

The Development of Confession in Criminal Procedure in Late Qing Dynasty and Early Republic of China: Focus on Norms and Theories

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Abstract

Except of translations of foreign legal structures and theories by the Legal Affair Bureau (Xiu Ding Fa Lu Guan), the Qing government also employed foreign scholars to assist in legislating. This article, which focuses on norms and theories, tries to discuss the development of the idea of confession in the criminal procedure. In norms, we can discover the development of the idea of the confession in the three criminal procedure codes, which the two formers were legislated in late Qing dynasty but were not in practice and the later one in early Republic of China, contra the formers. In theories, there was lots of Japanese theories from the scholars or judges as we know today. But time is dynamic. Even though it was the reception from Japan in that time, it still appeared different faces by times. To summarize it, I would like to tend to discuss the influences of reception in criminal procedure law from Japan in different period and re-think about the development of the idea of the confession during these period.

Keywords: zhao-gong (recognition), zi-reng-gong-ci (confession as recognition), confession (confession as identification), norms, theories