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“They will know and fear the law” – Emperor Yongzheng’s Preface in the Great Qing Code of 1740

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Abstract

The biography of the Yongzheng Emperor by Pei Huang (1974) bears the title “Autocracy at Work” and Mote (2010: 887) calls this Qing dynasty emperor a “secretive, awesome autocrat”. The translation and analysis of the Manchu text of Yongzheng’s *sioi*/preface to the *Great Qing Code* reveals the correctness of these statements about this emperor’s type of government. Embedded in statements of truthfulness to the original Chinese legal ideas and an extensive quote ascribed to the *Zhou Li*, dedications of benevolence of the emperors in their rulings and judgments of cases, filial piety towards the emperors before him and especially his father, Emperor Kangxi, lie obvious and also between the lines statements that the emperor had the last say in every matter of state. He was dedicated to the ruling of the empire, which made him initiate reform and revision of the imperial administration, obviously also including the legal system. This attitude led Yongzheng to prioritize the formal revision of the structure of the Qing legal system and the publication that would later be known as the *Daiqing guruni fafuni bithe kooli*, the 大清律例 (*Da Qing Lüli*) – the *Great Qing Code* (GQC), a continuation of Kangxi’s effort in this regard and completed under Qianlong in 1740.

He mentions twice the expectation, that with an effective and just judiciary, and the people being educated in what the laws and regulations are, a betterment of social stability would ensue. In terms of autocracy, the emperor is here the entity which ultimately rules alone, but also bears the responsibility to maintain stability within society by judging, assessing, revising and promulgating what is legal. The upkeep of the cosmic order and hence the dynasty depended on it.

Keywords

Emperor Yongzheng – Great Qing Code – Da Qing Lüli – Qing Chinese legal system – Chinese legal reform – autocracy – Zhou Li – Chinese legal history

1 Introduction

Tomas Fisher (1976: 670) begins his review of Huang's biography of the Yongzheng emperor (r. 1722–1735) *Aristocracy at Work* (1974) with the following description of the academic view on Yongzheng's reign with which our workshop in Naples,¹ almost 50 years later, still dealt with and debated: “The Yung-cheng emperor, characterized by generations of Chinese historians as ruthless and oppressive, is increasingly emerging as perhaps the major institutional consolidator and reformer among the Ch'ing emperors.”

The Yongzheng emperor is described by Mote (2010), Huang (1974) and others as an autocrat who only had the cosmic powers of heaven as entity superior, and to which he was accountable, above him. Mote (2010: 887) characterizes Yongzheng's motivations as an emperor in one sentence: “Corruption and inefficiency were his targets; sedition was his obsession.” Huang (1974: 31–33) tried to create an image of the personality of the emperor, who had such goals. According to him, the emperor suffered from insecurity and compensated this character feat with being suspicious of his immediate relatives and courtiers. He further described him as someone who was suspicious, but realistic and frugal; order and peace interested him more than military glory; he was a hard worker; he favoured diligence, competence and just honesty in imperial officials and princes. He was furthermore knowledgeable in Confucianism, Legalism, Daoism and Chan Buddhism.

However, Huang also explains, that the Yongzheng emperor was an autocrat in the original sense, and not a tyrant. He was the Son of Heaven whose responsibility it was to keep the peace and order of the empire and cosmos. But, Yongzheng was faced with the task to uphold law and order in a society that saw a rise of divisive attitudes among different parts of the populace. Huang (1974) points out, that during Yongzheng's reign the Chinese intelligentsia regarded the Manchus as Barbarians; the Manchu nobility maintained a feudal system not caring for the rest; the Commoners suffered under an unjust administration and the Manchu common bannermen had lost their *manju doro* – their fighting spirit, and not seldom were threatened by poverty.

1 “The Lone Guardian. Politics, culture, and society in China under the Yongzheng Emperor”, 6 to 7 July 2023, Università di Napoli L'Orientale. <https://www.unior.it/en/node/1561>.

This seems to have made the Yongzheng emperor a realistic autocrat who had fought hard to win the battle for succession to his father's throne and was driven to retain the imperial power personally, but also had the longevity of the Qing dynasty in mind. As a student of Chinese history and the classics, which is obvious from the fact that Yongzheng quotes the Duke of Zhou twice, it will have been clear to him that a functioning legal system is essential for a stable and harmonious society. It hence was a priority, which was also relayed to him by his court officials at the beginning of his reign, that it was necessary to continue the review process by his father Kangxi, and that was initiated after only eight months after Yongzheng's ascent to power.

This article focuses on the preface² to the Manchu version of the *Great Qing Code* (henceforth *GQC*), titled "Hesei toktobuha Dai Cing gurun i fafun i bithe, kooli."³ Yongzheng wrote this preface in 1725, and it exemplifies the attitudes and goals by the emperor outlined above. This preface is dated four months after the edict that was also put into the preliminary matter to the 1740 edition of the *GQC*, which talks about the legal review to be almost finished and then in the summer of 1725 to be sent to the nine Great Officers of State for further feedback. This was an important step towards the consolidation of the *GQC* that had started with the Shunzhi emperor's adopting of the *Ming Code* as the legal code of the Qing dynasty in 1646,⁴ and which ended with the Qianlong emperor promulgating this code in 1740.

