

Traditional Chinese Penal Law

838

The China Quarterly

evidence in William Hinton's *Shenfan*, a work that has been wrongly neglected by the China trade. Christina Gilmartin on contemporary violence against women tells again the ever-recurring stories grimly familiar to readers of the Chinese press and legal literature.

W. J. F. JENNER

Traditional Chinese Penal Law. By GEOFFREY MACCORMACK. (Edinburgh: Edinburgh University Press, 1990. 312 pp. £35.00.)

This book is a welcome addition to the literature of traditional Chinese law. It is a study "about the penal codes of imperial China, in particular those enacted by the T'ang, Sung, Ming and Ch'ing dynasties." The author places a special emphasis on the Tang law and the extent to which it came to be modified in the Ming/Qing period.

The work starts with a useful examination of the historical, social and intellectual background of Chinese law, before discussing the sources of law and the administration of justice in traditional China. There follows a detailed analysis of the structure of the penal codes to include both their general principles and the rules in the most important specific areas they regulate. Also examined are certain important branches of administrative law such as the liability and privileges of officials.

Although the book offers little startling new information, it does succeed in reinforcing or elaborating on a number of major points and themes advanced by earlier works of Bodde, Morris, Johnson, Sprenkel, etc. Throughout the volume the author clearly shows the penal law of imperial China as a compromise of the contending view of the Confucians and Legalists—i.e. the incorporation of the Confucian *li* into the legal codes. In line with the Legalist programme, imperial China had a large and impressive body of codified law. There were also a well-prescribed procedure and a hierarchical structure of institutions for administering justice, with an elaborate system of appeals to allow the review of sentences by higher authorities, including the emperor himself. On the other hand, however, the penal codes subscribed to the Confucian insistence upon differing treatment according to individual social and political status as well as intra-family distinctions based on sex, seniority and degree of kinship. Confucian moral principles also manifested themselves in special exemptions or penal reductions for confession, mutual concealment, the aged, the young, the infirm, and women.

The author ends his study with an observation that the imperial Chinese codes were used by the state as an instrument essentially for the protection of its interest and public order and for the enforcement of Confucian values. In addition, the concluding chapter contains MacCormack's interesting and critical evaluations of some western writers' general theories on the nature of traditional Chinese law. For instance, he emphasizes that it is difficult to find evidence to sustain the theory which treats the penal law primarily as a mechanism for the maintenance of cosmic harmony. He also rejects the theory of the penal codes as a set of models or guidelines lacking prescriptive or imperative force. According to him, the very fact that they are

Available in the National Library of Australia collection. Author: MacCormack, Geoffrey; Format: Book; viii, p. ; 23 cm. Get this from a library! Traditional Chinese penal law. [Geoffrey MacCormack] -- This book is about the penal codes of imperial China, in particular those enacted . The penal law of the imperial period--from roughly B.C. to more or less the end of the imperial period--of particular interest, although little known or studied in the West, because each of. It argues, somewhat controversially, that from the beginning individuals were subject to different laws and punishments based on their clan or social status. MacCormack, Geoffrey. Traditional Chinese Penal Law. Traditional Chinese Penal Law by Geoffrey MacCormack, , available at Book Depository with free delivery worldwide. Traditional Chinese penal law. Responsibility: Geoffrey MacCormack. Imprint: Edinburgh: Edinburgh University Press, Physical description: viii, p. Chinese law: the penal codes from the T'ang (), Ming () and Ch'ing () dynasties and the published appellate cases of the Ch'ing. 4. Buy Traditional Chinese Penal Law by Geoffrey MacCormack (ISBN:) from Amazon's Book Store. Everyday low prices and free delivery on. By the end of the eighth century A.D., imperial China had established a system of administrative and penal law, the main institutions of which lasted until the. Much of the material in the ancient Chinese law has hitherto been buried in the almost inac-. The Emperor promulgated the Penal Code, in which banishments. The legislation T'ang-dynasty in imperial code China. is generally characterized viewed as the resuscitate the traditional legal system took a prominent place i. Find great deals for Traditional Chinese Penal Law (revised edition) by Geoffrey MacCormack (Hardback,). Shop with confidence on eBay!. discuss the implementation of law in traditional China as viewed through .. in the Chinese penal codes such as the Tang Code were symbolic that is, their. Understanding Traditional Chinese Law in Practice: The Indeed, the Tang Code served as model penal code for later Chinese dynasties.

[\[PDF\] The Role Of Biotechnology In Combating Poverty And Hunger In Developing Countries: Hearing Before Th](#)

[\[PDF\] The Greek World In The Fourth Century: From The Fall Of The Athenian Empire To The Successors Of Ale](#)

[\[PDF\] Hydrocarbon Migration And Entrapment In Potential Lower Cambrian Reservoirs, Vines 1, Officer Basin,](#)

[\[PDF\] Kinetics Of Catalytic Reactions](#)

[\[PDF\] New Testament](#)

[\[PDF\] The Oxford Diaries Of Arthur Hugh Clough](#)

[\[PDF\] Chemical Aftertreatment Of Textiles](#)