

## Mercy and Jinxu (矜恤): the Inner Logic of the Judgment of Magistrates in Qing Dynasty

Zhao, Weini\*

### Abstract

This Article begins its study with the court verdict of Magistrates, and took Nanbu (南部) County in Sichuan (四川) Province of Qing (清) Dynasty as example, to explore the judgment of legal cases by Magistrates. Based on the exploration of this article, a phenomenon of lighter and merciful sentence is remarkable. Although it is not hard to be found that officials frequently mentioned in Guanzhen (官箴) Dynasties ago, which magistrates should judge legal cases mercifully, the exactly situation of the legal cases judgment is still doubtful. This Article thinks, the consistency between official expression and the reality from Nanbu (南部) archives revealed that light or merciful sentence was not only propaganda, also not a coincident phenomenon happened in somewhere. The characteristic of Magistrates judgment transfer a series typical traditional ideas, such as the duty of officials, the difference between Shih (士) and Shuh (庶), and the corresponding between the responsibility and authority. Leading by this kind of conceptions, such as the ignorant and poor people should be mercifully sentenced, the inner logic of the judgment of magistrates is just judging with mercy, although the judge did it with discrimination at the same time. Hence, the magistrates initiatively chose to judge legal cases with kindness and mercy and this is a non-ignorable characteristic of the judgment of magistrates.

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\* LLM, PH.D of History, Associate Professor of Disaster reconstruction & management Institute for Sichuan University-the Hongkong Polytechnic University

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