Although George Staunton (1810) had deemed the translation of this preface unnecessary, a look at the differences of the two items in the preliminary matter by Yongzheng, the edict and the preface, gives an insight into what this Qing dynasty emperor understood the function of the *Code* was.

It is not possible to cover the whole of the Chinese legal history in this article. Academic writing on Chinese legal history is extensive and a good number of standard works on this topic have been produced. A non-exhaustive list

2 The text has been digitized by the Staatsbibliothek zu Berlin and is openly available on their website under: Digitalisierte Sammlungen der Staatsbibliothek zu Berlin Werkansicht: Hesei toktobuha daicing gurun i fafun i bithe kooli = 大清律例 (PPN3346157741 – PHYS_0007 – Übersicht mit Inhaltsverzeichnis) (staatsbibliothek-berlin.de). This translation has been completed with the generous help of Dr. Liang Yong, Senior Lecturer at the University of Foreign Language Studies, Xian, PRC.

3 In this text the *Qing Code* will mostly be referred to as the *GQC*. Although there is a Manchu title to the 1740 edition of this legal code, and there would also be different Chinese titles to refer to the different stages of the *Qing Code* (see below), as we are talking about a preface to the *Qing Code* as promulgated in 1740, and as the Yongzheng emperor himself used *fafun i bithe kooli* in the name of the Codification Office, which is the Manchu title of the *GQC*, hence the author will refer to this code under the title of this version, i.e. the *Great Qing Code (GQC)*.

4 Cf. https://lsc.chineselegalculture.org/eC/DQLL_1740/2.0.

would include Bodde/Morris (1967), Heuser (1999), Head/Wang (2005) give excellent overviews over the origins and history of the Chinese legal system in general and the more recent dissertation by Hu (2011) provides a more specific view on the Qing dynasty's juridical system. Furthermore, Sprenkel (1962), gives great insights into the Qing administrative system and Huang Pei (1974) has produced a profound biography, in which he examined the becoming and consolidation process of Yongzheng as emperor.

The text we look at here is a preface, that the Qianlong emperor decided to keep in the Manchu version of the *GQC*, that he promulgated in 1740. This preface, like the other preliminary matter, is meant to give the reader of this legal code some insights into the development and intention of the *GQC*.

In the translation of the preface we will see that the Yongzheng emperor ties his text into the origins and principles of Chinese legal history and to his Qing dynasty predecessors. He references principles of the legal system of China in general by talking about punishment, the aim of the law and how this law interacts with the people. Secondly, we will see prominently placed references to the Zhou dynasty's (1046 BC–256 BC) Zhongfa-system, and the *Zhou Li* both traditionally attributed to the Duke of Zhou (1042–1035 BC). There are also references to the preliminary matters by the two earlier Qing dynasty rulers, the Shunzhi and Kangxi emperors, outlining their view on the necessity of a functioning legal code. Because of this it will be necessary to introduce these topics before we go into the analysis of the translated text.

2 The Origins of Chinese Law in the Zhou Dynasty

As the 周禮 *Zhou Li* is referenced heavily in Yongzheng's preface we should have a very brief look at the origins of Chinese law in this book from the Zhou dynasty. At the core of these origins of the Chinese legal system is 周公旦, the Duke of Zhou (1042–1035 BC), who is also said to have authored the 周易 *Zhou Yi*, a text at the heart of the 易經 *Yi Jing*.⁵ He is also named as the emperor who linked the authority of the emperor as having the Heavenly Mandate to whether or not this ruler was able to maintain harmony in society. To maintain this harmony, regulations were set in the book of *Zhou Li*. Liu (1998: 69) called the *Zhou Li* “a display of hierarchy and by enacting of certain roles in rites manifested the positions and ranks of the elite.”

The first part of the originating of the legal system lies in the establishment of a clan system, also attributed to the Duke of Zhou. This system, called the

5 Cf. I Ching – Wikipedia.

“Zhong Fa pyramid”, regulated the hierarchy of the different Zhongs. And as Head / Wang (2005: 25) have pointed out, the emperor was the biggest Zhong, and the “supreme ruler of government.” These Zhongs were politically accountable to the emperor but the emperor on the other hand could not interfere with Zhong-internal matters.

This law that consisted of regulations for rites was in a sense the first universal law of China. This does here not mean, that everyone was equal, but that, what the *Zhou Li* established was in effect a set of universal regulations that applied to all members of the aristocracy when it came to the proper execution of rites and ceremonies. Head / Wang (2005: 29) state, that this text established the principle of “qin qin, zhun zhun, zhang zhang, nan nü you bie.” These authors describe this as essentially proto-Confucianist principles: One must respect and love one’s relatives, and subordinate to the elder; the smaller Zhong had to obey the bigger Zhong, and men are superior to women. The result was, that the emperor occupied the primal position in a system, which, as mentioned above, applied to the whole aristocracy.

