

## **Postponement and Pardon of Punishment in Order to Support Parents or Grandparents: An Exploration of Its Modern Value Based on a Historical Review**

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Postponement and pardon of punishment in order for the convicted to support parents or grandparents was an important legal practice in ancient China, one which lasted for over 1,400 years from the Northern Wei Dynasty to the Qing Dynasty. Pardon beyond the law, filial piety and mercy were much advocated and affirmed, but the possibility of mercy encouraging crime and causing further injury to the victim's family also made it the subject of controversy; thus it was not retained after the legal reforms in the late Qing Dynasty. Over the past century, most research has adopted a critical attitude towards this practice. In recent years, however, a number of scholars have published academic papers suggesting that reasonable aspects of this practice should be adopted to reform the current penal system. These arguments are for the most part not well-grounded in the historical materials. A thorough investigation of the Qing practice of postponement or pardon of punishment in order to support family elders and of the legal rationales and techniques expressed therein would provide a better basis for us to reflect on this issue today.

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