

Mongolian Laws and Their Adaptation in Early Qing Period

--- With a Focus on the Shunzhi Era (1644-1661) ---

Wang Changqing

This dissertation analyzes hitherto little studied regulations for the Mongols enacted by the Qing government in the early era of the dynasty, based on recently published archival materials in Mongolian and Manchu languages.

The dissertation consists of nine chapters, which examine laws for the Mongols established in the years of Chongde and Shunzhi emperors, the judicial system in Mongolian society during the Shunzhi era and imperial decrees issued for assemblies of Mongolian nobles by Shunzhi and Kangxi emperors.

In the Introduction previous studies on Mongolian laws of the Qing era were surveyed and the importance of the study of Mongolian laws enacted during early years of the dynasty, especially those of the Shunzhi era, were emphasized.

In the First Chapter of Part One, how the emperor Hong Taiji established his rule in Mongolia by enacting regulations for the Mongols was examined, based on primary sources contained in *Manwen yuandang* (Manchu Original Archives) and *Neimishuyuandang* (Collection of Mongolian Archives of the Inner Secretariat). After the establishment of the Qing dynasty in 1636, Hong Taiji's rule of Mongolia was intensified and by the second year of Chongde (1637) the legal system, which enabled the central government to make swift decisions about all cases concerning Mongolia, was introduced. By the introduction of joint courts, the competence of the *jasag* (lord of the Mongolian banner) was drastically restricted. Also *Regulations for the Mongols* enacted in 1643 should be considered to have intense relation with laws established by the Aisin government or the pre-Qing entity.

In the Second Chapter, the *Čayaĵin-u bičig* (Regulations for the Mongols), compiled in the eighth year of Chongde (1643) and revised in the 14th year of Shunzhi (1657), was analyzed. By the comparison of the *Čayaĵin-u bičig* with the *Daqing huidian* (the Collected Statutes of the Great Qing) of the Kangxi period, it is clear that Chinese traditional methods of execution were not applied to the Mongols in the 14th year of Shunzhi (1657). There was a compilation of regulations called *toktobuha fafun i bithe*, *fafun i bithe*, *toktobuha fafun i dangse* or *toktobuha ba* in Manchu. These regulations were actually applied to criminal cases in Mongolia during the Shunzhi era. Three levels of courts are confirmed in the Mongolian legal system of the Shunzhi period as well as that of the Chongde era. Joriĵtu qinwang (Prince of the First Rank) Uĵšan served Superior Court Judge in Five Khorchin Banners and this shows Khorhin princes were treated differently from other princes. Actual judicial practices did not completely coincide with rules of the *Daqing huidian* of the Kangxi version.

Two cases of the Baarin banner were analyzed in the Third Chapter. Regulations enacted for the Mongols by the Qing government and traditional Mongolian laws coexisted until the Shunzhi

period. In some cases traditional laws were superior to the Qing statutes. If a *jasag* (lord of the banner) was involved in the case, the central government demanded participation of as many officials of other banners as possible, in addition to bureaucrats sent from the *Lifanyuan* (Board for the Administration of Mongolian and Tibetan Affairs) in the trial.

In the Fourth Chapter some cases related to the concealment of Mongolian males eligible for military service were examined, based on materials of the Shunzhi and Kangxi periods. Actually in those era detailed regulations on the concealment of Mongolian men were made, which were not recorded in the first version of the *Daqing huidian*. According to these cases, accusation of the concealment of would-be soldiers was possible only in the same year when the crime occurred. Not only soldiers and officers of a *sumu* (a military unit), but also slaves were able to accuse the concealment. The law on the concealment of would-be soldiers enacted during the Chongde period became void in the years of Shunzhi emperor.

In the First Chapter of Part Two, procedures of issuing imperial decrees against assemblies of Mongolian princes (*čiyulyan-du bayulyγγsan jarliy-un bičig*) were described. First, officials of the *Lifanyuan* prepare the contents of a decree and report it to the throne. After the emperor's approval the *Lifanyuan* and departments of the *Neige* (Grand Secretariat) consult and prepare a draft of the decree. The draft should be reported to the throne and given the final permission by the emperor. After the Imperial Seal was stamped, the decree was delivered to a minister of the *Lifanyuan* or an envoy to the assembly.

In the Second Chapter functions of the assembly of Mongolian princes (*čiyulyan*) were analyzed. Since the second year of Chongde (1637) participation of the central government's representatives and issuance of the imperial decrees in assemblies were considered obligatory. By using source materials of the Shunzhi period, it is possible to study when and where assemblies were organized. Venues for the assemblies were decided by ranks and posts of the princes. While princes of ten Khorchin banners assembled in the Tüsheet chinvang' banner, nobles of Chahar, Jarud and nine other banners met at Abunai chinvang's banner. Although assemblies should be held every three years according to the Qing regulations, actually the rule was not always observed due to social and economic condition of Mongolian banners. Assemblies held during the Kangxi period was also examined in this chapter.

Texts of 26 imperial decrees were romanized and translated into Japanese in the Third Chapter. As most of the decrees were not recorded in official compilations of Qing-era documents, they are considered invaluable primary sources for Mongolian legal history. Some decrees such as orders related to thieves, concealment of would-be soldiers or inspection of weapons are contained in the well-known legal codes for the Mongols of the Qing era.

In the Conclusion main research results were summarized and perspectives for future study were shown.