3 The Perspective of Chinese Law, Punishments and Clemency

As stated above, there are a few principles, which we need to keep in mind when reading this preface by Emperor Yongzheng. Whether a reader is familiar with a legal system based on Civil Law or the Common Law systems, the basic perspective of the modern law is that it does have the protection of society in mind, but at the core it is about subjective rights, as Heuser tells us (1999: 121), it is about the relationship between individuals, and individuals and things. Here the important task of a legal process is to investigate who the guilty party was. In the traditional Chinese legal proceedings however, the perspective was to restore the order of society. Xin Ren (1997: 38) states: “Whether an offender was found guilty according to the law was not important for the purpose of restoring social order. What was important, however, was to shun offenders and make them feel ashamed of their crimes.” As Bodde / Morris (1967: 4) have summarized, the law was for maintaining order. It was to prevent law suits from being filed, and not so that individuals could get their personal justice.

This leads us to the second important feature of traditional Chinese law: the punishments. The above already referenced book by Ren (1997) dedicated chapter 2 to the topic of “The rules of Punishment in Traditional Law.” Such a chapter is necessary in a book with a subtitle “Law, State, and Social Control in China.” Ren (1997: 37) gives an overview over the so called 五刑 *wuxing*, the five punishments, which were already defined, according to Ren, in the *Shang Shu*

尚書 [also *Shu Jing*]. These five punishments were: tattooing, disfigurement, castration, mutilation and death. In the *GQC* the whole first section deals with the different forms of punishments and in which cases they were applied.⁶ Chen (1973: 8), in his book on the legal history of China, points out that there was no room for appeal in the traditional legal system as the system was not, as stated above, concerned with individual rights. Here the question arises again who was in charge of legislation. We have seen above that it first was a clan system in the early Zhou period and then more and more the authority shifted towards a proto-Confucian hierarchy with the emperor gradually but steadily gaining more authority. Chen summarizes later in his book, that when the feudal system had collapsed in 221 BC, the state authority shifted to the imperial court and after that lay with the emperor. Therefore, the only chance for a convict to get his sentence overturned was to have his sentence reduced or pardoned by a benevolent ruler.⁷ This is one form of intervention by the ruler, the other being in the form of sub-statutes (see below). The reality of legal procedures always looking for a culprit to be punished plus the emphasis on punishment in this penal system often meant people tried to look for other ways of resolving disputes, which was, according to Heuser (1999: 122) fully intended in this legal system.

4 The Imperially Authored Preliminary Matter to the *GQC*

The preliminary matter authored by Yongzheng does not happen in a void, but is put after the insertion of two more items by his grandfather and father. We shall focus only on these two texts and disregard for our analysis of Yongzheng's attitude and intention for the legal code in this article the preface written after the death of Kangxi by the Yongzheng emperor.

The structure of the preliminary matter to the 1740 *Da Qing Lüli* as can be found digitized on the website of the Staatsbibliothek zu Berlin is as follows: There is a *sioi* [序 *xu* – preface] by the Šidzu Eldembuhe hūwangdi [Shunzhi emperor, 順治; r. 1643–1661]; this is followed by a *dergi hese* [edict] by the Šengžu Gosin hūwangdi [Kangxi emperor, 康熙; r. 1661–1722]; next are two texts by the Šizung Temgetulehe hūwangdi [Yongzheng emperor, 雍正] first a *dergi hese* followed by the *sioi*, which is the focus of this article, and then the last item of the imperially authored preliminary matter is a *sioi* by the *han*, (meaning ‘emperor’), which here refers to the Qianlong emperor [乾隆; r. 1735–1795],

6 Cf. Sprenkel, 1962, p. 57.

7 Cf. Chen, 1973, p. 35.

as this document is the 1740 edition of the *Da Qing Lüli*, which falls into the reign of the Qianlong Emperor and thus is produced as a commissioned work by this emperor.

Of the two preliminary items authored by Yongzheng only the first, shorter edict has been translated by George Staunton, who has disregarded the longer and four months later dated preface by Yongzheng, which dates to the ninth day of the ninth month of the third year of Yongzheng (1725). He rather translated the shorter edict by Yongzheng, dated to the 27th day of the fifth month of the third year of Yongzheng. Staunton (1810: lxx) said about the preliminary matter of the *Da Qing Lüli* 大清律例 – the GQC:

In addition to these three Prefatory Edicts, two state papers issued in the names of the late Emperor Kien-lung [乾隆 *Qianlong*], and the reigning Emperor Kia-King [嘉慶 *Jiaqing*], have been inserted in the Appendix, No. I. and No. II. and although not directly connected with the subject of the Code, will, it is hoped, be found illustrative of many parts of it, and otherwise not uninteresting. The remaining articles of Preliminary Matter, which, in the original, precede the Table of Contents, have been omitted here, as not essential to the work, but their several titles will be found in the Appendix, No. III.

