

# **Legal Transplantation in Early Twentieth- Century China**

Practicing law in Republican  
Beijing (1910s–1930s)

**Michael H.K. Ng**



# Legal Transplantation in Early Twentieth-Century China

“Practicing law” has a dual meaning in this book. It refers to both the occupational practice of law and the practicing of transplanted laws and institutions to perfect them.

The book constitutes the first monographic work on the legal history of Republican Beijing and provides an in-depth and comprehensive account of the practice of law in the city of Beijing during a period of social transformation. Drawing upon unprecedented research using archived records and other primary materials, it explores the problems that were encountered by Republican Beijing’s legal practitioners, including lawyers, policemen, judges, and criminologists, in applying transplanted laws and legal institutions when they were inapplicable to, incompatible with, or inadequate for resolving everyday legal issues. These legal practitioners resolved the mismatch, the author argues, by quite sensibly assimilating certain imperial laws and customs and traditional legal practices into the daily routines of the recently imported legal institutions. Such efforts by indigenous legal practitioners were crucial in – and an integral part of – the making of legal transplantation in Republican Beijing.

This work not only makes significant contributions to scholarship on the legal history of modern China, but also offers insights into China’s quest for modernization in its first wave of legal globalization. Thus, it is of great value to legal historians, comparative legal scholars, specialists in Chinese law and China studies, and lawyers and law students with an interest in Chinese legal history.

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***To my family***

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# Glossary of Chinese terms<sup>1</sup>

<i>Romanization (Hanyu Pinyin)</i>	<i>Chinese characters</i>	<i>English translation</i>
<b>Introduction</b>		
<i>chuji shenpanting</i>	初級審判廳	Preliminary Court
<i>daliyuan</i>	大理院	Supreme Court
<i>difeng shenpanting</i>	地方審判廳	Local Court
<i>Duli cunyi</i>	讀例存疑	<i>Enquiries with the Qing Law</i>
<i>Faling daquan</i>	法令大全	<i>Book of Law and Decree</i>
<i>Faling jilan</i>	法令輯覽	<i>Compilation of Law and Decree</i>
<i>fayuan bianzhifa</i>	法院編制法	Court Organization Law
<i>fazheng</i>	法政	study of law and political science
<i>fen</i>	分	Chinese measurement of length, approximately 0.3cm
<i>gaodeng shenpanting</i>	高等審判廳	High Court
<i>geji shenpanting shiban zhangcheng</i>	各級審判廳試辦章程	Provisional Articles for Local Courts
<i>lushi zanxing zhangcheng</i>	律師暫行章程	Provisional Articles for Lawyers
<i>shenpanting</i>	審判廳	law courts
<i>xingbu</i>	刑部	Board of Punishment
<i>xingshi susong lü caoan</i>	刑事訴訟律草案	Draft Law of Criminal Procedures
<i>xinhai</i>	辛亥革命	Revolution
<i>xinxinglü</i>	新刑律	New Criminal Code
<i>yamen</i>	衙門	local administrative headquarters
<i>zanxing xin xinglü</i>	暫行新刑律	Provisional Criminal Code
<i>Zhonghua minguo fagui daquan</i>	中華民國法規大全	<i>Book of Law and Regulation of the Republic of China</i>
<i>zhongti xiyong</i>	中體西用	Chinese body with Western use
<b>Chapter One</b>		
<i>anjuan</i>	案卷	case rolls
<i>dalisi</i>	大理寺	Court of Judicature
<i>dingyi</i>	定義	a record on the relevant sections of law cited by the judge to reach a judgment
<i>dousha</i>	糾殺	killing-at-fight
<i>fabu</i>	法部	Ministry of Justice

<i>Romanization (Hanyu Pinyin)</i>	<i>Chinese characters</i>	<i>English translation</i>
<i>ge gongzheng/ zhengju gongci rending shishi</i>	各供證/證據供詞認定是實	confirm the truth of facts according to all testimonies and evidence
<i>gongzhuang</i>	供狀	oral testimonies by the witnesses and the accused
<i>guoshi sha</i>	過失殺	negligent homicide
<i>gusha</i>	故殺	intentional homicide
<i>haowu yiwei ying renwei queding shishi</i>	毫無疑義應認為確定事實	confirm the truth of facts with certainty without any doubt
<i>hemian</i>	合面	face down
<i>ju yishang ge gong rending shishi</i>	據以上各供認定事實	confirm the truth of facts according to the above testimonies
<i>juzhao</i>	舉照	a record that documented the handling of the property exhibits or stolen goods
<i>liyou</i>	理由	the reasons
<i>mousha</i>	謀殺	premeditated homicide
<i>qing shangke yuan</i>	情尚可原	deserved mercy
<i>renqing</i>	人情	of human circumstances
<i>ruo jing chuyi zhongdian zhuanshi qingfa zhi ping</i>	若竟處以重典轉失情法之平	the balance between the law and human circumstances would be lost if heavy penalty is imposed
<i>shenpan</i>	審判	trial hearing
<i>shige</i>	屍格	corpse form
<i>shishi</i>	事實	the facts
<i>sifa</i>	司法	the administration of legal affairs
<i>siji sanshen</i>	四級三審	four-tier court system allowing two appeals before a final judgment
<i>shishi mingbai, liwu keyi</i>	事實明白，理無可疑	the facts were clear; there was no doubt according to reasoning
<i>wusha</i>	誤殺	manslaughter
<i>xisha</i>	戲殺	killing-at-play
<i>Xiyuan lu</i>	洗冤錄	<i>The Book of Washing Away Injustice</i>
<i>yangmian</i>	仰面	face up
<i>yi/ju (ge) gong, zheng, haowu yiwei ren(ding) wei queding shi/shishi</i>	依 / 據 (各) 供、證，毫無疑義認(定)為確定事 / 是實	according to available evidence and testimonies, the truth of facts was confirmed with no doubt
<i>yi zhengju rending shishi</i>	依證據認定是實	confirm the truths of facts according to evidence
<i>ying renwei queding shishi</i>	應認為確定事實	confirm with certainty the truth of facts
<i>yingju yishang ge gongzheng renwei queding shishi</i>	應據以上各供證認為確定事實	confirm with certainty the truth of facts according to the above testimonies and evidence
<i>zhaozhuang</i>	招狀	a record of confession made by the accused
<i>zhengju chongfen/quezao yingji renwei queding shishi</i>	證據充分/確鑿應即認為確定事實	confirm the truth of facts with certainty according to sufficient evidence

<i>Romanization (Hanyu Pinyin)</i>	<i>Chinese characters</i>	<i>English translation</i>
<i>zhijie shenli</i>	直接審理	direct enquiry
<i>zhongzheng</i>	眾証	all available evidence
<i>zhuwen</i>	主文	main text
<i>ziyou xinzheng</i>	自由心證	free evaluation of evidence
<b>Chapter Two</b>		
<i>anmin gongsuo</i>	安民公所	Order Maintenance Office
<i>bujun</i>	步軍	gendarmerie
<i>bujun tongling yamen</i>	步軍統領衙門	Gendarmerie Yamen
<i>Chenzhong bao</i>	晨鐘報	<i>Morning Bell Post</i>
<i>hutong</i>	胡同	alley
<i>jiaoyangsuo</i>	教養所	reform school
<i>jiedao tingju</i>	街道廳局	Streets Bureau
<i>jingshi jiliangsuo</i>	京師濟良所	Door of Hope
<i>jingshi jingchating</i>	京師警察廳	Capital Police Bureau
<i>jingxun</i>	警巡	police officers (later renamed as <i>Xunguan</i> 巡官)
<i>liangyi</i>	兩翼	two arms under Gendermerie Yamen
<i>mingshi guanzhizhi</i>	明史官職志	Record of Responsibilities in the Official History of the Ming Dynasty
<i>neicheng gongxunju</i>	內城工巡局	Bureau of Inner City Public Works and Patrol
<i>neicheng guanyiyuan</i>	內城官醫院	Inner City Public Hospital
<i>neiwaicheng xunjing zongting</i>	內外城巡警察總廳	Bureau of Police of the Inner and Outer Cities
<i>paichusuo</i>	派出所	police outposts
<i>pinmin shouyangsuo</i>	貧民收養所	poor houses
<i>shanhou xiexun zongju</i>	善後協巡總局	Post-incident Patrol Bureau
<i>sijiao</i>	四郊	four surrounding rural areas
<i>Tianqiao</i>	天橋	Tianqiao area
<i>tidu jiumen xunbu wuying tongling yamen</i>	提督九門巡捕五營統領衙門	Yamen of the Governor of the Nine Gates and Patrol of the Five Battalions
<i>waicheng gongxunju</i>	外城工巡局	Five Districts into the Bureau of Outer City Public Works and Patrol
<i>waicheng guanyiyuan</i>	外城官醫院	Outer City Public Hospital
<i>wucheng bingma zhihui</i>	五城兵馬指揮司	Military Commander of the Five Cities
<i>wucheng sifang</i>	五城司坊	The Censorate of the Five Districts
<i>wuying</i>	五營	Five Battalions
<i>xiyisuo</i>	習藝所	industrial school
<i>xunchang</i>	巡長	police captains
<i>xunbu</i>	巡捕	police constables (later renamed <i>Xunjing</i> 巡警)
<i>xunjing bu</i>	巡警部	Police Bureau
<i>yihe qian</i>	義和拳	Society of Righteous and Harmonious Fists
<i>yuyingtang</i>	育嬰堂	Foundlings' Home
<i>zhengsu</i>	正俗	the morality upholding division

