expounded the *Sacred Edict* and the Qing laws to local people. The lectures were conducted at seven-day intervals when local bazaars opened. The manual used in the lectures was Zhang Yao’s edition of Xia Xin’s manual with Uyghur translations. Qing officials also offered cash rewards to local people who attended the lectures and could explain the main points of the lectures.\(^{132}\) To reach a broader audience with Xia Xin’s manual, Qing officials in Luopu county not only gave free copies of the book to lecturers, but also distributed them to local elementary schools and local headmen.\(^{133}\) They hoped that local Muslims could learn the Confucian values and the Qing laws, reform their customs, and become law-obeying subjects. As the author of the *Gazetteer* explained the purpose of establishing the lectures and disseminating copies of Xia Xin’s manual, “We hope that these frontier folks (*bianmang* 邊氓) can follow

\(^{131}\) Yang Pizhuo, *Luopu xian xiangtu zhi* (1907 preface), reprinted in Ma Dazheng et al., *Xinjiang xiangtu zhigao* (Urmuchi: Xinjiang renmin chubanshe, 2010), 708-09.
\(^{132}\) Yang Pizhuo, *Luopu xian xiangtu zhi*, 709.
\(^{133}\) Yang Pizhuo, *Luopu xian xiangtu zhi*, 708.
goodness (ji shan 继善) as their life habits… it may contribute to the peace and concord of our way [of ruling].”

Above three examples—Lianshan county, Sanqi area, and Xinjiang province—were only a small sample of the popular education programs in the form of community lectures that Qing officials launched in frontier regions. Evidence indicates Qing officials also delivered similar community lectures for Chinese-speaking Muslims (i.e., Hui) in Shaanxi and Gansu, the Miao people in Guizhou, the Yao people in Guangxi, and so on. The real impact of such moral and legal education on local community and culture is hard to evaluate, and most evidence we now have was left by Qing officials, and thus inevitably conveys their own moral bias, imperialistic ambitions, and cultural chauvinism. The effectiveness of such education programs largely relied on the individual local official’s effort and on whether or not local people were interested. It is safe to conclude, however, that many Qing officials accepted community lectures as an essential means for “transforming” and “acculturating” local native people through exposure to Confucian principles and legal information. The popular moral and legal education sponsored by the Qing state usually went hand in hand with the empire’s expansion and the establishment of regular administrative and legal systems in frontier regions. Local non-Han populations could access accurate legal knowledge, and in some areas, officials encouraged local people to go to court to solve their conflicts rather than turn to native elites for mediation or to solve their conflicts through violence. By teaching local people

134 Yang Pizhuo, Luopu xian xiangtu zhi, 709.
laws and encouraging them to go to court, Qing officials intended to establish the state’s judicial authority and stabilize their control over frontier regions.

*Other Forms of Popular Legal Education*

Common people in the Qing period not only could get access to legal knowledge through attending community lectures, they could also get legal education through several other state-sponsored channels. For example, under an imperial edict issued in 1737, local people participating in the community wine drinking ceremony (*yinjiuli 飲酒禮*) should read the laws together after performing the ritual. On execution grounds, officials usually explained the crimes and punishments after reading out the names of the convicted. The officials took this chance to propagate law and educate the crowd watching the execution. The Qing government printed and posted proclamations (*gaoshi 告示*), explaining certain statutes and substatutes that local people were likely to violate. For example, an imperial edict in 1777 noted:

> The laws that common people are most likely to violate are the statutes and substatutes about adultery and rape, theft and robbery, affray and blow (*dou’ou 斗毆*), homicide (*renming 人命*), and so on…Many of these crimes lead to severe punishments. Village folks are usually reckless and stupid, and do not thoroughly know and understand (*tongxiao 通曉*) the laws. They often get caught by the laws and feel too late to regret. Thus We order governors-general and governors to cite the laws about adultery, rape, affray, homicide, and other laws that local people are likely to violate. Let provincial judicial commissioners cut woodblocks and print proclamations that list and explain these laws. Issue them to every county and post them in cities and villages. Replace old proclamations with new ones every spring…People in cities and villages can tell each other [about these laws],

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136 *Qing shilu*, the Qianlong reign, Vol.9, *juan* 37, 674.
137 *Qing shilu*, the Qianlong reign, Vol.16, *juan* 625, 1020; Vol.20, *juan* 945, 794-95.

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and encourage each other [to comply with the laws]. Then We can expect governance without punishments (wu xing zhi zhi 無刑之治).\textsuperscript{138}

A large number of extant proclamations in local archives and official handbooks indicate that local officials seriously implemented the imperial order on propagating the laws through printing and posting proclamations.\textsuperscript{139} For example, He Gengsheng 何耿繩, a county magistrate in the Daoguang period, issued “The Proclamation on the laws that the common people are wont to violate” (Minjian yifan ketiao shi 民間易犯科條示) in his jurisdiction. In this proclamation, he listed 22 articles, each containing one or several (usually concentrated) statutes and sub-statutes from the Great Qing Code. Here are three representative ones:

\textbf{Article:} Every son and grandson who strikes his paternal grandparents or parents will be beheaded. If he kills them, he will be sentenced to death by slicing. If a wife or concubine commits [the same] crime, the penalty will be the same. For one who strikes his or her superior or elder relatives of the second degree (qiqin zunzhang 期親尊長), the penalties will be respectively strokes of the heavy bamboo, penal servitude, military exile, or strangulation if the victim has a fracture (zheshang 折傷), is cut by knife (renshang 刃傷), or is seriously injured (duji 篤疾). If one strikes his superior or elder relatives from the three to the five degree, the penalties will also range from strokes of the heavy bamboo to strangulation. If he kills the victim, the law will sentence him to beheading or slow slicing.

