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TA TSING LEU LEE  
BEING THE FUNDAMENTAL LAWS  
AND A SELECTION FROM THE  
SUPPLEMENTARY STATUTES  
OF THE PENAL CODE OF CHINA

EDITED AND TRANSLATED BY  
GEORGE THOMAS STAUNTON

嘉慶十年新年鐫

大清律例重訂  
輯註通纂

比引條例督  
捕則例附後

遵照嘉慶六年奉  
部頒行續纂并增修近年條例

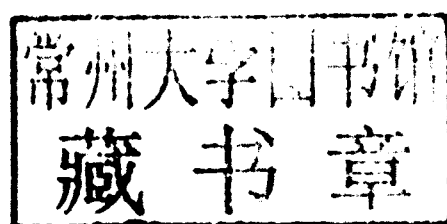
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### **Ta Tsing Leu Lee; Being the Fundamental Laws, and a Selection from the Supplementary Statutes, of the Penal Code of China**

The sinologist George Thomas Staunton (1781–1859) learned Chinese as a child and accompanied his father on a trip to China in 1792 where, though the Ambassador's page, he was the only member of the delegation who could speak to the emperor in Chinese. A career in the East India Company's Canton factory followed, and he translated many texts between Chinese and English, including this penal code, published in 1810, which was its first translation into any European language. The 'Fundamental Laws' was the legal code of the Qing Dynasty (1644–1911), and contained more than 1,000 statutes. Staunton organised his translation of a selection of the laws into seven divisions: general, civil, fiscal, ritual (religious), military, criminal, and public works. He also includes an appendix with translations of edicts regarding matters such as punishment, making this compendium an invaluable guide to the complex legal regime of the Qing Dynasty.

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價銀三兩六錢

*Mudow saulp.*

*(Fac-simile of the Title page of the latest edition of the*

TA TSING LEU LEE

*Published in the Year 1805, the 10<sup>th</sup> of the reigning Emperor Hia King.*

*see page lxiii. note.*

*TA TSING LEU LEE;*  
BEING  
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SUPPLEMENTARY STATUTES,  
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ORIGINALLY PRINTED AND PUBLISHED IN PEKIN,  
*IN VARIOUS SUCCESSIVE EDITIONS,*  
UNDER THE SANCTION, AND BY THE AUTHORITY, OF THE SEVERAL  
EMPERORS OF THE *TA TSING*, OR PRESENT DYNASTY.

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*TRANSLATED FROM THE CHINESE ;*  
AND ACCOMPANIED WITH AN APPENDIX,  
CONSISTING OF AUTHENTIC DOCUMENTS, AND A FEW OCCASIONAL NOTES,  
ILLUSTRATIVE OF THE SUBJECT OF THE WORK ;  
BY SIR GEORGE THOMAS STAUNTON, BART. F.R.S.

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Mens, et animus, et consilium, et sententia civitatis, posita est in *LEGIBUS*.  
CICERO PRO CLUENTIO.

LONDON:  
PRINTED FOR T. CADELL AND W. DAVIES, IN THE STRAND.  
1810.

TO

*JOHN BARROW, ESQ. F.R.S.*

*&c. &c. &c.*

*IN TESTIMONY OF SINCERE REGARD AND ESTEEM,*

*THIS VOLUME IS INSCRIBED,*

*BY*

*HIS OBLIGED AND ATTACHED FRIEND,*

*THE TRANSLATOR.*



## TRANSLATOR'S PREFACE.

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**I**N undertaking the work which is now submitted to the eye of the Public, the Translator was not unconscious of the difficulties and disadvantages he would have to contend with in so novel an attempt. He was however encouraged to proceed by the persuasion that the work was in itself amply deserving of the labour which it might be necessary to bestow upon it; that the intrinsic value, the unquestionable authenticity of the materials, and the general importance and curiosity of the subject, would fully compensate those particular defects and imperfections which, in an undertaking of this nature, were foreseen to be unavoidable, and, upon the whole, make amends for the too concise and almost obscure brevity of the text, in some places, its tedious and uninstruative prolixity in others, and its general unsuitableness for translation into an English idiom. Under all circumstances he flattered himself, that a faithful version of the Fundamental Laws of the Penal Code of China might, with the addition of some supplementary matter, not only prove interesting as far as regards its immediate subject, but likewise afford a more compendious and satisfactory illustration, than any other Chinese work that could have been selected, of the peculiar system and constitution of the Government, the principles of its internal policy, its connection with the national habits and character, and its influence upon the general state and condition of the people in that country.