<i>Romanization (Hanyu Pinyin)</i>	<i>Chinese characters</i>	<i>English translation</i>
<b>Chapter Three</b>		
<i>Chongwenmen</i>	崇文門	Chongwen Gate
<i>fei lüshi</i>	非律師	phony lawyer
<i>gongfei</i>	公費	fixed legal fee
<i>huiguan</i>	會館	guild
<i>Qianmen</i>	前門	Qian Gate
<i>songgun</i>	訟棍	litigation hooligan
<i>songshi</i>	訟師	litigation master
<i>Xuanwumen</i>	宣武門	Xuanwu Gate
<i>yuan</i>	圓	Republican silver dollar
<i>Zhengyangmen</i>	正陽門	Zhengyang Gate
<i>Zhili</i>	直隸	Now Hebei Province
<b>Chapter Four</b>		
<i>choujin</i>	酬金	gratitude legal fee
<i>daibi</i>	代筆	legal plaintiff writer
<i>lüshi yiwu</i>	律師義務	Lawyers' Duties
<i>Jingcha gongbao</i>	警察公報	<i>Police Post</i>
<i>Shuntan shibao</i>	順天時報	<i>Shuntian Times</i>
<i>xingshi weiren zhuang</i>	刑事委任狀	form of appointment of attorney issued by Ministry of Justice
<b>Chapter Five</b>		
<i>daguren</i>	打鼓人	drum beaters
<i>fanzui</i>	犯罪	crimes
<i>guahuo pu</i>	掛貨鋪	stores specializing in selling second-hand goods
<i>jingshi jingchating</i>	京師警察廳取締舊貨營	Capital Police Bureau's Articles
<i>qudi jiuhuoyingye</i>	業章程	for Monitoring the Business of Used Goods
<i>zhangcheng</i>		
<i>Kelou Hui</i>	哥老會	Brotherhood Society
<i>li</i>	里	Chinese mile, approximately 500 meters
<i>jiefu jipin</i>	劫富濟貧	robbing the rich to feed the poor
<i>ren yi</i>	仁義	kindness and righteousness
<i>titian xingdao</i>	替天行道	doing good for Heaven
<i>weijing</i>	違警	police contraventions
<i>weijing fafa</i>	違警罰法	the Police Contravention Punishment Law
<i>weijinglü</i>	違警律	Police Contravention Code
<i>xinglü</i>	刑律	the Qing's Criminal Code

## Note

- 1 Note that terms are defined only once, appearing under the chapters in which they make their first appearance.

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# Introduction

Cao Rulin, the first lawyer registered with the newly formed judiciary of Beijing in 1912, was one day summoned to meet the President of the new Republic of China, Yuan Shikai. During the meeting, Yuan tried to persuade Cao to quit private practice and join his government. When Cao explained his interest in and desire to continue practicing law, Yuan asked: “*What is the point of continuing to be a lawyer? Isn’t a lawyer equal to a litigation master from the old days?*”<sup>1</sup>

This encounter exemplifies the context in which China’s legal reform took place in the early twentieth century. Although the government was the main driver of legal reform, government heads may not have accurately perceived the outcomes of that reform. Reading this conversational exchange, we can easily feel Cao’s frustration. A member of one of the first generations of modern law specialists in China, who had returned from Japan and was now enjoying a good living and exemplary reputation practicing law in Beijing, Cao was now being equated by the highest figure in the new government with the notorious litigation hooligans of the imperial era. Although the substantive difference in terms of income and legal status between a modern lawyer and a litigation master of the old days mattered, so too did the perception and interpretation of that difference, as it is they that shaped the modern lawyer’s social status. Traditional perceptions, such as that expressed by Yuan, and efforts to overcome them in turn affected the outcomes of the country’s important legal reform.

At the same time, traditional Chinese legal thinking on how justice should be done in trial hearings also provided useful guidance for Republican judges, helping them to make sense of transplanted criminal procedures and imported laws that lacked sufficient guidelines for their practical application in Chinese society. Such traditional thinking and efforts to assimilate it into imported legal rules also affected the outcome of China’s first experiment with legal transplantation.

This book tells the story of the efforts and pains exerted by legal practitioners in overhauling an indigenous criminal justice system in its entirety and replacing it with a foreign legal transplant in early twentieth century China within a short period of time and in the face of military and political pressure. Within the subtitle of this monograph, *Practicing law in Republican Beijing (1910s–1930s)*, “practicing law” has a dual meaning. It refers to both the occupational practice of law and



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the practicing of transplanted laws and institutions to perfect them. During such “practice,” legal practitioners in Beijing on the one hand skillfully and pragmatically assimilated traditional legal knowledge and imperial legal practices into the imported regime, while on the other hand painfully overcoming other traditional perceptions that stood in the way of legal modernization. Without these seemingly contradictory efforts, the imported laws and reformed legal institutions would have been relegated to the statute books without application in the daily work of practitioners.

### Late-Qing legal transplantation and the republic

Driven by the desire to end extraterritoriality and address the pressing need to modernize China, the Qing government initiated a series of legal reforms in the early 1900s.<sup>2</sup> Similar to the experience of other Asian countries during that period, these reforms took the form of legal transplantation based primarily on Westernized models. In 1902, following the famous imperial memorials petitioned by governors-general Zhang Zhidong and Liu Kunyi, the Qing government appointed two legal experts, Shen Jiaben and Wu Tingfang, as Commissioners for Law Reform.<sup>3</sup> The former was a master of imperial Chinese law, while the latter was a native Chinese who had been trained at the Temple Inn in London, called to the English Bar, and practiced law in London and Hong Kong. The Law Reform Bureau was formed under their stewardship, and a small team was recruited to study and translate the legal codes of Western countries and Japan. In an attempt to secure the Western powers’ support to abolish extraterritoriality, most of the suggested reforms of the law and legal system were unsurprisingly based on Western and Japanese models. In the following years, Shen’s team drafted a number of important legal codes and submitted them for imperial approval. Among the most important of these new codes, and affecting criminal justice in modern China, were the New Criminal Code (*xinxinglü*), the Provisional Articles for Local Courts (*geji shenpanting shiban zhangcheng*), the Court Organization Law (*fayuan bianzhifa*), the Draft Law of Criminal Procedures (*xingshi susong lü caoan*), the Provisional Articles for Lawyers (*lüshi zanxing zhangcheng*), and the various articles and administrative rules for police agencies and those for the reformed prisons.

Following the promulgation of some of these newly drafted laws, organizational changes also took place. Power for the administration of justice was taken away from the *yamen* magistrates and placed in the hands of the newly established law courts (*shenpanting*).<sup>4</sup> Under the new system, the courts were divided into four tiers, headed by the Supreme Court (*daliyuan*) and followed by the High Court (*gaodeng shenpanting*), Local Court (*difeng shenpanting*), and Preliminary Court (*chuji shenpanting*). Cases could be appealed twice before final adjudication was reached. The Board of Punishment (*xingbu*) was transformed into the Ministry of Justice, and a prosecution office was also established. The latter was charged with responsibility for conducting criminal investigations and prosecuting those arrested in criminal proceedings.

The country’s legal reform also institutionalized the legal profession. New codes were drafted prescribing the qualifications, rights, and duties of lawyers and

judges. Students were sent abroad, primarily to Japan, to study law and politics (*fazheng*), and new law schools were also established in Beijing and other major cities. The returnees from overseas and first generation of local law graduates subsequently became a highly influential group of professionals in early legal practice in China, as well as activists in political matters. The police force also began to operate as one of the key agents of the government in the maintenance of law and order and operation of the criminal justice system.