\textbf{Article:} People who preach or practice any kind of heterodox religion, if there is a plot of rebellion, both the principal and the accessory will be put to death by slicing. All their male relatives will be beheaded. All their female relatives will also be involved in and get punishments. Their property will be forfeit to the government.

\textbf{Article:} One who, when his elder brother dies, takes [the brother’s] wife in marriage, or when a younger brother dies, takes [the brother’s] wife in marriage, will be sentenced to strangulation. Common people who buy a divorce or sell a divorce [i.e., someone gives the husband money to cause him to get rid of his wife]

\textsuperscript{138} Da Qing huidian shili, juan 398, 10a-b.
\textsuperscript{139} See Yang Yifan and Wang Xu eds., Gudai bangwen gaoshi huicun (Beijing: Shehui kexue wexian chubanshe, 2006).
in order to marry another man’s wife by agreement, all the parties will each be punished with strokes of the heavy bamboo. The wife will be divorced, and the wedding gifts will be forfeit to the government.\textsuperscript{140}

He Gengsheng provided a large amount of legal information in the proclamation, including the laws about affray and blows (\textit{dou’ou}), cursing, homicide, robbery, arson, gambling, adultery, rape, theft, swindling, salt smuggling, inciting litigation, preaching and practicing unorthodoxy religions, and planting and selling opium. The information in the proclamation was up-to-date. For example, He Gengsheng listed the latest statute about smoking opium—“A person who smokes opium will be sentenced to strangulation with delay (\textit{jiaohou 絞候}),” which was established in 1839,\textsuperscript{141} only two years before He Gengsheng published his book. Most legal information was accurate, although some was not as precise as those taught in community lectures because He Gengsheng deleted more words from the original paragraphs from the Code than Chen Bingzhi and Xia Xin did in their manuals for the community lectures.

Some proclamations issued by the Qing state targeted one or several specific laws. Such proclamations usually reflected the emperor’s or local officials’ concern about a certain crime or a particular social situation. For example, in 1742, the Qianlong emperor noticed that many people were sentenced to death because they violated the laws about “Uncovering Graves” (\textit{fazhong 發冢}, Article 276) when he reviewed the report of that year’s Autumn Assizes. He pitied these people and ordered governors to print proclamations to introduce the law and its severe punishments to the populace, in order to warn them against violating the law.\textsuperscript{142} In 1800, the Jiaqing emperor ordered officials to

\begin{footnotes}
\item[141] \textit{Da Qing huidian shili}, juan 828, 1b.
\item[142] \textit{Qing shilu}, the Qianlong reign, Vol.11, \textit{juan} 177, 274.
\end{footnotes}
print and post proclamations about laws and regulations of “capital appeal” (jingkong 京控), which demonstrated harsh punishments for false accusations and yuesu 越訴 (filing complaints directly to the higher official before filing it to one’s own superior official). Advertising such laws was one of the methods that the emperor employed to reduce capital appeal cases and to alleviate the burdens of the capital appeal system at the time. A local example of the proclamation about one or several specific statutes was Liu Heng 劉衡’s “Proclamation on preventing people from committing suicide” (Quan min qiewu qingsheng gaoshi 勸民切勿輕生告示), issued when Liu worked as a local prefect in Sichuan. In the proclamation, Liu made a long statement on the current local situation that many people committed suicide in order to involve others in a law suit. He then pointed out that most merely wasted their lives because the laws actually provided no support for such litigation. He then listed three related substatutes from the Code to support his argument. He hoped that local people could know the laws after reading the proclamation and would give up the idea of committing suicide.

Some local officials even initiated their own version of popular legal lectures beyond the community lecture system. For example, in 1864, a Manchu official named Zhihe 志和 (1823-1883) who worked as Vice Minister of Shengjing’s Board of Punishments at the time, published Da Qing xinglü zeyao qianshuo 大清刑律擇要淺說 (Brief explanations on the selected important penal laws of the Great Qing)—a detailed

143 Qing shilu, the Jiaqing reign, Vol.28, juan 70, 938-39.
144 The capital appeal system was over-burdened at the time, which became a problem for the proper functioning of the Qing legal system. For the details of the Jiaqing’s reform on the capital appeal system, see Jonathan Ocko, “I’ll Take It All the Way to Beijing: Capital Appeals in the Qing.”
145 Liu Heng, Yongli yongyan, juan 1, 33a-34b.
manual for popular legal lectures. The aim of publishing the book, as Zhihe pointed out in his preface, was to boost popular legal education in his jurisdiction. In the book, Zhihe and other preface writers (most of them were also officials working in Shengjing) admitted that popular dissemination of legal knowledge—even the orthodox legal information from the imperially issued *Great Qing Code*—was potentially dangerous, but they argued that the benefits of the people knowing the laws outweighed the dangers.