To account for the limited and defective nature of our information upon these interesting subjects, notwithstanding the number and variety of the literary communications concerning the Chinese empire, which we already possess in Europe, through the medium of the European languages, it will be requisite to advert particularly to the circumstances under which these communications have been made, and to the sources from which they have, for the most part, been derived.

It will not be necessary, in the course of this enquiry, to trace back the subject to any very remote period. It is well known that the Empire of China, bounded on one side by the ocean, and on the other by ranges of inaccessible mountains, or vast and seemingly impervious deserts, continued, until about the commencement of the 13th century of our era, to be effectually secluded by these natural barriers from any direct and regular intercourse with the rest of the inhabited globe. The various inquisitive and enlightened nations, which successively flourished in ancient times, both in Western Asia and in Europe, scarcely appear to have even suspected its existence.

In the mean while, however, the people who, at a remote period of antiquity, first colonized this fertile and extensive region, were gradually emerging from primeval barbarism. Without either receiving assistance, or encountering opposition, from their less fortunate neighbours, they slowly but regularly advanced upon the strength of their own internal resources and local advantages, nearly, if not entirely, to their present state of civilization and improvement.

The commencement of the 13th century is the period at which the Chinese first submitted in a body to the sway of a foreign conqueror; and although the dynasty, established by the successful invaders, was not of any long duration, it must have had a material, and even in some degree a permanent effect, upon the relations between China and contemporary Powers; more especially, as this revolution in the East was, it will be perceived, at no considerable interval of time,  
seconded

seconded in the West, by the fortunate era of the restoration of letters, and of the introduction of the most important of the improvements in navigation in modern Europe.

As a new spirit of curiosity and enterprize had been thus excited, and means apparently adequate to its complete gratification discovered, it might naturally be supposed that one of the first objects would have been that of taking advantage of the additional facilities which seemed to have been afforded for a communication with the Chinese empire; that the early accounts, however vague and imperfect, which had been given by casual travellers, of its extent, magnificence, and political importance, would have soon led, in the ordinary course of events, to an intimate acquaintance and a regularly established intercourse with that remote and recently discovered, but, at the same time, highly interesting portion of the civilized world.

At the end, however, of several centuries, these expectations are still but very imperfectly realized. This Great Empire, too well assured of the competency of its own natural and artificial resources, to be induced to seek, and, if not too powerful, at least too distant and compactly united, to be liable to be compelled to enter into alliances and close connections with the Powers of Europe, has never as yet, except in a precarious and limited degree, admitted of any species of intercourse with them. It continues to this day wholly regardless and independent of those nations of the West, whose general superiority in policy and in arms has triumphantly extended their power and influence over almost every other existing society of mankind.

A considerable portion of the intercourse which actually subsists between China and the Nations of Europe owes its origin, as is well known, to the influence of religious motives; and was established under rather favourable auspices, by the indefatigable zeal and appropriate talents of the early missionaries of the Catholic church. These ecclesiastics, having been for the most part of the Society of Jesus,

were not wanting in the sagacity, or neglectful of the policy, which had, on so many other occasions, crowned the projects of their society with success. It is difficult indeed to say how far, under such circumstances, even the most ancient of the institutions, upon which the fabric of the Chinese government is founded, or the most deeply rooted of the prejudices and attachments, by which it continues to be sustained, could have withstood their powerful and undermining influence, had they not happened to have lost the support and countenance both of the head of the Catholic church, and of their respective temporal sovereigns.