Although these efforts of the late-Qing reform period were largely checked by the outbreak of the *Xinhai* Revolution in 1911, they bore fruit after the founding of the Republic of China, when time and resources did not allow the Beiyang government to replace the entire set of Qing drafted laws with new legislation. The Decree of the President issued in March 1912 declared that the recently announced Qing laws would still be tentatively applied.<sup>5</sup> The Republican government's subsequent codifications of criminal law and criminal procedure also drew upon the foundations of the Qing-era drafts.

Furthermore, thanks to students being sent abroad for legal studies in the late-Qing period, personnel trained in Western legal theories and practices were available to staff the new judicial bodies at the national level and in the major cities immediately after the system change. The Supreme Court in Beijing started hearing appeals from the lower courts in 1912, and delivered a number of important judgments and guidelines regarding the interpretation of Republican laws.<sup>6</sup> Many Chief Justices of the Supreme Court were returnees from Japan.<sup>7</sup> Lawyers also began to practice in Beijing right after the Republic's establishment, even before the formal legalization of the legal profession through promulgation of the Provisional Articles for Lawyers in September 1912. Local bar associations were set up one after another in China, with Beijing, Tianjin, and Shanghai attracting the largest communities of lawyers. The new police constables of Beijing could be seen on their street beats and engaged in other municipal work as early as the early 1900s, well before the initiation of legal reform. After the Republic was formed, the police force continued to serve as the government's frontline agent in the operation of the criminal justice system by enforcing the new criminal laws and bringing those arrested to face the new trial system. New prisons were also built to house inmates sentenced under the reformed penal system, reflecting the centrality of imprisonment to the Western concept of penology.

Taken at face value, all of these developments were moving in the direction of the full-fledged adoption of a Western model of administering criminal justice and a full-scale overhaul of imperial concepts and practices. However, as we shall see in this book, a look beneath the surface reveals a more complex and difficult process at work.

## Major themes of the book

Compared with the large volume of literature on Qing law, the body of scholarship on the legal history of Republican China is relatively small. However, with the release of previously restricted case records and historical materials, archival research on that history has grown considerably since the 1990s. Recent scholarship

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on legal reform in Republican China can be divided into three broad categories. In the first are the significant contributions made by Philip Huang and his associates to scholarly understanding of how civil lawsuits were decided in practice during the Qing and Republican periods. These studies argue for a process of selective appropriation among rules and customs and new and old practices in the civil courts of the Nationalist government.<sup>8</sup> The second category includes studies of the outcomes of legal reform in Shanghai and areas that were under relatively heavy foreign influence. Alison Conner, Chen Tong, Sun Hueimin, and Xu Xiaoqun all describe the background, rise, and activities of Shanghai lawyers and the Shanghai Bar Association,<sup>9</sup> whereas Frederic Wakeman turns his attention to the relationship between state-building and policing in Republican Shanghai.<sup>10</sup> More recently, Xu Xiaoqun examined the different levels of implementation of the Western notion of the rule of law among the cities and counties of Jiangsu Province, and Carol Tan studied the administration of justice in British leased territory of Weihaiwei.<sup>11</sup> The third category of scholarship contains studies of the Republican criminal justice system carried out at the national level to address the changes in that system and its laws without reference to a specific locality. Huang Yuansheng formulated a systematic chronology to describe the evolution of criminal codes from the late-Qing to Nationalist periods. He also examined the judgments of the Supreme Court to better understand the early application of Republican criminal laws in final appeal cases.<sup>12</sup> Li Chunlei and Zhang Demei studied the change in litigation procedures from the Qing to the Republic with reference to statutes and imperial memorials, respectively.<sup>13</sup> Michael Dutton and Klaus Mühlhahn also focus on criminal justice in Republican China, although their narratives primarily concern prison and punishment.<sup>14</sup> There are a handful of other important works in the form of journal articles and dissertations on specific areas of Republican law that will be referred to in respective chapters of this book.

Much of the scholarly work to date concerns the legal reform implemented in Shanghai. Little has been published in relation to the responses of the citizens and legal experts of Beijing to the process of legal change against the backdrop of the city's unique political, cultural, and traditional background, save for the crime narratives portrayed in depictions of its cultural and social history such as those of Sydney Gamble, David Strand, and Madeleine Dong.<sup>15</sup> Although Shanghai is clearly an important setting for study of the development of the Westernized legal system, as it was China's financial center during the Republican period and Western values landed there far earlier than elsewhere, Beijing is at least equally important because it has long been the country's political center and has deeply rooted traditions. Frank Dikötter's book is one of the very few academic works to focus on legal reform in Republican Beijing and to address the cultural transformation in the concepts of crime, criminals, penology, and forms of punishment.<sup>16</sup> Another more recent work is Qiu Zhihong's Chinese-language book on Republican Beijing lawyers.<sup>17</sup> Building upon the aforementioned scholarship on the legal history of Republican cities, the first objective of this book is to add an important case study of the legal history of Republican Beijing by examining how the city's legal practitioners, namely, lawyers, judges, policemen, and crime scholars, perceived

and reacted to the process of legal transplantation in the criminal justice system against the particular backdrop of Beijing's culture and traditions.

The book's second objective is to correct the prevailing narrative on the general failure of the legal reform undertaken during the Beiyang period (1912–1928). Traditional historical narratives describe this period as one of political and social chaos caused by the continuous military struggles among warlords. It is generally presumed that little in the way of legal reform was accomplished in the Beiyang period owing to political fragmentation, with real reform waiting until the Nationalist period of the 1930s. Recently, this narrative has gone as far as to say that “the late-Qing and early Republican leaders’ attempts to replace the Tang Code with civil, criminal, and commercial codes failed until 1930.”<sup>18</sup> Such a blanket statement is simply untrue, judging from what the archival material shows. As we shall see in this book, despite the ongoing interruptions arising from sometimes violent changes in governments and governors, transplanted legal rules and practices were implemented in resolving everyday legal issues in the grassroots courts of Beijing under the Beiyang government. New legal occupations such as judges, lawyers, police officers, and criminologists practiced their professions according to a by and large Westernized legal paradigm. This book will show that, contrary to the traditional narrative of the general legal failure of the Beiyang period, legal change continued apace throughout the period.

The third and most important objective of the book is to explore the problems encountered by Republican Beijing's legal practitioners, including lawyers, policemen, judges, and criminologists, in applying transplanted laws and legal institutions when they were inapplicable to, incompatible with, or inadequate for resolving everyday legal issues. These legal practitioners resolved the mismatch, I argue, by quite sensibly assimilating certain imperial laws and customs and traditional legal practices into the daily routines of the recently imported legal institutions. Such efforts by indigenous legal practitioners were crucial in, and an integral part of, the making of legal transplantation in Republican Beijing. This is particularly true given that the legal transplantation in question involved the overhaul in its entirety of the existing system and wholesale implantation of a Westernized system within a short period of time owing to political and military pressure. This book further argues that these practitioners' self-perceived roles and responsibilities, as well as their pragmatism, drove the process of *legal assimilation*. Therefore, it should not be surprising to find that the legal reform undertaken in this period did not involve the outright adoption of the Western model and concomitant rejection of the Chinese one; rather, in practice, it represented as much the continuity of traditional practices as their alteration. This holds true not only in the civil law arena, as previous scholarship shows, but also in the criminal justice regime, as this book makes clear.<sup>19</sup> However, it must be emphasized that it is not my intention to repeat the story of “Chinese body with Western use” (*zhongti xiyong*), which occurred in mid to late nineteenth-century China. Instead, the story of legal transplantation in early twentieth century Beijing told in this book reveals the efforts of Chinese legal practitioners to mix and match Chinese and Western bodies of knowledge and practice, discarding the less useful elements and retaining those appropriate to China's quest for legal modernity.

Overall, this book departs from the conventional narrative of legal transplants in China, which is told from the angle of the *transplanters*. Such an angle focuses on how the outcome of legal transplantation conformed to or deviated from the principles and practices of foreign legal sources.<sup>20</sup> The protagonists of this book, in contrast, are the *transplantees*. Telling the story from their perspective reveals the choices and experiences of the indigenous practitioners in overcoming obstacles and resolving the practical issues arising from the first, and perhaps the most important, legal transplantation in Chinese history. This approach not only provides insight into the legal reform of the Republican period, but also enriches the academic discourse on that of the post-Mao era when, once again, a modern legal system based on the Western model was introduced, albeit this time within a socialist regime.