Zhihe and his preface contributors refuted the idea—“The people should be made to follow a path of action, but they should not be made to understand it” (the argument upheld by the Jiaqing emperor, as we have seen above, based on Analects 8.9)—that is, it was better to keep the people’s ignorant of the laws, which made them easier for the ruling elites to govern. Zhihe and his preface writers, on the contrary, all agreed that many people committed crimes because they did not know the laws well. These people caught by “the net of law” were like beasts, birds, and fish that fell into hunters’ snares—all did so because of their unawareness (无知). It was extremely immoral that officials strictly punished the people who violated the laws without teaching them the laws and warning them about the potential harsh penalties in advance. Officials of a benevolent government should not set up strict law while providing little legal education for the people. What they needed to do was to nourish and educate the people, rather than “trapping” them with harsh laws and punishments. Therefore it was officials’ responsibility to promote popular legal education and disseminate legal information in local society.

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147 Zhihe, *Da Qing xinglü zeyao qianshuo*, 351.
Zhihe and other officials in Shenjing acknowledged that disseminating legal knowledge might “incite litigation” among local people and aggravate the judicial burden on local government. They assumed that this book would draw criticism from those who were against popular distribution of legal information. As a preface writer pointed out:

Some people say that if the people do not know about the laws, they are stupid and obstinate; if they know about the laws, however, they become crafty (qiao 偳) and dishonest (zha 詐). The laws can restrain those who are stupid and obstinate, but their [effectiveness] is limited in controlling those who are crafty and dishonest. Therefore, [these people argue] that we should hide the laws, in order to prevent the people from making use of the laws, so that [we officials] can easily make use of the laws [to restrain the people].148

The preface writer strongly opposed this argument. He announced that only cruel officials and brutal clerks would use this method to restrain the people, and this method was no less than “hunters or fishermen set up traps and nets waiting for innocent animals,” which was disdained by benevolent officials and gentlemen.149 Zhihe himself also strongly disagreed with the “keeping the people ignorant of the laws” argument. He wrote in “General Editorial Principles” of the book:

Some people argue that “the people should be made to follow, not to understand.” [They worry that] when we publish this book, pettifoggers will have more excuses. I think, however, if we make correct judgments and give exact sentences that are not too heavy or too light, why should we worry that pettifoggers be threats? Let’s try to think that each time statutes and substatutes are promulgated, [our dynasty] declares them openly and publicly, so that people in and out of the empire can read them through and think about them thoroughly. Is it that [our dynasty] intends to keep the laws as a secret, and to “trap” (xian 陷) those who do not know? In ancient times, people put up [the image of the laws] on the palace’s gates, and read the laws on the first day of every month. They did not worry about it: Why? When there is an advantage, there must be a disadvantage…Should we give up eating for fear of choking? No, this is not what I know.150

148 Zhihe, Da Qing xinglü zeyao qianshuo, 353-54.
149 Zhihe, Da Qing xinglü zeyao qianshuo, 354.
150 Zhihe, Da Qing xinglü zeyao qianshuo, 374-75.
Despite the risk that some people might abuse their legal knowledge, Zhihe insisted that officials should uphold popular legal education and let the people know the laws and punishments. Zhihe argued that this was the correct and honest way to govern the people, and would save many people’s lives. Even though it might increase the judicial burden of the local government, the gain outweighed the loss.

The content and quality of Zhihe’s book matched his announcement on promoting popular legal education in the prefaces. This book provided the largest number of statutes and substatutes, the most accurate texts from the Code, and the clearest explanations of the laws among the manuals for popular legal education that I have seen thus far. He included 30 statutes and 50 substatutes in the manual; the number is far beyond those in Chen Bingzhi’s manual and Xia Xin’s manual. Zhihe divided the statutes and substatutes in his book into eight categories:

(1) “Rebellion and disobedience to superior orders” (fan shang 犯上), including 3 statutes (Art.254, 310, and 306) and 5 substatutes (Art.336.17, 306.02, 268.11, 267.02, and 267.01). All the laws in this category concerned various political crimes that were related to common people challenging officials’ authority and threatening the state’s security, such as rebellion, treason, beating local officials and government deputies, and breaking into prisons.

(2) “Crimes committed against other family members” (fuzhi 服制). Zhihe incorporated 7 statutes (Art.319, 318, 315, 311, 329, 328, and 338) and 6 substatutes (Art.319.12, 299.09, 338.01, 338.03, 319.08, and 299.10), all dealing with crimes that threatened proper family hierarchy and patriarch authority. He especially emphasized the crimes that children committed towards parents or grandparents, or wives or concubines
towards their husbands, such as cursing and beating parents or grandparents or senior relatives, a wife or concubine beating her husband, and violating orders from parents or grandparents.

(3) “Fornication” (fanjian 犯奸). Here Zhihe listed 4 statutes (Art.366, 367, 368, and 285) and 5 substatutes (Art.366.02, 366.03, 366.04, 319.06, and 299.17) about crimes related to sex, such as adultery and rape. These laws dealt with the violations of sexual order of a family and society.

(4) “Homicide” (renming 人命) included 4 statutes (Art.287, 282, 290, and 292) and 7 substatutes (Art.287.07, 287.17, 289.01, 290.01, 290.19, 290.15, and 383.02). Specifically, Zhihe mentioned the laws about general murder, murder by poisoning, intentionally killing in an affray, killing in play (xisha 戲殺), mistaken killing, killing three persons from one household, and arson.