In order to place the content of the preface by Yongzheng we should first have a look at the other preliminary matter, which has been translated by Staunton (1810).

The preface by Emperor Shunzhi tells of the necessity of such a big country to have a functioning legal code. He continued, that as the ruling of this country was bestowed upon the Qing dynasty, they commissioned a review of the *Ming Code* for the Qing dynasty. This needed to be done expediently so that the officials and magistrates had an authoritative legal code to pass judgment justly and not according to their own arbitrary thinking.

The edict by Kangxi talks about the necessity of punishment to get the number of crimes under control. The function of the legal system was seen to “guard against violence and injury, to repress inordinate desires, and to secure the peace and tranquillity of an honest and unoffending community.” This stability of society was the focus of the Chinese government. He then mentions the imperial sub-statutes which had altered the sentences of certain crimes, and which should also be worked into the legal code after having undergone a review, too.

The edict by Yongzheng, which was issued on the 27th day of the fifth month of the third year of Hūwaliyasun Tob (Yongzheng’s reign), first paints the

emperor as concerned about the crimes committed and assessing them with a benevolent heart. He then continues by saying that the legal code was too complicated and that the magistrates were often left to their own devices and therefore were bound to make small and even grievous mistakes when passing judgement. He said: “[I] submitted the Penal Code to the revision of the members of our Imperial college, and have since attentively considered their written observations thereon, annexing, at the same time, to each article, the mark of our approbation or dissent.” (Staunton, 1810: lxix) These results were then once more considered by the nine principal officers of state. This all happened so that the judgements of the crimes would again be just.

5 The Yongzheng Legal Reform

Several authors, who have written extensively on the legal history of China, have stated that the GQC (Staunton, 1810) found its definitive structure under the Yongzheng emperor and did not see major changes after the Qianlong emperor finished the legal reform and published the completed legal code called GQC in 1740.

Shunzhi had adapted the *Ming Code* to the Qing dynasty’s circumstances, but keeping for this new code the structure of the *Ming Lü* as it had been set in its restructuring in 1397, and promulgated this new legal code as the 大清律 *Da Qing Lü* in 1646.⁸ By 1656 that code had been translated and promulgated in the Manchu language as well.⁹ The Kangxi emperor had started amending this legal code by revising and adding more regulations to the code in the forms of sub-statutes. This revision and compilation was continued by Yongzheng as Zhang / Dong (2017: 157) state:

He [Yongzheng] collected and synthesized 815 sub-statutes as important supplementary to the code. The revised version was known as the *Great Qing Code with Commentaries* (大清律集解, *daqinglü jijie*). [...] The Qing code reached its maturity during the reign of Emperor Qianlong (1735–1795). In 1740, He drafted its new revision and promulgated it under the title of the *Great Qing Lü Li* (大清律例, *da qing li li*). As its name indicates, the code was composed of two parts: *lü* (normal statutes) and *li*

8 Cf. Heuser, 1999, p. 114.

9 Cf. Hu, 2011, p. 17.

(sub-statutes).¹⁰ *Lü* are perpetual and unchangeable norms; *li*, on the contrary, are selected and summarized from concrete cases and must be revised regularly.

The *li*, are the precedent portion of the legal code. As Zhang / Dong have stated on the same page as the quote above, the number of these items in the legal code have changed greatly over the course of revisions between 1740 and 1905, when the last revision of the *Qing Code* took place. And beyond these sub-statutes which had been formally made part of the code, the edicts that were issued by the emperors and the memorials that had been handed in to the court and approved by the emperor, also had to be taken into account by the Qing jurisdiction.¹¹

Qin (1995: 328) provides a brief but comprehensive summary of the *Yongzheng Code* and the revision that took place forming it:

With urgings from high officials, the Yongzheng emperor, in his first year of rule (1723), reorganized the personnel of the Commission on Statutes for undertaking the work of revision. Based on the previous work of the Kangxi codifiers, it only took two years for the new Commission on Statutes to accomplish their task. Like the Shunzhi code, the new code was divided into thirty volumes and seven sections. However, the number of the statutes was changed – through omitting, merging, and creating certain statutes – from 459 to 436 [...] By any standard, this revision was a significant landmark in Qing legislative history.

The number of the laws was fixed after the Yongzheng revision of the legal code, but the number of sub-statutes was subject to revision which the Qianlong Emperor set at every three years in 1736 and was then changed in 1746 to every five years.¹²

6 Translation

It follows the translation of the preface by Yongzheng as published in the 1740 edition and digitized by the Staatsbibliothek zu Berlin of the *GQC*. It is the

10 The Manchu terms used in the text are *fafun* for the laws, or *lü* in Mandarin Chinese, *kooli* for the sub-statutes or *li*, and the third term used is *šajin*, meaning a kind of law of the land, a term used as equivalent to the Chinese 憲.

