

The Mercy and the Punishment: the Discussion of the Thinking in the Mercy and Punishment in the Qing Dynasty by Analyzing the Archivis of the National Palace Museum

Chuang, Chi-Fa

Abstract

Using the archives as a basis for research, analyzing and understanding the humanitarian consideration given to prisoners in the Qing dynasty is important to the research of legal history. The focus of this article is to explain the value of historical documents in demonstrating the merciful practices in the sentence of the Qing dynasty government. The alteration seen in the Qing dynasty document, *~xing fa zhi*”(Torture Method), reflects the theory of applying compassion to punishment as desired by the central government of the Qing. By observing the record *~ci ju zhu ce*”(Daily Life Notes), it is clear that the Emperor *Kangxi* valued human life and exercised compassion in the verdicts. The record gathered from the *~yu zhi wen ji*” (Royal Literature Collection), shows that other emperors also expected their governments to adopt the light torture and simplified the litigation procedures. In *~zhu pi zou zhe*” (The Emperor’s Reply), the inhumane sentencing conventions of individual provinces were condemned by the Emperor as the practices which negatively affected the local governments. Oftentimes, residents of such province would appeal to the central government to review the case but ultimately, the verdict would remain the same. For example, documents from the Grand Council regarding the murder of *Ge Pin Lian* during the regimes of *Guangxu* and *Tongzhi* show

that the case could not be reviewed and as such, the truth was revealed at the time. The Cases in which the judgment was revoked, such as that of *Yang Nai Wu*, are examples of the use of caution and intelligence by the government in matters of punishment.

Keywords: careful in meting out punishment, a record of criminal law, Royal Literature collection, Diaries of the Emperor's Movements and Utterances, Palace Memorials which bear the imperial endorsements, appeal to the central government, the Grand Council's copies of the Palace Memorials