(5) “Gambling” (dubo 賭博) included 5 substatutes (Art.378.02, 378.14, 378.15, 378.08, and 378.05) from the same statute (Art.378) on gambling.

(6) “Robbery and theft” (zeidao 賊盜). This is the largest category of the laws in Zhihe’s book, which included 7 statutes (Art.266, 278, 257, 259, 269, 270, and 271) and 14 substatutes (Art.266.02, 266.19, 278.04, 260.02, 263.02, 263.03, 270.01, 263.06, 269.18, 269.22, 270.04, 270.06, 270.10, and 281.01). Here Zhihe listed detailed laws about a variety of categories of thefts, such as theft with force (qiangdao 強盜), “non-manifest theft” (qiedao 竊盜), stealing sacred objects used in great sacrifices, stealing horses and other livestock, stealing rice and wheat from fields, stealing an official seal, stealing property from the imperial treasury, and stealing trees from imperial mausoleums.
(7) “Uncovering graves” (fazhong 發冢). This is the smallest category in the book, which only contained one statute (Art.276) and one sub statute (Art.276.02).

(8) “False accusation” (wugao 誣告). Zhihe listed 4 statutes (Art.336, 369, 337, and 340) and 7 substatutes (Art.336.08, 336.09, 336.14, 336.19, 340.09, 340.06. 336.15) in this category, including several major statutes and substatutes about false accusation and instigating litigation. Zhihe’s aim of putting this category of the laws in the end of the book was clear—he intended to prevent the people from engaging in litigation, especially involving false accusations, after receiving the legal education he provided in the book.

All the statutes and substatutes that Zhihe provided in the book were from the last section of the Code—chapters of “the Board of Punishments.” This indicates that he emphasized penal laws more than Chen Bingzhi and Xia Xin, who had included statutes and substatutes from “the Board of Revenue” and “the Board of Rites” chapters. By propagating the laws, Zhihe intended to reduce crimes and sustain social and political order. The laws in Zhihe’s book are quite precise and accurate—he usually kept whole sentences from the Code. The laws were also up-to-date and close to local people. Moreover, Zhihe included many more substatutes than statutes.

The most salient feature of the manual is that Zhihe “translated” every statute and substatutes in the book into colloquial language mingled with words from Shengjing’s local dialect. Zhihe announced that the book was not written for officials or clerks, but for men, women, and children of villages and local communities, and that was why he picked up many vulgar (cusu 粗俗) words, and the language in the book was full of “old
women’s tone” (poziqi 娘子氣). Zhihe and preface writers also indicated that the content of the book would be disseminated in local society through both printed and oral channels. They would issue copies of the book to local schools as well as communities in cities and villages, and let school teachers and community leaders read the book to local people. After hearing the lectures, local people could also tell each other what they had heard. Through this way, they wrote, all the local people would understand the laws well.

The colloquial translations in Zhihe’s book were accurate, colorful, easy to understand, and close to judicial practice. For each statute and substatute, he first cited the (abbreviated) original text from the Code, and then attached a translation in the vernacular. He also interpreted many legal terms that he came across and provided vivid explanations for some confusing legal concepts. For example, Zhihe provided a detailed colloquial interpretation of diaojian刁奸 (fornication brought about by deception), a legal term that was seldom used in daily language:

If you seduce other people’s wife or daughter to go someplace in order to commit adultery, [this is called diaojian]. Or if someone sees a women committing adultery, he also wants to have sex with her, but the woman does not agree. He then threats her to tell others about her adultery. The woman has no choice but to have sex with him. This is [also] called diaojian.

The Code provided no explanations of the term. In fact, the original sentence in the official editions of the Code was quite simple: “If one commits diaojian, the punishment is 100 strokes of the heavy bamboo.” Here Zhihe might have referred to some legal

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151 Zhihe, Da Qing xinglü zeyao qianshuo, 374.
152 Zhihe, Da Qing xinglü zeyao qianshuo, 352-53, 357, 361, 365, 370-71.
153 The translation of diaojian is cited from William Jones trans., The Great Qing Code, 347.
154 Zhihe, Da Qing xinglü zeyao qianshuo, 412.
155 William Jones trans., The Great Qing Code, 347
handbooks or commercial editions of the Code that included collective commentaries in order to give the definition of the term.

Zhihe also picked up the terms that had different meanings in the Code from everyday usage, explained them, and reminded readers of the difference. For example, the original text of Art.254 “Plotting Rebellion and High Treason” (moufan dani 謀反大逆) was quite simple: “In case of plotting rebellion and high treason… the punishments will be…” Zhihe’s colloquial explanation for the statute was vivid and explicit:

Plotting rebellion (moufan 謀反), in our daily language, is “making rebellion” (zaofan 造反). This “making rebellion” does not only include things like recruiting an army, buying horses, and declaring oneself as an emperor or a king, as described in novels and operas. For example, if an official comes to collect taxes, you people argue with him about the amount. He sends clerks to bring you to the yamen, and you refuse arrest. You then gather some people, and go to the yamen to make trouble. The official comes to interfere, but you kill him. Officers and soldiers then come to capture you, and you gather some men to fight with them. For another example, you have some friends or relatives who are involved in a legal case and are put into a prison. You gather some people, break into the prison, and kill officials. Or you establish some evil religion, recruit disciples, gather many people, and arouse troubles. Officers and soldiers then come to capture you, and you fight with them. All of these are called rebellion and will be sentenced according to the statute.156

He continued to provide word-by-word explanations for the rest of the statute, in the same fashion.