11 Cf. Sprenkel, 1962, p. 56.

12 Cf. Bodde/Morris, 1967, p. 66.

first of two texts by the Yongzheng emperor printed in that edition, the other one being the edict of the same year (see above). Although this text dates four months after the aforementioned edict by the same author it is set in this Manchu language version before this edict.

The translation:

The preface to the great Qing Code written by the Shizong Temgetulehe Huwangdi [the Yongzheng Emperor] who constructed it by placing his elucidating remarks.

In the text of the *Zhou Li*¹³ we see: “The high and low ministers of criminal justice examine in the four [all] directions¹⁴ by applying the three legal codes.¹⁵ They inspect how the five punishments¹⁶ were applied in legal cases. In the first month of the new year the subordinate officials were called in for inspecting their way of punishments. If they were not following the law, then the usual punishment of the state would be meted out.

On the first day of the first month the punishments were disseminated among the cities and capitals, the villages and clans.

After the [printed] images of the punishments were published [and hung at the Palace door] the people were assembled for viewing them [the punishments].”

Then as the law of the former kings was established, the penal code was settled, and internally and externally it was made to be viewed with explanations. If the officials learned it, they could make judgments; if the people knew it, they did not commit crimes. This would bring about that there are no cases being brought forward, the social customs would be transformed for the better and the punishments would stop from then on. We should realize this. When we

13 In the Manchu text, this classic text is transliterated as *jeo li*. Schaberg (2010: 49) provides a summary of the *Zhou Li*. In it he briefly introduces the six sections of government among which we find the *Qiuguan* summarized as follows: “the offices of autumn (*qiuguan* 秋官), led by the president (大司寇 *da sikou*; in Manchu: *Amba si ko*) and responsible for penal law;”. The vice-president was called *xiao sikou*, in Manchu: *ajige si ko*. Together they were the *amba ajige si ko* (see Appendix f. 15).

14 Cf. Norman (2013) *duin dere* – everywhere.

15 Cf. *ibid.* The *ilan kooli* here refers to the three types of criminal code in the *Zhouli*: “light”, “medium” and “severe”. In the *Zhouli* it is explained that these three “codes” mean, that in newly founded states punishment happens according to a “light” interpretation of the legal code; in peaceful states according to a “medium” one; and in states in chaos, punishment is meted out by applying a “severe” interpretation of the laws and regulations. The whole sentence is a direct quote from the criminal justice section (秋官) concerning the ministers of justice (司寇) of the *Zhou Li*: “掌建邦之三典、以佐王刑邦國、詰四方”. Cf.:

周禮：秋官司寇：56：相似段落 – 中國哲學書電子化計劃 (ctext.org).

16 *Sunja erun* does not feature in Norman (2013), but it is the Manchu equivalent to 五刑 *wuxing*, the Five punishments (see 3. above).

respectfully consider, our father, the benevolent Šengžzu emperor, whose great virtue was heavenly, who guided and brought to maturity all living beings, he often forgave criminals which were sent from the High Courts of Judicature¹⁷ and pardoned them. He halted the sentence and issued an amnesty; countless were made to receive decrees of mercy.

After [Kangxi] had been on the throne for 61 years, his generous grace had reached everywhere, and his righteousness and wisdom existed everywhere. He lived gracefully and comfortably to the limits of longevity. After I had inherited the Imperial Rule, which earnestly concerned me, in the eighth month of the first year of Hūwaliyasun Tob [Peace and Right; Yongzheng emperor], I commissioned a great number of ministers to select officials of the Board of Punishment¹⁸ and to instruct them to exert themselves and work subserviently on the old items that the Codification Office¹⁹ had been working on and that had not been finished. After they had revised the draft, they memorialized it. Because this document of the legal code concerns people's lives, I, the emperor, examined each word and each sentence myself and discussed it with many officials. After having found something we could agree on [literally: *dulimba ba* – common ground], we would make a judgment and settle it. If we assessed something differently, we would either come to a common decision or when it was something that would create confusion, we would cut it out and come up with something simpler. We would unquestionably try to search for the original idea of the law and get to a kind of judging that would suit the lightness or gravity of a crime. All legal items would be solved, and lenient and strict principles were obtained [this way].

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- 17 Compare *fafun i yamun* with Norman (2013) *ilan fafun i yamun* [in Chinese 三法司] – the Three high courts of Judicature. *fafun i yamun* in Manchu here is an exact match to Hucker (1985), p. 206, no. 1854: “fa-ssu – Judicial office, a reference to any or all of the agencies collectively called the *Three Judicial Offices*, the Ministry of Justice (刑部 *xing bu*; Brunnert / Hagelstrom (1912) no. 438: “Board of Punishment”), the Censorate (都察院 *ducha yuan*), and the Great Court of Revision (大理寺 *dalisi*)”.
- 18 Sprenkel (1962: 57) describes the function of “The Department [Board] of Punishments” in the Qing dynasty legal system as follows: “[The Board of Punishments] is in charge of the administration of punishments throughout the Empire thus assisting the Emperor in governing the mass of people.” This department was meant to be well informed about the cases within the Empire and how they were judged in regard of appropriate leniency, execution or remission of sentences, confiscations, etc.
- 19 The Manchu *fafun i bithe kooli weilere ba* is equivalent to the 律例馆 (*lüli guan*) in the Classical Chinese version. Cf. Hucker (1985) no. 3886: “律例馆: Codification Office under the Ministry of Justice (hsing-pu); from 1742 responsible for preparing and issuing a revised law code at 5-year intervals headed nominally by a prince (wang) or Grand minister (ta-ch'en), with a staff of officials chosen for their judicial experience and knowledge. BH: Commission of laws.”