### **Organization of the book**

What was a judge in early Republican China faced with the practical challenges of insufficient laws, precedents, and guidelines to do in trying cases? During these early years of legal transplantation, most overcame these challenges by recalling the judicial practices of the imperial past and assimilating them with the requirements of the imported criminal procedures, thereby combining Chinese legal thinking with Western jurisprudence wherever possible. Chapter One of this book discusses how the judges of the Beijing Local Court perceived their role in the new legal system and justified their way of arriving at criminal judgments in line with that role. Policing in Beijing did not mean only the maintenance of control and enforcement of order in the city. To both the people of Beijing and its police force, policing embraced much broader terms of reference. Perhaps to the surprise of scholars of modern policing, most of the manpower of the Beijing police force was devoted to work unrelated to crime fighting. Chapter Two explores the extensive range of non-crime-related tasks undertaken by the Beijing police force, as well as how policing was traditionally conceptualized. That conceptualization continued to shape the way in which the city was policed for some time to come. Lawyers occupied a special position within the new criminal justice system. They rose as a new class of urban elites, despite their predecessors, that is, litigation masters, being looked down on in traditional society. Although newly trained lawyers may have perceived themselves as repositories of modern knowledge and skills learned from the West, their clients and the government did not necessarily share that perception. Chapters Three and Four give an account of the interactions among the first generation of lawyers, their clients, and the government in shaping the development of the legal profession in Beijing. New values and knowledge from the West not only brought about changes in the governance system of China, but also a reconstruction of the knowledge system among elites. Knowledge of the identification and causes of crimes underwent important changes among crime scholars, crime detectors, and criminal law drafters in early twentieth century China. Chapter Five examines the different meanings of crimes ascribed by these three groups of crime experts in Beijing during this period of social change. These differences reveal the specialists' concerns about and perceived conflicts between urbanization, legal transplantation

and traditional Chinese values, as well as how traditional concepts survived in unexpected ways in the application of knowledge acquired from the West.

### Methodologies – linking law, history, and GIS

The primary historical materials consulted for this book date primarily from the first two decades of the Republican period (1910s–1930s) and are stored at the Beijing Municipal Archives. They include records of trial hearings and written judgments, membership registers, work reports and correspondence of the Beijing Bar Association, city census records, newspaper reports and periodicals, and the writings of such criminal justice professionals as lawyers, judges, police officers, and crime scholars. Spatial data on the location of law offices, police stations, criminals, temples, guilds, and commercial entities were sourced from the Republican files stored in the same archives, and were collected to perform spatial analysis, as explained below. Information on police officers was sourced from survey data recorded by Western sociologists in Beijing during the 1910s and 1920s and the statistics kept by the Republican government. In relation to legislation, the Qing Code and Xue Yunsheng's *Enquiries with the Qing Law* (*Duli cunyi*) were the major references for the study of Qing law. For the relevant laws and regulations of the Republic, reference was made to the *Compilation of Law and Decree* (*Faling jilan*) published by the Republican government in 1916 and to the *Book of Law and Decree* (*Faling daquan*) and *Book of Law and Regulation of the Republic of China* (*Zhonghua minguo fagui daquan*) published in 1920 and 1936, respectively, by the Shanghai Commercial Press. The unpublished *Draft Law of Criminal Procedures* (*Xingshi susong lü caoan*), with notes of legislative intention written by Shen Jiaben in 1910, was also an important reference for the criminal procedures discussed in Chapter One.

As legal change involves rewriting legal codes, resetting social norms, and redirecting public behavior, the topic of this book necessitates the combination of different approaches in historiography. With the aim of illuminating the process of legal change, the book is written primarily as a legal history tracing the evolution of legal provisions and institutional change over time. Moreover, it also tracks how the ordinary people and legal practitioners of Beijing reacted to the reform in their daily lives. As a result, the social history approach has also guided me in completing this story of socio-legal change in early twentieth century Beijing. Most importantly, the book argues for the impact that the perceptions of government officials, legal specialists, and the ordinary people exerted on the outcome of legal transplantation in Beijing. Accordingly, the perspectives of cultural history also play an important role in substantiating the arguments in this book. Last but not least, thanks to the level of detail in the censuses taken by the Republican police force, I was able to apply historical geographical information system (GIS) techniques to generate useful maps that enable us to better understand the spatial patterns and relationships among various attributes of life in Beijing against the backdrop of legal reform. Maps generated from GIS software were important references for Chapters Two, Three, and Five, particularly with regard to the distribution

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of crimes, policemen, and lawyers. I divide the city of Beijing into 20 districts as shown in Figure 0.1 (in and before 1928) or 11 districts as shown in Figure 0.2 (from 1929 onwards) according to the police districts during those periods, based on the maps of Beijing published in 1914, 1918, and 1937 to illustrate the distribution. Incorporating GIS data into historical studies also adds a spatial dimension to the temporal dimension. All events are manifested in space in one way or another, and thus have a geographical dimension. The spatial context of events not only provides a more comprehensive explanation of history, but may even serve as a critical factor in historical development. The immediate benefits of using GIS include quantitative analysis of spatial distributions/patterns and the visualization of data. GIS provides a powerful means of “spatializing” legal and urban data in quantitative formats and of reconstructing observable patterns of

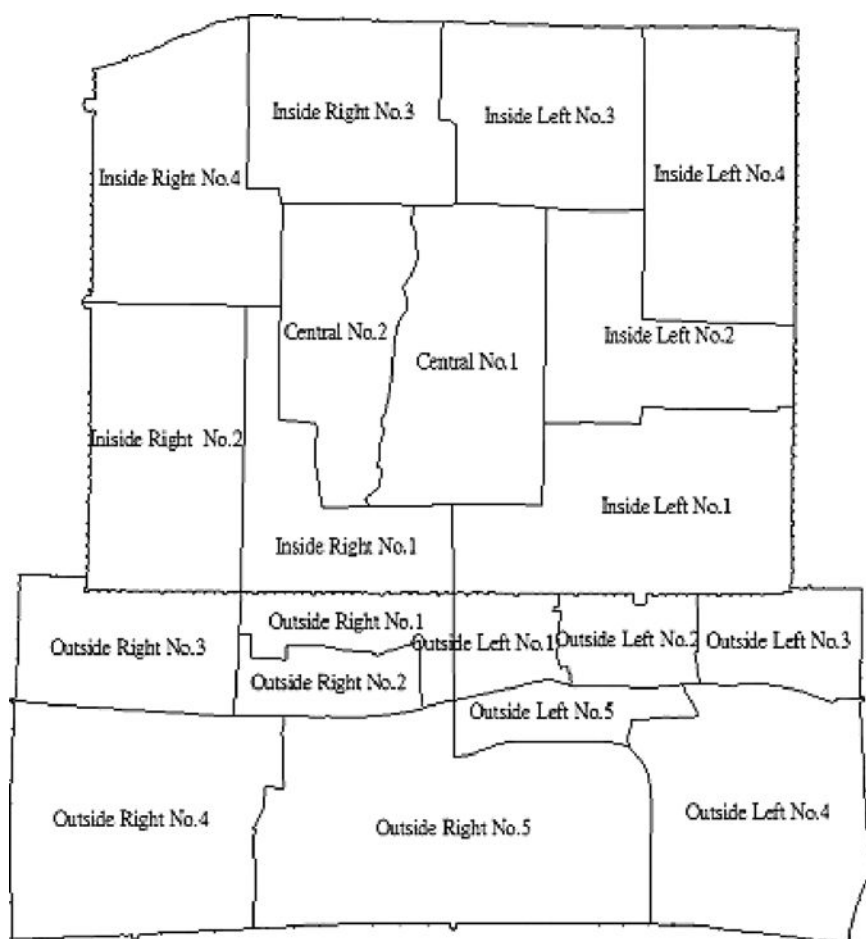


Figure 0.1 Beijing City in 20 districts (in and before 1928).

