

Why Shen Jiaben Named his Book A Draft of the Privately Transcribed and Confidentially Prescribed Edition of the Statutes and Precedents?

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Abstract

The book “A Conjecture on the Naming of Shen Jiaben’s Book: A Former Secret or Inner Code Transcript” has many difference in content and form from the “Penal Code of Ch’ing”, although they have the same Code character in their titles. In this disquisition, the author finds this book is neither a common Code nor a book on Lv Xue but a kind of semi-legal file, which was shaped during each year’s Autumn and Court Assizes and kept as a secret or an inner confidential judicatory warrant for a long time. The next important thing the author finds is that in the imperialism of ancient China there were still some inner or secret rules and principles even though it had a tradition to publicize the statute law. The more one researches these legal files, the more he recognizes the justice of Ch’ing.

Keywords: Shen Jiaben, Code, Manuscript, Autumn and Court Assizes