The consequent extinction of their order having subverted the system of politics, which until then the Missionaries in China had successfully observed, having caused the adoption of a plan of conversion more strict, and probably more orthodox, but, in the same proportion, more unaccommodating to the prejudices of the people, and more alarming to the jealousy of the government, and having also, generally speaking, thrown the profession into less able hands, the cause of Christianity and of Europe necessarily lost much of its temporary lustre and influence. In addition to this unfavourable change of circumstances, the French revolution has subsequently had the effect of considerably reducing both the amount of the funds which support, and the number of the labourers who cultivate the Christian vineyard in China; under which accumulated disadvantages the intercourse with Europeans, as far as the Missionaries are concerned, it will easily be conceived, must of late years, in spite of every exertion, have been gradually on the decline.

Although, among the few Missionaries whom the Emperor of China still retains in his service at Peking, and among the larger number who are clandestinely employed in maintaining and propagating the Christian faith in the provinces, there are, no doubt, many amiable and respectable, and perhaps even some learned men, they can scarcely be  
expected

expected to make any material addition, under their present difficulties, to the stock of useful and valuable information which Europe has already derived from the same quarter.

The literary labours of the Missionaries, consisting of original descriptions and of translations, are, however, already numerous and extensive. Their works seem, at first sight, to have been penned with such diligence, and formed upon plans so comprehensive, as to promise satisfaction on every subject connected with the Chinese empire, in which European curiosity can be interested. But, on a closer examination, we find reason to lament that their attention had not been more directed to the objects that were principally desirable, and we begin to suspect that their situation, or some other circumstances, must have had a tendency to disqualify them from representing those objects with all the accuracy and fidelity of disinterested and impartial observers. At the same time, it is impossible to conceive any set of persons more advantageously placed for the purpose of collecting and communicating the information that was most required. Having devoted themselves to a residence for life among the people of that empire, it was naturally one of their first objects to acquire a knowledge of their manners, habits, and language. The active duties of their profession necessarily led them to cultivate the favour of the rich, to conciliate the affections of the poor, and to associate generally with every class of the inhabitants. As they appeared exclusively in the character either of artists or of men of science, they were in no danger of becoming objects of jealousy to any rank, or to any party; they had generally a free communication with every department of the court and of the government, and at times were admitted to a familiar intercourse even with the sovereign himself.

It is, however, to be recollected, on the other hand, that, with the Missionaries, science and literature were objects only of a secondary consideration, infinitely inferior in their estimation to that sacred cause

cause in which they were united, which they were bound to support, and to which all others were to be made subservient; that they were persons who had all of them professedly renounced the world, and who, having abstracted themselves accordingly from its various pursuits, had been in great measure incapacitated from acquiring that particular experience which is necessary towards appreciating the merits and characteristic features of other countries, by the most obvious and indispensable of tests, a comparison with their own. It was also inevitable, that persons thus situated should be, generally speaking, under the influence of a strong pre-disposition in favour of a people, for the sake of whose conversion they had renounced their country, and devoted their lives; and of a government, from whom, at one period, they had received extraordinary kindness and indulgence, and upon the continuance of whose protection the success of their future undertakings was foreseen almost entirely to depend.

Although having, personally, access to all the principal objects of curiosity, and chief sources of information, and possessing sufficiently the requisite talents of description, we too often find that a want of substantial impartiality and discriminating judgment in their writings, has tended to throw a false colouring on many of the objects which they delineate, and has sometimes produced those inconsistencies by which errors and misrepresentations of this description are often found to contribute to their own detection.

In like manner, although an intimate knowledge of the language of China enabled the Missionaries to explore and illustrate the antiquities of the empire, by the perusal and translation of the obscure and disputed texts of its most ancient poets, historians, and philosophers, an extreme anxiety to place these productions in the most favourable and pleasing light, has led them, in some instances, to engraft so much of the European character and style upon the Chinese originals, that the authenticity of their versions has, however unjustly, been in those cases more than suspected.

Other

Other works again, such as the Chinese press abundantly affords, concerning the present state of the empire, its civil, political, and legal institutions, they have, it must be acknowledged, in great measure neglected, either as comparatively unimportant in their estimation, or as insufficient and ill-suited for conveying those highly favourable ideas, with which they seem themselves to have been impressed, of the character of the Chinese people, and the principles of the Chinese government.