In the eighth month of the third year after the official text production was completed; after having it carved and printed, it was internally and externally distributed for people to obey. As it is said in the *Yi Jing*:²⁰ “The former kings explained the punishments and rectified the law.” Zheng Chang [鄭昌]²¹ of the Han dynasty said: “Once a law has been consolidated, [even] ignorant people would know what not to do; and treacherous officials [the magistrates] would not perform unreasonably.” So, this text must be carefully learned by the people in all positions, to complete their brightness and clarity; the trials of small and grave crimes must be studied. Not only after having their names registered with the Board of Civil Appointments,²² but in the future receiving a position to administer an area, they will write elucidating comments, and will not depend on their advisors and clerks. Instead, they will make judgments with ease.

From the wide streets of the big cities to the crooked places and remote villages, all the officials of the departments and districts²³ distribute the laws of the land from the *Zhou Li*, which are emulated; and the laws are read aloud, and the sub-statutes are proclaimed and every day they [the magistrates] comment on it to elucidate. The seasoned elders will admonish the sons and younger brothers in succession [generation after generation] and they will know and fear the law. Thus, the judgement from a superior position will be clear, and the lawsuits will stop in the lower class. The customs will have become straight, and the courtliness will rise. Thus, people will understand our father emperor’s fondness of life. If we desire and follow the governing policies of Yu [Shun],²⁴ then it is not difficult to have good governance. I really have high hopes!

The ninth day of the ninth lunar month in the third year of the Yongzheng reign.

20 The Mandarin 易經 *yijing* becomes here *Ijing* in Manchu.

21 Cf. Sima Qian’s 韓信盧縮列傳 (*Han Xin Lu Wan Jie Zhuan*): “及聞漢遣韓信略韓地，乃令故項籍游吳時吳令鄭昌為韓王以距漢”. Accessed on 史記: 列傳: 韓信盧縮列傳 – 中國哲學書電子化計劃 (ctext.org).

22 This *hafan i jurgan* is 吏部 *libu* in Chinese, which is translated by Hucker (1985) in entry 3630 as ‘Ministry of Personnel’ or by Brunnert / Hagelstrom no. 333 as ‘Board of Civil Appointments’.

23 The Manchu words *jeo hiyan* used here are a transliteration of the Mandarin *Zhou xian* 州縣 – regional departments and districts.

24 By referring to the government of the 虞 *Yu* fief, it is a reference to 虞舜, Emperor Shun of Yu (traditionally 2294 and 2184 BC).

7 Analysis of the Preface

The corpus of this text, between the title and the date at the end, is structured into three main parts. Yongzheng begins in the first part with a reference to the origins of the Chinese legal system, by inserting a long quote ascribed to the *Zhou Li*. It is a quote which mentions the five punishments and states the importance of clarity of the laws and sub-statutes, which guide how these punishments are applied and create effectiveness of the legal system. In essence it is a statement about a penal law that must be applied appropriately according to the situation by well-trained legal officials of the state to people who are well-educated in what is legal. This part ends with an expression of hope that the application of such principles would lead to the betterment of society with less and less crimes and lawsuits happening.

The next part is about Yongzheng's legal revision process. He begins this part as a filial son of his father with praise for how the Kangxi emperor had benevolently and with great mercy judged the cases and often granted amnesties or reduced sentences. He establishes an understanding of how he thinks a "good" emperor acts as ruler in legal matters and states that he wanted to act in the same way. He portrays himself here, as the heir to his father's reign, as aspiring to also be a benevolent and merciful supreme arbiter of cases, a statement also found in his edict four months prior to this text (see above), before talking about the revision process itself. This process, which started with Yongzheng's commission of a legal review in the eighth month of his first year (1723) and ended exactly two years later also in the eighth month, is almost depicted as a communal effort between legal experts and himself, in which they all try to stay true to the text and find solutions to legal issues. However, he is the initiator and worked through all the proposed changes himself. The process of this revision and his allusion to the granting of amnesties shows that ultimately, he is in charge.

