

## **Monarchy and Judicature in Mid-Qing: With Special Reference to Qing Statutes Sub-statutes and *Conspectus of Penal Cases***

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### **Abstract**

With a special reference to Qing statutes, sub-statutes and *Conspectus of Penal Cases*, this article studies the institutional arrangement of the monarchical power in criminal justice as well as its practice, explores the role of the monarchy in judicial process, and comments the interpretative paradigms of traditional Chinese justice. Institutionally, the emperor intervened emphatically in the cases involving persons of privileged status and capital punishment. Compared with that of the preceding dynasties, the coverage of those cases was not enlarged substantially. The emperor, while enjoying supreme power in judicature, largely relied on hierarchical judicial bureaucracy, and overruled in very limited amounts of cases. Even overruling, the emperor had to justify his decisions by interpreting code or *Qing-li* (human reason). The judicial bureaucracy was significantly influential by drafting judgments which had incorporated *Qing-li* and code. In contrast with the monarchical power performed in judicial administration of premodern western world, the imperial sovereignty was more predominant in traditional Chinese justice, as exemplified by the case of mid-Qing, with a lessdefinitive and powerful legal community.

Keywords: Qing Dynasty, Monarchy, Judicature