Zhihe also provided punctuation for the texts in order to help readers with limited education read and understand the book. By the end of the interpretation of each statute or substatute, after narrating the penalties defined by the laws, Zhihe usually concluded the section with the same sentence: “You tell me! They are terrifying, aren’t they (Ni shuo kepa bu kepa 你說可怕不可怕)?” By reading his book and learning the laws, Zhihe

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156 Zhihe, Da Qing xinglü zeyao qianshuo, 380-81.
hoped, local people would be forewarned and comply with the laws. Although I have not seen written records indicating how the popular legal education program proposed in his book was carried out in local society, his proposal did gain support from some prominent officials in Shengjing city and Fengtian 奉天 prefecture. Zhihe argued that popular legal education would bring benefits to local society and made real efforts to uphold such education by providing a “textbook” with detailed, accurate, understandable, and usable legal knowledge.

Conclusion

Law played an important role in state-sponsored popular moral education in the Qing period. The Qing state and officials organized and upheld community lectures, which usually conveyed a large amount of accurate legal information from the Code. They also posted proclamations about the current laws and regulations, and propagated the laws through other forms of public speeches or lectures. The popular dissemination of legal knowledge was usually through oral channels—the laws and sometimes legal explanations were read to local people. The state-sponsored legal lectures, therefore, aimed to teach the laws to both literate and illiterate people. By attending the lectures and public speeches, even people from the lower classes who had received little education could grasp at least some basic meanings and principles of law. Qing officials not only implemented the legal lectures in China proper, but also launched campaigns to propagate the Qing laws and educate indigenous people (usually non-Han ethnic groups) legal knowledge. Therefore, although some scholars, such as Wejen Chang, argue that
there was no legal education for the common people in the Qing, evidence in this chapter indicates that such education was prevalent in the Qing Empire.

The goals of popular legal education were to let the common people know and understand fundamental legal principles and punishments in order to prevent the populace from engaging in illegal behavior. Although some disapproved of popular legal education, most Qing officials believed that such education would warn the people about the harsh punishments, discourage them from committing crimes, reduce litigation, and save lives. They viewed popular legal education as an instrument of social control and moral transformation, and in frontier regions, an instrument to transform local customs and acculturate indigenous people.

State-sponsored popular legal education was one of the major ways for the common people to receive accurate and authorized legal knowledge, especially for those who could not buy or read books. Legal knowledge could be powerful and might influence people’s decisions and behaviors. People who were well informed with legal knowledge were more likely to go to court to solve their problems than engage in private violence and become liable to punishment. Some legal scholars have shown by carefully examining case records in local archives that the Qing common people were familiar with the laws. Printed legal books widely circulating in society as well as popular legal education sponsored by the Qing state probably contributed to popular understanding, and perhaps, use of the laws. This chapter raises some questions, such as how the common people received the legal information from the popular legal education programs, and how they used it in practice, which are essential questions for us to

understand the Qing legal culture. To answer these questions may need further explorations in case records in local archives. However, it is reasonable to conclude that the Qing common people, literate or not, had access to law and legal information thanks to the book market and state-sponsored legal education projects.
Figure 4.1: A lecture on the Sacred Edict in Suzhou in the late Qing period, lithographic painting, in Dianshizhai huabao, Vol.42, 83, photocopied from Zhou Zhenhe, Shengyu guangxun: jijie yu yanjiu.
Figure 4.2, the community lecture ceremony in Lianshan county, woodblock illustration, in Li Laizhang, *Shengyu tuxiang yanyi*, 1704. Photocopied from Zhou Zhenhe, *Shengyu guangxun: jijie yu yanjiu*, the preface.
Figure 4.3, the image of the imperial tablet bearing the sixteen maxims of the Kangxi emperor’s *Sacred Edict* and the Shunzhi emperor’s “Six Edicts,” in *Shangyu helü xiangyue quanshu*, 500
Figure 4.4, “Slow Slicing,” in Chen Haiyun, *Shengyu guangxun zhijie fu Da Qing xinglü tu*, 1b-2a.
Figure 4.5, “Strokes of heavy bamboo and strokes of light bamboo,” in Chen Haiyun, *Shengyu guangxun zhijie fu Da Qing xingliu tu*, 6b-7a.
Conclusion