The third part contains the emperor's expectations for the proper application of the legal system. He reiterates the statements in the quote from the *Zhou Li* at the beginning of the preface, and inserts two more quotes, one from the *Yi Jing* and one from a king from the Han Contention period in 206 BC, stating that it is the responsibility of the ruler to train the magistrates and educate the people with a revised and consolidated legal code so that society can exist in order. He makes these remarks to stress that this kind of training and education is necessary so that everyone knows and acts according to how the emperor established the laws and sub-statutes. After some expressions of Confucian virtue that the elders will pass these principals, which keep society in order, on to the younger ones and they to their descendants, he ends his

preface with a reference to the legendary perfect government of 虞舜, Emperor Shun of Yu, the idealised benign government which the emperor and everyone should aspire to. This positive outlook is very much underlined by the last short sentence: “I really have high hopes!”

8 Conclusion

Although Staunton (1810) stated that he did not translate the preface by Yongzheng due to it being unimportant, when we now compare the two texts, we see that the preface creates an opportunity for a deeper understanding of Yongzheng’s ideas on the imperial administration in the Qing dynasty.

This emperor has answered with his preface, that announced the successful completion of the revision process in 1725, the questions of what the *GQC* was for and what the role of the emperor in this process would be.

He references twice the Duke of Zhou: once in the very beginning of his text in the quote from the *Zhou Li* and towards the end with a quote from the *Yi Jing*. In my view, these are references to firstly the necessity of a functioning legal system for the maintenance of the dynastic rule. The Duke of Zhou was the first ruler to have claimed, that the dynastic rule had come to the rulers of Zhou as the Shang dynastic rulers had failed to maintain the order. Secondly, this is a claim towards a benevolent and just ruling of the emperor and his dynasty over all China. This bears special meaning when we see that the Shunzhi emperor had translated the *Qing Code* into Manchu and promulgated it in 1656. We are here also looking at the Manchu version of this code, which shows continuity in the scope of the *GQC*. It was a text that was valid for all the people of the Qing Empire. The laws were the same for everyone, but there were of course differences as to how the punishments of this penal code were applied.

Also in the light of continuity, we can see that Yongzheng saw himself as his grandfather’s and father’s successor by repeating and answering the problems they saw and addressed in their respective preliminary items. Shunzhi had emphasised the importance of a clear legal code, which everyone was able to adhere to and that the magistrates and judicial officials would not act arbitrarily. Yongzheng emphasised the importance of judicial training and education of the people in the laws, too. He dedicated most of his preface to these points and stated that they were enacted. The Kangxi emperor had talked about the importance of punishment as the numbers of crimes in the country were too high. Yongzheng immediately addressed the importance of the punishments. As we have seen when we looked briefly at the function of punishments, they

showed that the legal system was oriented towards the application of penalties as a deterrent for future crimes and that it was important to use the proper form and apply them benevolently, as his father Kangxi had done.

Another characteristic of this law were its components. We have seen what the title of the 1740 edition contained. It was about laws and sub-statutes, the *lü* and the *li* in *Da Qing lüli*, which was referenced by Yongzheng in his text as well when he referred to the Codification Office as the *fafun i bithe kooli weilere ba*. *Fafun i bithe kooli* is here the Manchu equivalent of *lü* and *li* in Mandarin Chinese. The interesting component are here the *kooli*, the sub-statutes. We have already seen that Yongzheng thought it necessary to point out, that his father Kangxi had often shown clemency and pardoned convicts. The sub-statutes here are a greater form of formalized imperial intervention in how the laws, i.e. the *fafun i bithe*, were interpreted.

The last matter, which we have to address are the statements on the revision process itself. It rounds up the picture of the priorities that the Yongzheng emperor wanted to stress with his text. The focus on the revision process shows us Yongzheng's prioritisation of a functioning imperial administration in which he himself diligently took part and had the final say. Although the formal establishment of the legal revision process is attributed to the Qianlong emperor, we can see here how Yongzheng, inspired by Kangxi's project to make the sub-statutes part of the legal code, prioritised this matter and initiated this revision process within the first year of his reign. The reason for this priority is stated clearly in the preface, when the emperor emphasised that an effective legal system creates betterment of society. It is equally made obvious that the emperor put himself in a good light as the protector of order and harmony of the state, the people and cosmic order, which meant that the Qing dynasty continued to enjoy the responsibility of the Heavenly Mandate.

He was an autocratic ruler, who was ultimately in charge of the Chinese society and hence also the legal system. He took the responsibility to maintain an orderly society seriously and based it on the Chinese legal characteristics which were based on the ideas of the Duke of Zhou and the origins of Chinese law: the emperor was in charge of a legal system that applied to all under the emperor. He portrayed himself as the filial successor of his grandfather and father and acted for the betterment of society. He believed in his success and had very high aspirations for his reign, displayed in his comparison of himself with the "perfect" government of Yu Shun, which in his view guaranteed the upholding of the Heavenly Mandate in the Qing dynasty.

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Appendix Transliteration of Yongzheng's *sioi*²⁵ to the GQC

f. 15

Šižung temgetulehe hūwangdi i araha suhe hergen sindame weilehe daicing
Gurun i fafun i bithe i sioi..

