

## **A Study of the Provisions Concerning “Killing an Adulterer” in the Late Qing Dynasty**

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### **Abstract**

In the criminal judicial cases about “Killing an Adulterer” in the early Qing Dynasty, the judge did not necessarily use provisions concerning “Killing an Adulterer” to adjudicate these cases because the norms then were not well-established enough to be applicable to all of these cases. In order to improve on this situation, the bureaucracy for legislation tried to make new provisions from 1740 and on. This paper attempts to explore the legislation and judiciary of provisions concerning “Killing an Adulterer” in the late Qing Dynasty, and it focuses particularly on the following aspects: (a) the modification of the subject and the object; (b) the adjustment of the relationship; (c) the responsibility of an adulterer murderer who was not related in any way to the husband; and (d) the crime and the guiltiness that the husband and the adulterer were readjusted by the “ni di (擬抵)” code. This paper also tries to deliberate the relationship between Lü (律) and Li (例) about the provisions concerning the “Killing an Adulterer” and to find the principle of these provisions by reviewing previous studies. This paper therefore suggests that a lot of different values behind the provisions concerning the “Killing an Adulterer” compete in the judicial cases, and that the Qing bureaucracy for legislation and judiciary tried to find objective standards to adjudicate all of the “Killing an Adulterer” cases.

**Keywords:** Killing an Adulterer, Qing Code, adultery, criminal judiciary, balanced the crime and the guiltiness

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