The production and circulation of legal knowledge underwent many new developments in the Qing era. Before the Qing, the government usually played the leading role in printing and circulating books that contained authoritative legal information, such as the Code and administrative regulations. Even in the late Ming, when the commercial publishing industry was booming, official publishing institutions were still in charge of editing and publishing various editions of the Code. Things changed dramatically in the Qing. Although the Qing government had powerful official publishing institutions, such as the Wuyingdian Book Editing Department, which published a large number of imperially authorized books of high quality, the central government was reluctant to provide regularly updated official editions of the Code to its judicial system and to society, where the book was in great demand. There are several possible reasons. First and foremost, official publishing institutions were expensive, especially for editing and printing the Code—a huge book containing over two thousand statutes and substatutes divided into between 16 and 31 volumes (ce). It would be extremely costly for the state to supply each judicial official in Qing China’s extensive legal system with updated official editions of the Code every several years. Second, official publishing institutions, like many other bureaucratically-run agencies, were inefficient. It usually took the Wuyingdian at least three to ten years to publish a huge book like the Code. But the Code was usually updated every five years. Thus when the Wuyingdian finished printing an edition of the Code, there was a significant chance that the book was already outdated. Third, official editions of the Code, especially imperially
authorized editions of the Code printed by the Wuyingdian, were objects of reverence, rather than reference books for daily use. They were designed to serve as a symbol of imperial judicial authority. Officials usually had to treat the imperial editions with utmost reverence, as they would have treated other imperial gifts from the court. Most imperial editions were enshrined in government libraries, locked up tightly, and few people could actually read them.

The Qing government, therefore, was unable or unwilling to supply its bureaucracy and judicial system with expensive and frequently-updated editions of the Code. The functioning of the Qing judicial system, however, relied on the Code’s timely distribution. How did the state then solve this problem? As this dissertation has shown, the state depended on the book market. China had a developed commercial publishing industry and a dynamic book market, thanks to the commercial publishing revolution underway since the late Ming. A large number of commercial publishing houses actively participated in compiling, editing, updating, printing, and selling the Code and other legal books. The market for the Code and other legal books was quite competitive. Many bookstores sold similar editions of the Code at similar prices at the same time. One big selling point of a commercial edition was usually that the edition was up-to-date. In order to survive in this competitive market, most commercial publishers stressed that they included the newest substatutes. Many even promised that they would follow the legislation process and update their publications accordingly. Officials and commoners could easily buy updated commercial copies of the Code in various bookstores in Hangzhou, Beijing, Nanjing, Suzhou, and Shanghai. The book market supplied the Qing
legal system and society with the Code more efficiently, more economically, and more effectively than the government did.

The Qing government acquiesced in commercial publication of the Code. Rather than depending on expensive and inefficient official publishing institutions, the state came to rely on commercial publishers and the book market to distribute updated editions of the Code. In other words, we can say that the Qing state “out-sourced” this service to commercial publishers. Although the Qing state is notorious for its strict censorship of books, it did not issue a single ban or even a regulation regarding commercial editing and printing of the Code. As a matter of fact, many high-ranking judicial officials personally supported commercial editions of the Code by writing prefaces to them. In their prefaces, these officials emphasized the authority, accuracy, and reliability of commercial editions, and strongly recommended their books to readers. Although it was difficult for officials to get access to official editions of the Code, they could easily buy an updated commercial copy for their own use from a bookseller. Commercial publishers and the book market helped the Qing government resolve the difficulty of timely and economically dissemination of accurate legal information within the bureaucracy. It was a win-win situation for both the state and the market—judicial officials could get updated editions of the Code at no cost to the state, and commercial publishers could profit from printing and selling the Code.

Because of the state’s acquiescence and judicial officials’ endorsement, commercial editors and publishers became increasingly confident in compiling and publishing the Code. In the early Qing period, most commercial editions did not reveal the identity of their editors or publishers. Almost all commercial editions dutifully
followed the structure and content of the imperial editions. It seems that commercial editors and publishers feared the potential political danger of printing and selling the Code without the government’s permission. Beginning in the mid-Kangxi period, however, commercial publishers gained more confidence in their enterprise. Many commercial editions not only printed their editors’ names prominently on the front colophon pages, but also departed from the imperial editions of the Code in terms of printing format, structure, and content. Commercial editors began to incorporate additional legal information, especially private legal commentaries, into their editions of the Code. The market for the Code in the mid-Qing was diverse—commercial editions printed in this period usually looked different from each other, and they were also different from the imperial editions. This diversity ended in 1790s, when a new type of edition from Hangzhou appeared and soon dominated the market. These Hangzhou editions had a unique feature—editors divided each page into three horizontal registers. They printed a cross index in the upper registers; they included a large number of private legal commentaries, cases precedents, and administrative regulations in the middle registers; and the imperially promulgated laws—statutes and substatutes from the imperial Code—were put into the lower registers.

The three-register printing format was not a new phenomenon in the history of Chinese publishing. Many late Ming commercial publishers had employed this format to print drama miscellanies and everyday encyclopedias. But it was Hangzhou’s commercial publishers who first adopted it for printing the Code. It turned out that readers loved this arrangement because they could easily locate legal information in the Code with the help of the cross index, and they could figure out the exact meanings of the complicated
statutes with the help of commentaries and concrete case examples. Almost all commercial editions published after the 1790s adopted the three-register printing format and included similar additional legal information. This format used by Hangzhou’s commercial publishers—three registers of text with extensive supplementary information—became the standard for printing the Code, accepted by all late Qing commercial publishers. In other words, rather than following the imperial editions, commercial editors and publishers gradually established their own well-accepted standard in compiling, editing, and printing the Code—the most authoritative book in the Qing judicial system.