By the foregoing observations, it is by no means intended to detract from the real merits of the learned and pious writers of this class, either by denying, that they have afforded to the European world a vast collection of useful and interesting information, or by asserting, that they have, in any particular instances, been guilty of wilful deception or misrepresentation. It is merely wished to point out some of the causes which render it unsafe to rely implicitly on their authority, to state the particular bias under which they wrote, and to notice some of the effects of which that bias was necessarily productive.

The communications between European states and the dominions of China, which a spirit of commercial enterprise gave rise to, although they have been, at times, of considerable importance to several of the Continental nations, and are at present, with respect to Great Britain, of such a nature and extent, as to be very essentially contributive to her national prosperity, yet they did not, until a very late period, produce any fruits deserving of particular notice, either to science or literature.

With the exceptions of the Travels of Mr. Bell of Antermony, and the Translation of a Chinese Novel, by an obscure hand, but illustrated by the name of its Editor, scarcely anything of importance respecting China, derived from a commercial origin, appeared in England until the period of the Embassy of the late Earl of Macartney. His Lordship's mission was certainly an important step towards obtaining a more accurate and intimate

intimate knowledge of the Chinese empire. That empire was, on that occasion, in some degree laid open to the view of persons, whose talents and judgment were worthy of their country, and of an enlightened age; and who, it was natural to expect, would be disposed to describe the country and its inhabitants, as they really found them, and to state the opinions they might be led to form on the different objects which occurred, with candour and sincerity. — If, in estimating the credit due to their impartiality, some allowance for the national prejudices of Englishmen should be deemed requisite, the tendency of those prejudices would, at all events, be very dissimilar to that of the bias which had influenced their predecessors in the same field of enquiry. When also it is considered that, in passing rapidly over the narrow path to which they were confined, the opportunities of observation must have been comparatively few and limited, it will justly be deemed a subject of pride and satisfaction, and a very material addition to the immediate advantages which that expedition produced to this country, that it has, in so short a time, and under such unfavourable circumstances, been the means of throwing an entire new light upon, and of correcting and extending our ideas of that extraordinary and interesting empire; that, in short, if it has not led to the discovery of a new world, it has, as it were, enabled us to recover a portion of the old, by removing, in a considerable degree, those obstacles by which our contemplation of it had been intercepted.

The short residence in China of Lord Macartney's Embassy, although it scarcely afforded any opportunity of either confirming or disproving the various geographical, historical, and statistical details, with which we had been furnished by the Missionaries, was amply sufficient to discover that the superiority over other nations, in point of knowledge and of virtue, which the Chinese have long been accustomed to assume to themselves, and which some of their European historians



historians have too readily granted them, was in great measure fallacious; their knowledge was perceived to be defective in those points in which we have, in Europe, recently made the greatest progress, and to which we are therefore proportionately partial. Their virtues were found to consist more in ceremonial observances, than in moral duties; more in profession, than in practice; and their vices, when traced and discovered upon occasions where they were the least expected, seemed to deserve a more than ordinary degree of reprobation.

The first impressions occasioned by a discovery, that the Chinese people and government were in many respects the converse of that which, agreeably to the most authentic accounts, they might have been expected to be found, were naturally unfavourable.

But if the English visitors at the court of Peking had been permitted to remain any considerable time, and with a sufficient degree of freedom in the interior of the empire, they might gradually have acquired a more direct and extensive knowledge of the governors and of the governed in China; they might, by constant and familiar intercourse with the several classes of the inhabitants, have learned more of their manners, habits, and ordinary conduct, and have been enabled to judge of, and to characterize, their influencing motives on different occasions, upon surer grounds.

If they had possessed equal opportunities with the missionaries, who preceded them, of exerting their judgment upon the Chinese character, though they certainly would not have coincided in all their sentiments and opinions, they might, perhaps, have found something to compensate the evils they had justly reprobated and lamented, and they might even have at last determined, that a considerable proportion of the opinions most generally entertained by Chinese and Europeans of each other was to be imputed either to prejudice, or to misinfor-

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tion;