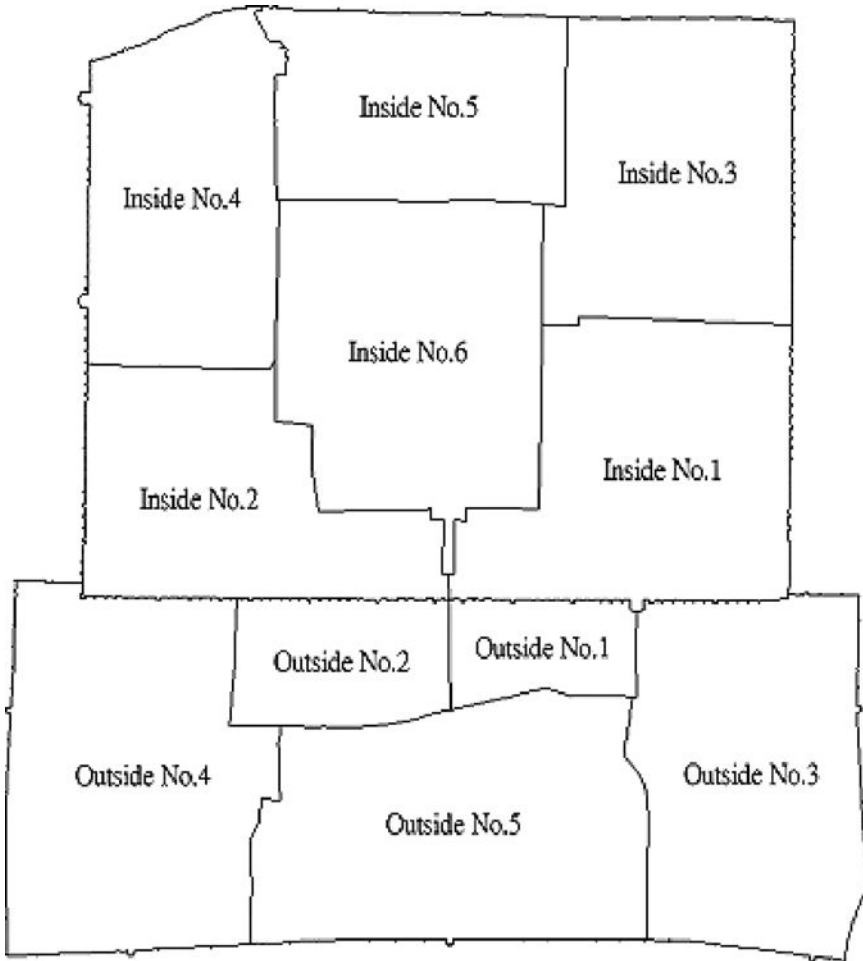


Figure 0.2 Beijing City in 11 districts (from 1929 onwards).

urban and legal phenomena with computational functions. Organizing data in map form and overlaying different information layers permit spatial analysis that would otherwise be impossible in studying archived text-form materials. More importantly, these visualized data in map form can inform us of correlations among variables over time.<sup>21</sup> This book is the first monographic work to employ GIS techniques in constructing the legal history of modern China. Although the combination of all of the aforementioned approaches posed considerable challenges for completing this book, I hope the book will serve to enhance the dialogue among these various methodologies and serve as an example of their successful use in building an empirical legal history of China.



## Notes

- 1 Cao Rulin, *Yisheng zhi huiyi* [Memory of Life] (Hong Kong: Chunqiu chubanshe, 1966), 104.
- 2 Under the system of extraterritoriality that began with the concessions under a number of treaties signed by the Chinese government and the treaty powers in 1842–1844, nationals of the treaty powers were exempted from the jurisdiction of the Chinese authority. Disputes involving these nationals were adjudicated by foreign consuls according to the laws of their home country. The abolition of extraterritoriality was one of the major objectives of undertaking the legal reform by the late-Qing and the Republican government in the early twentieth century. See Albert Feuerwerker, “The Foreign Presence in China,” in *The Cambridge History of China, Vol 12, Republican China 1912–1949, Part I*, ed. John K. Fairbank (Cambridge: Cambridge University Press, 1978), 150–152; also see Xu Xiaoqun, *Trial of Modernity: Judicial Reform in Early Twentieth Century China 1901–1937* (Stanford: Stanford University Press, 2008), 1–4.
- 3 For a succinct account of the general course of events that led to the late-Qing legal reform, see Frank Dikötter, *Crime, Punishment and the Prison in Modern China* (Hong Kong: Hong Kong University Press, 2002) 43–53; for a discussion of these imperial memorials and the debates among the government officials over the legal reform, see Liang Zhiping, *Lijiao yu falü* [Customs, Norms and the Law] (Shanghai shudian chubanshe, 2013), 2–13.
- 4 *Yamen* refers to the local government headquarters in imperial times. Every county had its own *yamen* in which a magistrate handled administrative affairs and heard judicial cases.
- 5 Huang Yuansheng, *Minchu falü bianqian yu caipan (1912–1928)* [Judgment and Change in Law of the Early Republic (1912–1928)] (Taipei: National Chengchi University, 2000), 195.
- 6 Huang Yuansheng, *Minchu*, 308–358.
- 7 Huang Yuansheng, *Minchu*, 40–56.
- 8 Philip Huang, *Civil Justice in China: Representation and Practice in the Qing* (Stanford, CA: Stanford University Press, 1996), *Code, Custom, and Legal Practice in China: The Qing and the Republic Compared* (Stanford, CA: Stanford University Press, 2001), *Chinese Civil Justice, Past and Present* (Lanham, MD: Rowman & Littlefield, 2010); Kathryn Bernhardt and Philip Huang, eds., *Civil Law in Qing and Republican China* (Stanford, CA: Stanford University Press, 1994); Kathryn Bernhardt, *Women and Property in China, 960–1949* (Stanford, CA: Stanford University Press, 1999).
- 9 Alison Conner, “Lawyer and the Legal Profession during the Republican Period,” in *Civil Law in Qing and Republican China*, ed. Kathryn Bernhardt and Philip Huang (Stanford: Stanford University Press, 1994), 215–248; Chen Tong, *Jindai shehui bianqian zhong de Shanghai lüshi* [Shanghai Lawyer in the Social Change of Modern China] (Shanghai: Cishu chubanshe, 2008); Sun Hueimin, *Zhidu yizhi – Minchu Shanghai de zhongguo lüshi (1912–1937)* [Institutional Transplantation – The Chinese Lawyers in Republican Shanghai (1912–1937)] (Taipei: Institute of Modern History, Academia Sinica, 2012); Xu Xiaoqun, *Chinese Professionals and the Republican State: the Rise of Professional Associations in Shanghai, 1912–1937* (New York: Columbia University Press, 2001).
- 10 Frederic Wakeman, *Policing Shanghai 1927–1937* (Berkeley and Los Angeles, CA: University of California Press, 1995).
- 11 Xu Xiaoqun, *Trial of Modernity: Judicial Reform in Early Twentieth Century China 1901–1937* (Stanford, CA: Stanford University Press, 2008); Carol Tan, *British Rule in China: Law and Justice in Weihaiwei 1898–1930* (London: Wildy, Simmonds and Hill, 2008).
- 12 Huang Yuansheng, *Minchu*.
- 13 Li Chunlei, *Zhongguo jindai xingshi susong zhidu biange yanjiu 1895–1928* [Study of Reform of Criminal Procedures of Modern China 1895–1928] (Beijing: Beijing daxue

- chubanshe, 2004); Zhang Demei, *Cong gongtang zouxiang fating* [From the Yamen to the Court](Beijing: Zhongguo zhengfa daxue chubanshe, 2009).
- 14 Michael Dutton, *Policing and Punishment in China: From Patriarchy to "the People"* (Cambridge: Cambridge University Press, 1992); Klaus Mühlhahn, *Criminal Justice in China: A History* (Cambridge, MA: Harvard University Press, 2009).
  - 15 Sydney Gamble, *Peking: A Social Survey* (New York: George H. Doran Company, 1921); Madeleine Yue Dong, *Republican Beijing: the City and its Histories* (Berkeley, CA: University of California Press, 2003); and David Strand, *Rickshaw Beijing: City People and Politics in the 1920s* (Berkeley, CA: University of California Press, 1989).
  - 16 Dikötter, *Crime*.
  - 17 Qiu Zhihong, *Xiandai lüshi de shengcheng yu jingyu* [A Study on the Growth and Professional Situation of Modern Lawyers in the Republic of China] (Beijing: Social Sciences Academic Press, 2012).
  - 18 For this quote and a summary of views of "Beiyang's legal failure", see Turan Kayaoglu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China* (New York: Cambridge University Press, 2010), 163–166.
  - 19 See Philip Huang, *Code* for comparing civil cases in Qing and the Republic.
  - 20 For a recent effort in summarizing such "donors" or "transplanters" views in the discourse of legal transplant of less developing countries and the problem of such views, see John Gillespie and Pip Nicholson, "Taking the interpretation of legal transfers seriously: the challenge for law and development," in *Law and Development and the Global Discourse of Legal Transfers*, eds. John Gillespie and Pip Nicholson (Cambridge: Cambridge University Press, 2012), 1–26.
  - 21 For the use of GIS in historical analysis, see Billy K.L. So and David W. S. Wong, "Foreword," *Annals of GIS*, 18.1 (2012):1–2; for a reflection on the use of GIS in the constructing legal history of Republican Beijing, see Billy K.L. So, Michael H. K. Ng, Zhang Peiyao, and Lin Hui, "GIS in Urban Cultural Studies: Reflections from the Project on Republican Beijing," *Annals of GIS*, 18.1 (2012): 81–92.