Most commercial editors were private legal secretaries working for provincial, prefectural, or county-level officials. Private legal secretaries were not a formal part of the Qing government, but when they were working for officials they had access to the latest legal information, circulated in the form of single documents. When they received this information, they compiled it into the Code themselves, allowing commercial publishers to print updated editions of the Code. Therefore, commercial editions of the Code usually included new laws before the imperial editions did. Private legal secretaries acted as conduits, playing the leading role in transmitting accurate and up-to-date legal information from the state to commercial publishers, and then, finally, to society. Many prominent private legal secretaries, such as Wan Weihan, Wang Youhuai, Yao Guan, and Yao Run, actively participated in compiling, editing, and publishing the Code. Many junior legal secretaries also enthusiastically joined the editorial board, because they could establish their reputation as true legal experts through editing and updating the Code, which could improve their chances of finding a good job in the competitive job market.
Most commercial editors believed that their publications would contribute to better judicial administration. By reading their books, commercial editors stressed, officials and private legal secretaries would easily get access to updated statutes, model cases, and Board regulations that were carefully categorized, assorted, and in many cases annotated. This would help officials and legal secretaries better apply the law in their judicial practice. Commercial editors and publishers never admitted that their publications challenged, to any extent, the state’s judicial authority. In practice, however, commercial editions redefined the relationship between the imperially promulgated laws and non-official legal information. Private commentaries and model cases printed in the middle registers in commercial editions sometimes challenged and reinterpreted imperially promulgated laws. Qing judicial officials frequently referred to private commentaries and model cases when making judicial decisions. Sometimes they even openly cited them in delivering sentences. In this way, private commentaries and model cases played an increasingly important role in judicial practice as a “source of law” in the Qing period. Commercial editors and publishers gained significant power and influence by providing officials with the Code. They challenged the state’s authority in defining how the Code should be edited and printed, and how the authoritative legal texts should be organized and presented. By compiling unofficial commentaries and model cases into the Code, commercial editors even redefined what the laws meant and how they should be applied in judicial practice. By relying on the market to supply its judicial officials with the Code, therefore, the Qing state no longer exercised exclusive control over the production and circulation of authoritative legal texts. Commercial publishers and their
products—commercial editions of the Code—challenged the imperial government’s authority in producing and circulating authoritative legal information.

As we have seen, the Qing government was quite flexible in terms of the dissemination of legal information. The state was not as arbitrary as we may have believed regarding the production and circulation of authoritative knowledge. Moreover, this dissertation demonstrates that, overall, the Qing state did not attempt to restrict access to legal knowledge. On the contrary, the state actively promoted knowledge of the law among officials and the populace. Quite different from the old image that the state paid little attention to its officials’ legal education, this dissertation shows that the Qing government established specific and effective regulations regarding officials’ legal training. The Qing rulers especially emphasized such education for newly-appointed county magistrates. Although the state did not itself provide formal legal education to officials, it encouraged new officials to buy and read legal books, including the Code, various administrative regulations, official handbooks, and legal treatises, after they passed the civil service examinations and waited for appointments. The state also established legal examinations for new officials, and required new magistrates to pass these examinations before being actually appointed. In the late Qing, many new magistrates were sent to the provincial judicial bureau to assist in hearing and sentencing legal cases. In the process, they usually gained valuable judicial experience and legal knowledge before they assumed their own posts. Officials also placed great emphasis on reading legal books and acquiring useful legal knowledge—they noted that it was important and necessary for officials to equip themselves with legal knowledge in order to survive as judges and administrators in this legally sophisticated society. This explains,
from yet another perspective, why the Code and other legal books were so popular in the Qing period.

The Qing state, officials, and gentry also promoted popular legal education in local society. They carefully selected statutes and substatutes from the Code and taught them to ordinary people in community lectures. The goal of popular legal education in community lectures was not to encourage local people to use the laws or go to court, but to instill respect for the law in local society, to warn people not to commit crimes, and thus to promote public order and morality. In the process, however, local people could get access to accurate information about the law when attending community lectures, and many did make use of their legal knowledge to pursue their own ends. Sometimes, they even used the laws in ways that transgressed the very moral and family order that the community lectures sought to uphold—as we have seen in Du Huailiang’s murder case in our introductory chapter.

After carefully examining the circulation of legal knowledge, therefore, we have seen that the Qing state exercised very limited control over the flow of legal information. The Qing laws and other authoritative legal knowledge were flexible, and in many cases were not created only at the top. We have also seen that the Qing judicial system depended on the market for timely information. Commercial editors and publishers gained considerable power and authority in the legal system. Finally, officials and commoners had convenient access to accurate information related to the laws, and many were, as a result, quite familiar with the laws. The Qing legal system was less centralized, less arbitrary, more flexible, more sophisticated, and more commercialized than previous scholarship has led us to expect.
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EDUCATION

Ph.D.  Department of History, The Johns Hopkins University, 2014
Principal Advisors: William T. Rowe, Tobie Meyer-Fong
Primary Field: Chinese History since 1600, Minor Fields: Modern Japan, Gender History
Advanced to candidacy: 2009

MA  Department of History, Beijing University, 2007
Primary Field: Late Imperial Chinese History

BA  Department of History, Beijing University, 2004
China Center for Economic Research, Beijing University, 2004

PUBLICATIONS

Journal Articles


“Administrative Divisions and Provincial Boundaries in Republican Period
Manchuria” (Qian lun Minguo shiqi dongbei jiusheng de huafen), Shehui kexue jikan (Journal of social science), December 2003.