Jo Lii bithede. Amba ajige Ši Ko i tušan, ilan kooli i
duin dere be kimcimbi. Sunja erun i habšara duilere be donjimbi.
aniya biyade ini harangga hafasa be gaiŋi erun i arbun be
tuwambi fafun be daharakūngge oci. Gurun de an i erun bi.
aniya biyai ice de hūwaliyasun sukdun deribuhe de acabume
erun be hoton hecen gašan falga de selgiyebume erun i arbun i

f. 16

fafun be. Siyang wei de lakiyabufi. Tumen irgen be isabufi tuwabumbi
sehebi.. ede nenehe wang ni fafun be ilibufi kooli be toktobufi
dorgi tulergi de iletuleme tuwaburengge. Hafan tacici. Beideme mutembi
irgen saci. Necirakū ombi. Habšan be akū obume. Jalan be wembume
erun be nakara de isiburengge ereci banjinambi sehebe saci ombi.
gingguleme gūnici.

han ama Šengžu Gosin hūwangdi i amba erdemu abkai adali. Ten i
gosin i geren ergengge be yumbume hūwašabume. Fafun i yamun ci

25 The digitized version of the 1740 Manchu edition of the GQC can be found on: https://digital.staatsbibliothek-berlin.de/werkansicht?PPN=PPN3346157741&PHYSID=PHYS_0001&DMDID=DMDLOG_0001&view=picture-single.

The Classical Chinese version of this preface can be found on: 大清律例: 世宗憲皇帝御製大清律集解序 – 中國哲學書電子化計劃 (ctext.org).

f. 17

wesimbuhe weilengge niyalma be kemuni yooni obume oncodoho.
 erun be ilibume še wasimbume
 gosire hese be ton akū isibuha.
 soorin de ninju emu aniya tefi. Jiramin kesi abkai fejergi de bireme
 akūnara jakade. Senggi sukduun ulhicun bisire elengge. Gemu ler seme
 gosin jalafun i jecen de jirgame banjihā. Bi amba dorō be sirame
 alifi. Sirara fisembure be hing seme gūnin de tebufi hūwalisun
 tob i sucungga aniya jakūn biyade geren ambasa de afabufi fafun i

f. 18

bithe. Kooli weilere ba i fe banjibume arame wajire undengge be
 beidere jurgan i hafasa be sonjome tacibufi gūnin be akūmbume
 acabume weilebufi jise be tuwabume wesimbuhe manggi bi ere bithe be
 irgen i ergen de holbobuhabi seme emu gisun emu hergen ci aname
 urunakū beye kimcime tuwame kemuni geren ambasai emgi ilgame leoleme
 hebdeme gisureme dulimba ba jafafi lashalame tokto buha embici encungge
 be
 ilgafi emu obume embici largin ningge be meitefi kemungge de isibume
 urunakū fafun i bithe deribuhe gūnin be baime ujen weihuken i

f. 19

toose de acabuha weile beidere hacin be akūmbuha. Onco cira i
 giyan be bahabuha. Ilaci aniya jakūn biyade acabume arame wajiha
 manggi folobufi šuwaselabufi. dorgi tulergi de selgiyebufi enteheme dahame
 yabubu sehe *i ging* de henduhengge. nenehe wang erun be getukeleme
 fafun be dasambi sehebi han gurun i jeng cang ni henduhengge fafun i
 bithe emgeri toktofi mentuhun irgen jailara be safi jalingga Lii
 balai gamaci ojurakū sehebi ere bithe be eiten tušan bisire urse
 narhūšame gūnime urebume tacime sore [sure] genggiyen be wacihiyame
 amba

f. 20

ajige weilei duibulen be kimcici acambi sere anggala yaya hafan i
 jurgan de gebu ejebufi amaga inenggi irgen ba na be kadalara tušan be
 alire niyalma an i ucuri getukeleme giyangnara oci irgen de enggelefi
 baita icihiyara de funde bithe arara niyalma šuban sabe baiburakū
 heo seme beidere lashalara oci ombi. hafu jugūn amba hoton ci
 mudan i ba mohoho gasan de isitala yaya jeo hiyan i hafasa
 jeo Lii bithe i šajin be selgiyere fafun be hūlara kooli be
 alhūdame erindari sume giyangname senggi sakdasa juse deote be

f. 21

ulan ulan i ishunde ulhibume targabubume fafun de gelere be safi

teisu teisu beye be ujeleme hairara de isibure ohode dergi de
 beidere lashalarangge getuken. fejergi de habšara duilerengge nakafi
 an kooli be tob obume. dorolon i anahūnjarangge be yendebuci ojoro be
 dahame
 han ama i banjibure de amuran erdemu de acabume ioi gurun i buyere de
 isibure dasan be amcaci mangga akū kai. bi yargiyan i ambula erembi
 f. 22
 hūwaliyasun tob i ilaci niohon meihe aniya uyun biyai ice
 uyun.