

The Further Discussion on the Provision regarding ‘Allowing the Concealment of the Relatives’ in the Chinese Ancient Laws

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Abstract

The comprehensive aspects of the article of *Allowing Concealing Relatives* in the first chapter *Names and Applications of Punishments* of all extant ancient Chinese codes have been put forward. By analyzing on the meaning of the word *concealment*, and those related articles to this provision and historical changes, this monograph gets its own conclusion that *to conceal* has different meanings in different texts and its usage had been changed in those codes. Though it implicates *to shield*, it is necessary to distinguish its accurate meaning, namely, *to hide* or *not to accuse*, according to different circumstances, and it means *to hide* in the article of *Allowing Concealing Relatives*; that the provision of *Allowing Concealing Relatives* is aimed at such crimes to assisting the criminals whose commissions have been known by authorities in escaping from punishments, as hiding criminals, informing them that authorities are searching for them, etc., with no relation to *not accusing*; that the article of *Allowing Concealing Relatives* is a provision reflecting the impacts of relationships in family upon the law, conferring persons in certain circumstances the privilege of hiding criminals, which is a crime itself; that with overall changes of the codes, this provision also changes. Changes in Ming and Qing’s laws compared with those in dynasties before these two should be paid much attention to, and it is wise to use the evidences of Ming and Qing with caution to demonstrate the whole development of this provision. Upon this topic, this monograph has a further intention to track out the