Book Chapters


“Penalties Beyond the Laws: Administrative Fines Imposed on Officials in the Qianlong Reign” (Fa wai zhi fa: Qianlong chao guanyuan fa yizuiyin), in Ming Qing luncong (A collection of essays on the Ming and Qing dynasties), Vol. 9, Beijing: Zijincheng chubanshe, 2009.

“Ethnic Groups in Manchu Lineages and the Distribution of the Manchu Eight Banners” (Manzhou benbuzu goucheng yu baqi zuoling fenbu), co-authored with Kai Xu, in Qingshi luncong (Essays on Qing history), Beijing: Zhonghua Shuju, 2007.

“Historical Research on the Qing Imperial Palace in the Digital Age: Focusing on the Western Studies on the Qing Imperial Palace” (Qingdai gongshi yanjiu yu e kaoju shidai: yi xifang Qingdai gongshi yanjiu wei zhongxin), co-authored with Kai Xu, in Qingdai gongshi yanjiu (A study on the Qing imperial palace), Beijing: Zijincheng Press, 2007.

Published Translations


Evelyn Rawski, “Reenvisioning the Qing: The Significance of the Qing Period in
Chinese History” (Zaiguan Qingdai: lun Qingdai zai Zhongguo lishi shang de yiyi). In Liu Fengyun and Liu Wenpeng eds., Qingdai de guojia rentong: xin Qingshi yanjiu yu zhengming (National identity in the Qing dynasty: studies and debates on new Qing history), Beijing: Zhongguo renmin daxue chubanshe, 2011.

**Web-Based Publications**


**FELLOWSHIPS & AWARDS**

2013-2014  The Quinn Fellowship, Doris G. Quinn Foundation  
2013        The Chinese Government Scholarship for Excellent Graduate Students Overseas (non-government student category), China Scholarship Council  
2012-2013  Doctoral Fellowship, Chiang Ching-kuo Foundation  
2008       The Alexander Butler Prize for the Best First Year Research Paper, Department of History, The Johns Hopkins University  
2007-2012 University Fellowship, The Johns Hopkins University  
2006       University Award for Academic Excellence, Beijing University  
2006       Guanghua Scholarship, Beijing University

**RESEARCH & CONFERENCE GRANTS**

2013  Fredrick Jackson Turner Fund, Department of History, The Johns Hopkins University  
2013  ASLH Travel Stipend, The American Society for Legal History  
2013  GRO Travel Grant, Graduate Representative Organization, The Johns Hopkins University  
2013  EAS Conference Grant, Program in East Asian Studies, The Johns Hopkins University  
2011  EAS Research Grant, Program in East Asian Studies, The Johns Hopkins University  
2011  EAS Conference Grant, Program in East Asian Studies, The Johns Hopkins University  
2010  AAS China and Inner Asia Council (CIAC) Small Grants, The Association for Asian Studies
CONFERENCE PARTICIPATION

Papers Presented

2013  “Reading the Code and Judges’ Legal Knowledge in Early Modern China,” The Annual Meeting of the American Society for Legal History, Miami, November 7-9

2013  “Lectures on Laws: Popular Legal Education and the Empire Building of Qing China (1644-1911),” The 18th Annual ASN (the Association for the Studies of Nationalities) World Convention, New York, April 18-20

2012  “The Printed World of the Qing Code,” Workshop on China’s Legal History, Culture, and Modernity, Columbia University, May 4-6

2010  “Introduction to the New Qing History Studies in the United States” (Mantan Meiguo xin Qingshi yanjiu), Conference on Qing’s Political Institutions and Ethnic Culture (Qingdai zhengzhi zhidu yu minzu wenhua xueshu yantaohui), Beijing, September 4-5

2010  “Printing and Legal Culture in Late Imperial China,” The Annual Johns Hopkins/Georgetown University East Asian History Graduate Student Research Workshop, Washington, D.C., May 9

2005  “Ethnic groups in Manchu lineages and the Manchu Eight Banners” (Manzhou benbuzu goucheng yu baqi qifen zuoling), The Celebration of the 80th Anniversary of the Palace Museum and International Conference on the Qing History (Gugong bowuyuan bashi huadan ji guoji Qingshi xueshu yantaohui), Beijing, August 26-28

Discussant

2012  “1943: Tipping Point in China?” Modern Chinese History Seminar Presentation Workshop, UC San Diego, June 14

TEACHING EXPERIENCE

Lecturer  “Seminar in Late Imperial Chinese History: Law and Culture in the Qing (1644-1911),” Department of History, University of California, San Diego, 2011

Lecturer  “East Asian Civilization: China,” Department of History, University of Delaware, 2010

Lecturer  “China’s Cultural Geography,” European Center for Chinese Studies, Beijing
University, 2004


OTHER ACADEMIC ACTIVITIES

Editor  *The Academic Journal of Graduate Students in Beijing University* (Beijing daxue yanjiusheng xuezhi), 2004-2005
Editor  *Historical Research at Yanyuan* (Yanyuan shixue), 2004-2005

LANGUAGE SKILLS

Modern Chinese/Mandarin: Native proficiency in reading, writing and speaking
Classical Chinese: Professional working proficiency in reading
Modern Japanese: Professional working proficiency in reading and speaking
Manchu language: Limited working proficiency in reading

PROFESSIONAL MEMBERSHIPS

American Historical Association
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