# 1 Practice of judgments<sup>1</sup>

No court can function without a judge, and how a judge rules on a case in a material way determines the quality of justice in any legal system. Judges in the criminal courts of early Republican China, i.e., early on in the legal transplantation period, faced the practical challenge of lacking sufficient legal codes and judicial guidelines to try cases. They generally tackled this challenge by resorting to the assimilation of their knowledge acquired from the imperial past with the transplanted regime wherever possible. This chapter discusses how the judges of the Beijing Local Court perceived their role and responsibilities in the new legal system and justified legal assimilation in arriving at criminal judgments that both fit their role and responsibilities and met the practical needs of a transplanted judiciary.

The primary research materials informing this discussion are the criminal judgments contained within the Judgment Volume of the Beijing Local Court (JVBLC hereafter), which was compiled in 1914 by a number of judges of the Beijing Local Court, and other relevant judicial materials from the early Republican period stored at the National Library and Municipal Archives in Beijing.<sup>2</sup> The JVBLC contains rulings on 180 criminal cases written by numerous judges of the Beijing Local Court during the early years of the Republic. I select representative examples to substantiate the major arguments made herein.

## **Transplantation of foreign criminal procedural laws in the late-Qing and Republican eras: the background**

Changes in the administration of justice in Chinese society began with the late-Qing reforms, which were a response both to the pressing internal urge for modernization and the external military pressure being exerted by Western powers. During the reform that began in 1902 under the leadership of Shen Jiaben and Wu Tingfang, the Board of Punishment was renamed the Ministry of Justice (*fabu*) and given responsibility for the administration of legal affairs (*sifa*), and the Court of Judicature (*dalisi*) was renamed the Supreme Court (*daliyuan*). The latter specialized in trial hearings (*shenpan*) as the final court of appeal.<sup>3</sup> These measures signified an important institutional shift toward separating the administration of justice from the executive arm of government.

In the course of legal reform, the late-Qing government drafted and promulgated a number of important legal codes. These early codes were drafted largely on the basis of German, French, and Japanese templates. Foreign legal experts, primarily legal scholars and law drafters from Japan, were hired as consultants to assist the Law Reform Bureau in drafting the new codes.<sup>4</sup> The law reform efforts undertaken in the final decade (1902–1911) of the Qing Dynasty marked perhaps the most significant legal borrowing or legal transplantation in imperial Chinese history. The most important codes where trial hearings were concerned were the Provisional Articles for Local Courts (hereafter PALC [*geji shenpanting shiban zhangcheng*]) and Court Organization Law (hereafter COL [*fayuan bianzhi fa*]). Although lacking in detail, these two important pieces of legislation laid down the basic system and principles upon which the court system and trial hearings in Republican China operated. The PALC, which were promulgated in 1909, stipulated a number of fundamental changes to the justice system. They distinguished criminal cases from civil cases in trial procedures, and confirmed the court's role as a separate and specialized institution for hearing and adjudicating lawsuits. They also stipulated the use of the adversarial trial system for criminal cases. Finally, they put in place a four-tier court system and allowed two appeals before a final judgment was reached (*siji sanshen*).<sup>5</sup>

Shen Jaiben subsequently set about settling the details of criminal procedures for China. With the assistance of Japanese advisors, Shen's team finalized the Draft Law of Criminal Procedures (hereafter DLCP *xingshi susong lü caoan*) in 1910.<sup>6</sup> Based on Japan's criminal procedural code of 1890, the DLCP was divided into six chapters, covering the trial and appeal systems, the power and duties of the court and judges, the power of the prosecution in investigations and trial hearings, the rights and duties of the different parties in trial hearings, and the jurisdictions of various courts. It also laid out how legal documents were delivered and oral evidence heard, how judgments were enforced, and when an appeal was allowed. Such modern punishment procedures as probation and imprisonment were also included, and the DLCP also outlined a number of other important principles adopted from the Westernized judicial system. First, contrary to the traditional emphasis on the confession of the accused, all available evidence (*zhongzheng*), including but not limited to a confession, was to be taken into account by the court in deciding a case. It was the judge, not specific statutes, who would attribute weight to each piece of evidence before a final judgment was reached. This is known as the principle of free evaluation of evidence (*ziyou xinzheng*).<sup>7</sup> Second, hearings were to be conducted through the face-to-face questioning of witnesses instead of relying on documents or written narratives (*zhijie shenli*).<sup>8</sup> Third, oral debate between the prosecution and the defense was stipulated as one of the most important litigation processes upon which the judge would make his final judgment. Finally, the adversarial mode was to be preferred over the inquisitorial mode in criminal trials. Although the outbreak of revolution in 1911 prevented the DLCP from being implemented during the Qing era, it was, by Decree of the President of the Republic in 1912, adopted by the Republican courts and was in use until new sets of codes for

criminal procedures were enacted in the 1920s. These later codes were drafted by adding to and deleting from the DLCP drafted in the late-Qing period.<sup>9</sup>

Despite all of their good intentions and extensive study of foreign codes and systems, the late-Qing law drafters were inevitably unable to anticipate all possible circumstances and ensure that the transplanted rules and systems would fit them. Their inability to do so became particularly conspicuous when a complete overhaul of the old legal system, and replacement with a new one, had to be implemented within a relatively short period of time because of political and military pressure. This Chinese experience of the early twentieth century, like that of most Asian countries of the day, is a representative example of legal transplantation under pressure. Judges were therefore left with considerable leeway to fill the gap when transplanted codes were inadequate for, inapplicable to, or incompatible with local circumstances. For example, the local court judges in early Republican China lacked sufficient legal codes, case precedents, and judicial guidelines to try cases and write judgments. The following archived case records show that they resolved the problem by assimilating what they had learned from the past and applying it to the present wherever possible. In other words, they integrated Chinese legal thought with Western jurisprudence.

### **Criminal judgments in Republican China: indigenous substance over transplanted form**

The format of the criminal case judgments handed down by the local courts was based on a borrowed Japanese template, which was modeled upon German precedent.<sup>10</sup> In substance, the judgments were written according to the legal forms and practices of the imperial era in a number of aspects. One of the important aspects is the recording of autopsy examinations.

Under the Qing Code, examination of the corpse was a very important matter. Autopsies were taken very seriously during trials, and the autopsy report constituted a crucial piece of evidence for the magistrates in deciding homicide cases. The Qing Code contained detailed rules for conducting examinations of the corpse and explicit requirements for confirmation of the autopsy report. It also provided a mechanism for relatives of the dead to appeal against the autopsy results.<sup>11</sup> During the early Republican period, there was no specific rule prescribing the format of autopsy reports or the weight accorded them. Judges thus had leeway in the matter, and could recycle whatever they thought relevant and proper. Accordingly, a description of the autopsy constituted an important part of the facts section of homicide judgments in early Republican Beijing. In the homicide case judgments written by judges of the Beijing Local Court, autopsy summaries sometimes occupied more space than the summaries of witness testimonies. More importantly, those summaries were generally written in a format substantially similar to the “corpse form” (*shige*) used in the Qing period, which prescribed the procedures for carrying out an autopsy examination. The results of a coroner’s examination in the Qing period had to be reported on such corpse form according to the following sequence and format as shown in Figure 1.1. According to Asen’s recent

In [ ] prefecture [ ] town [ ] county, on [ ] year [ ] month [ ] day, the corpse of [ ] was examined

#### Face Up

Top of head, left side [ ], right side [ ]. Head, left side [ ], right side [ ].

Forehead, corners of forehead [ ]. The Sun acupuncture points (*Tai Yang Xue*) [ ].

Two eyebrows [ ]. Two eyes [ ]. Two cheeks [ ]. Two ears [ ].

Nose and nostrils [ ]. Philtrum [ ]. Upper and lower lips [ ]. Chin [ ]. Throat [ ].

Acupuncture points between the shoulder and the neck [ ]. Scapula [ ].

Armpits [ ]. Wrists [ ]. Palms [ ]. Fingers, fingertips and finger nails [ ].

Chest [ ]. Breast [ ]. Heart [ ]. Abdomen [ ]. Ribs [ ]. Umbilicus [ ].

Groin [ ]. Lower abdomen [ ]. Scrotum, penis, waist, vagina [ ]. Thigh, kneecap and calf [ ]. Foot and toes [ ].

#### Face Down

Back of Head [ ]. Hair [ ]. Ear [ ]. Neck [ ]. Shoulder [ ]. Wrist [ ]. Back of Palm [ ]. Fingers [ ]. Backbone [ ]. Back of Ribs [ ]. Anus [ ]. Thigh and calf [ ]. Ankle and sole of foot [ ]. Toes and toe-nails [ ].

After examination, it was concluded that [name of the victim] died from [cause of death]

Name of coroner [ ]

*Figure 1.1* Template of autopsy report used in Qing period. (Note that [ ] indicates the particulars or results of examination, to be filled in by the coroner.)

study, this format was designed on the basis of the image of a corpse (shown in Figure 1.2 below) prescribed by the imperial handbook of forensic examination dating back to the Song Dynasty: *The Book of Washing Away Injustice* (*Xiyuan lu*).<sup>12</sup>

In a 1912 homicide case, a man named Zhang was charged with murdering a nun called Jao. The facts section of the judgment contained the following autopsy description (punctuation added):

The coroner's examination of Jao's corpse in the face-up position showed that the face was light red in color. The forehead was wounded. The wound was one inch and five *fen* [Chinese measurement, each *fen* is equivalent to approximately 0.3 cm] long and reached down to the bone. The bone was also damaged as a result. The left corner of her forehead was wounded by a knife. There were two wounds, each approximately two inches and one to two *fen*

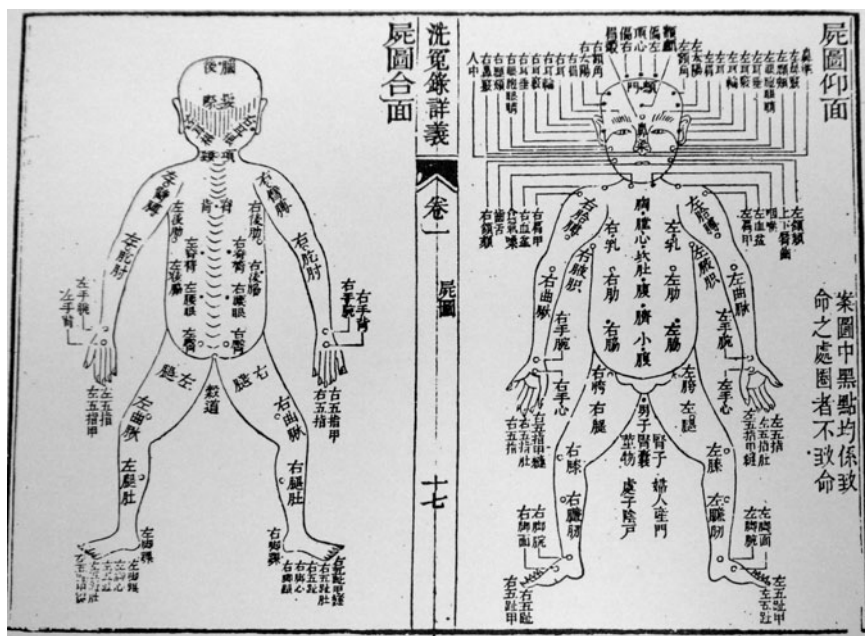


Figure 1.2 Image of a corpse and key body parts for autopsy contained in the imperial guidebook for coroners.

Source: Xu lian, *Xiyuanlu xiangyi* [Explanations of The Book of Washing Away Injustice] (1890 re-print), 17, used also in Asen, "Dead Bodies", 51–52.

long and one *fen* wide, which reached deep down to the bone. The bone was damaged as a result. The right corner of the forehead was wounded by a knife. There were two wounds, each approximately three inches and one *fen* in length, one *fen* in width and deep down to the bone. The bone was damaged as a result. Her left eye was wounded by a knife. Her right eye was open. Her eyes were swollen. The length of the wound could not be measured because the wound was linked with swollen parts. The left cheek and left ear were injured by punches. The wounds were around two inches and four to five *fen* long and one *fen* wide, deep down to the bone. The bone was damaged as a result. The right cheek was injured by a knife. There were six wounds, whose length could not be measured. All reached down to the bone, and the bone was also damaged as a result. Multiple wounds caused by a knife were found on the right wrist. The wounds were six *fen* long, one *fen* wide, and reached deep down to the bone, but the bone was not damaged. The fingers were wounded by a knife. The right knee was injured. The wound was on the left side. It was one inch and five *fen* long, one *fen* wide and deep down to the bone. The bone, however, was not damaged. When the body was

placed in a face down position, an examination showed that the back of the head was wounded. The wound was two inches and one *fen* long, one *fen* wide and deep down to the bone. The skull was damaged as a result. The examination revealed that she died from injuries caused by punches and stabbing by a knife-object. The results of the examination were filed on the corpse form.<sup>13</sup>

It is clear from the foregoing autopsy report that this early Republican coroner was recycling the Qing-era format and procedures for examining the corpse. He used the same top-to-bottom, face-up-to-face-down approach of his imperial counterparts; he applied the same technical terminology as that used in Qing corpse forms, such as *yangmian* (face up) and *hemian* (face down); and he wrote his report in a format substantially similar to that of the imperial-era corpse forms. The format and substance of this report, and the procedures used in the autopsy, were accepted by the judge, who assimilated it in his judgment. This example shows that the coroner's report, written in the Qing format, remained an important part of the written judgments of Republican criminal cases.

Another less conspicuous detail contained in the criminal judgment also showed that the Republican judges assimilated the traditional practices that they thought useful and reasonable into the transplanted judgment template. Such detail is about the handling of tools that were used in crimes.

Similar to the Japanese template, the criminal judgments in the 180 cases contained within the JVBLC are divided into four main sections: (1) the particulars of the accused, including his or her name and native origin; (2) the main text (*zhuwen*) in which the final verdict on the accused is stated (this section also describes how the important property exhibits or stolen goods were handled, for example, the knife used in a murder or the money allegedly stolen by the defendant, which were normally confiscated by the court or returned to their owner); (3) the facts (*shishi*), which comprise (i) a summary of facts concerning how each offense took place; (ii) a summary of the testimony or confession given by the accused during the arrest and trial, respectively; (iii) a summary of the testimonies given by other witnesses; (iv) a very detailed autopsy report from the coroner; (v) a final judgment of the facts; and (vi) the reasons behind the judgment of facts; and (4) the reasons (*liyou*), with reference to the relevant sections of criminal law used to determine the accused's sentence. In homicide cases, for instance, the judge normally cited the major homicide provision (Article 310 of the Provisional Criminal Code [*zanxing xin xinglu*] [hereafter PCC]), and then cited the mitigating or aggravating factors considered in imposing a lesser or heavier sentence within the range allowed by the PCC (Article 54), followed by the announcement of the final sentence.

Although the division of the main text, facts, and reasons of judgments was modeled on the Japanese template, the content of each section bore a resemblance to the requirements for case files (*anjuan*) that prevailed during the imperial period. A normal case file in the Qing era contained four documents: a record of the oral



testimonies of witnesses and the accused (*gongzhuang*), a record of the accused's confession (*zhaozhuang*), a record of the relevant sections of law cited by the judge to decide the case (*dingyi*), and a record of the handling of property exhibits or stolen goods (*juzhao*).<sup>14</sup> Although both the Republic's DLCP and Qing-era case files required descriptions of testimonies and citations of applicable laws, the former considered the handling of property exhibits to be ancillary and thus did not require a separate description, whereas in Qing practice a record of such handling was a requisite part of a judgment. Notwithstanding the DLCP stipulation, Republican judges chose to follow the old practices in describing the final handling of the property exhibits of a case. Figures 1.3 and 1.4 present excerpts from the JVBLC in which we can see a specific description of the final handling of property exhibits

張德慶殺張林堂一案判詞  
判決  
被告張德慶，強縣人，住興隆街如意齋切麵鋪，年三十歲，鋪夥。  
右列被告因殺人及猥褻未遂案，經檢察官王黻華蒞庭本廳審理，判決如左：  
主文  
張德慶犯殺人一罪，處死刑；犯猥褻行為未遂一罪，處四等有期徒刑一年，執行死刑。  
刀一把沒收。

Figure 1.3 Extract of judgment containing *juzhao*, describing the confiscation of a chopper (indicated by circled area of text).

Source: Liu *et al.*, JVBLC, homicide and wounding section, 23 and 75.

右被告因殺人未遂案經檢察官馬為珧蒞庭本廳審理判決如左  
 主文  
 馬德春處四等有期徒刑一年六月未決期內屬甲日數以二日抵徒刑一日并褫奪為  
 官員及入軍籍之資格十年  
 手鎗及子彈等件發還警區

Figure 1.4 Extract of judgment containing *juzhao*, describing the return of a handgun and bullets (indicated by circled area of text).

Source: Liu *et al.*, JVBLC, homicide and wounding section, 23 and 75.

after a description of the handling of the accused. In Figure 1.3, the main text section of the judgment states that the defendant has been sentenced to death and that the chopper knife used in the murder has been confiscated. That in Figure 1.4 states that the defendant, a police constable, has been sentenced to imprisonment for one year and six months. It also reports that he was ordered to return his handgun and bullets to the police district. Most of the judgments in the JVBLC follow this traditional format. It is thus clear that Republican judges recycled traditional legal practices and descriptions that they considered useful in and relevant to the writing of a good criminal judgment, as long as those practices and descriptions were not expressly prohibited under the transplanted laws.

### Multi-forum hearings

During imperial times, legal cases were heard both in magistrates' courts, commonly known as *yamen*, and in other forums. The tradition of multi-forum hearings was described in the explanatory notes for magistrates:

The evidence given at the scene was to be collected with care and in detail, including the testimonies from the relatives of the dead and the murderer, and other evidence from the location. After the examination [at the scene], all were brought back to the *yamen* and tried. During the trial hearing, the details of the cause and the reason of the case were asked again. The trial would then be adjourned after the collection of testimonies. A summary (after taking away unnecessary details) of the testimonies collected at the location and at the trial hearing were reported [to the senior officials].<sup>15</sup>

This procedure required the magistrate to visit the crime scene to collect testimonies from the relatives of the dead and to search for physical evidence. The evidence would be heard again when the trial hearing was subsequently held at the *yamen*. Magistrates were also responsible for a range of duties in relation to lawsuits, including investigating the key facts, collecting evidence, hearing oral testimonies, adjudicating, and mediating. There was no separation of these duties in traditional Chinese legal practice. Finding the truth and closing the case mattered more to the magistrate than remaining disengaged in the process of collecting evidence. It was not unusual for the hearing of a case to involve multiple forums inside and outside the *yamen* for the purpose of collecting crucial evidence.

The practice was recycled as part of Republican trial procedure routine, despite the adoption of the adversarial trial mode under the DLCP. In a 1913 homicide case in Beijing in which a man called Dong and others were charged with murdering their neighbor, a man named Chen, the court judge went with the prosecutor to Dong's house. A physical search of the premises produced 32 pawn shop receipts, which were subsequently given to the pawn shop for redemption. Chen's clothes were found to be one of the redeemed items, and formed a key part of the evidence that led to the defendants being found guilty.<sup>16</sup>

### Standard of proof

The standard of proof is the amount or level of evidence that will satisfy the judge that the defendant in a criminal trial should be convicted. Under the imperial Chinese system, the legal codes of various dynasties prescribed a certain standard of proof for magistrates to follow when considering the evidence in criminal trials. In his recent study of legal codes from the Tang (618–907) to Qing (1644–1911) Dynasties, Zhang Demei summarized the standard of proof stipulated in these codes as “the facts were clear; there was no doubt according to reasoning” (*shishi mingbai, liwu keyi*).<sup>17</sup>

After the establishment of the Republic, Article 326 of the imported DLCP prescribed the standard of proof that a judge had to apply in arriving at a judgment of facts under the reformed criminal justice system based on the Western model: “The judge should freely evaluate the weight of evidence and confirm the truth of facts according to the evidence.” However, in explaining when and how this imported standard of proof could be achieved, the law drafter relied on the Tang Code to further elaborate in his note to Article 326:

This article abolishes the principle of oral testimony, and adopts the principle of evaluation of all available evidence. Judging a case may not require total reliance on oral testimony. As stated in the Tang Code, “*if the evidence of crime was conspicuous after examination and there is no reason to doubt the truth of the facts,*” [the magistrate] should judge based on the evidence, even though there is no [confession] for him to rely on [*emphasis added*]. Nowadays many other countries are following the principle of evaluation of all available evidence ... because it is in accordance with ... judicial principles and has practical benefits.<sup>18</sup>

In short, the DLCP expressly asks the judge to decide a legal case on the basis of evidence from multiple sources (a Western doctrine), but to rely on the legal code of the imperial era to ensure that there are no reasons to doubt the veracity of the facts presented. This constitutes a lively synthesis of imperial teaching and the Western notion of weighing evidence. Perusal of the criminal case judgments of the Beijing Local Court makes it clear that this assimilated standard of proof was applied following the establishment of the Republic, as shown in the following summary.

After reviewing and summarizing the testimonies and available evidence, the judges in the more than 100 criminal cases contained within the JVBLC made the following representations about the standard of proof they applied in arriving at their final judgments of the facts: “confirmed the truth of the facts according to all testimonies and evidence” (*ge gongzheng/ zhengju gongci rending shishi*) (13 cases); “confirmed the truth of the facts according to the evidence” (*yi zhengju rending shishi*) (19 cases); “confirmed with certainty the truth of the facts” (*ying renwei queding shishi*) (23 cases); “confirmed with certainty the truth of the facts according to the above testimonies and evidence” (*yingju yishang ge gongzheng renwei queding shishi*) (20 cases); “confirmed the truth of the facts with certainty without any doubt” (*haowu yi yi ying renwei queding shishi*) (eight cases); “confirmed the truth of the facts with certainty according to sufficient evidence” (*zhengju chongfen/quezao yingji renwei queding shishi*) (11 cases); and “confirmed the truth of the facts according to the above testimonies” (*ju yishang ge gong rending shishi*) (seven cases).<sup>19</sup> Despite minor variations in wording, the foregoing statements all point to a similar representation of a standard of proof that can be summarized thus: according to the available evidence and testimonies, the truth of the facts has been confirmed beyond any doubt (*yi/ju (ge) gong, zheng, haowu yi yi ren (ding) wei queding shi/shishi*). This representation was not far away from the aforementioned

imperial standard summarized by Zhang: “the facts were clear; there was no doubt according to reasoning” (*shishi mingbai, liwu keyi*).

These Republican judges were clearly adopting a newly established legal document template language in ruling on criminal cases, a language that assimilated the essence of the standard of proof stipulated in imperial legal codes into imported legal procedures. In reality, this does not necessarily mean that the evidence in each of these cases really met the standard these judges claimed. Further research is necessary to ascertain the exact level of certainty the standard required for the veracity of the evidence to be confirmed beyond any doubt. More importantly, we also do not yet understand to whose doubt the judges were referring. The doubt of an ordinary citizen would have differed from that of a judge. All of these issues require in-depth study of the writings and representations of Republican judges in Beijing and other major cities over a much longer time span than is possible in the present study, given its scope and objectives. Nonetheless, the foregoing findings at least make it evident that the broad-brush nature of the principles of the transplanted code left the Republican judges with considerable leeway to combine Western principles of evidence with imperial teachings in forming their representation of the standard of proof necessary in criminal cases in early twentieth century China.

### **Mitigating sentences**

Another notable difference between Republican China’s law and the Qing Code in governing criminal offenses is the differentiation of crimes and its relation to the severity of sentences. The Qing Code provided for specific punishments for offenses committed with different intents and in different circumstances.<sup>20</sup> For example, homicide was finely divided according to the culpability of intents and circumstances of occurrence into the offenses of, among others, premeditated homicide (*mousha*), intentional homicide (*gusha*), manslaughter (*wusha*), negligent homicide (*guoshi sha*), killing-at-fight (*dousha*), and killing-at-play (*xisha*), with each receiving a different sentence. The Provisional Criminal Code of Republican China (PCC), in contrast, which was drafted upon the principles of Western jurisprudence, dichotomized homicide more broadly as the offenses of intentional killing (PCC, Article 311) and negligent killing (PCC, Article 324), and gave judges the discretion in intentional killing cases to consider a “reduction of the penalty by one to two grades, depending on the intent of the criminal and the circumstances of the offense” (PCC, Article 54). Article 54 provided neither the specific circumstances in which sentences could be mitigated nor guidelines on how discretion should be exercised. This leeway again allowed Republican judges to apply the familiar Qing statutory rules on differentiating homicidal intent when they considered a sentence.<sup>21</sup> In addition to the Qing statutory rules, they also assimilated customary ideas and traditional Chinese legal thinking into the logic of evaluating sentences in criminal cases under the transplanted legal system, as the following cases make clear.

In 1913, Wang Wenguang was charged with murdering Wang Xinian to save his mother’s life. The accused’s mother, Liu Zhang, began living with Wang Xinian

after the death of her husband, but subsequently discovered that he was married to another woman with whom he had children. Liu and Wang Xinian often quarreled over the issue. One day, in May 1913, Wang Xinian's first wife came to ask him for money. Wang Xinian asked Liu for 20 silver dollars to pay the woman, but she refused. They quarreled, and Wang Xinian took out a knife and chopped off her finger. When Wang Wenguang arrived and saw his mother bloodied and crying on the floor, he seized the knife and stabbed Wang Xinian to death. At the trial hearing, both Liu and Wang Wenguang testified that Wang Xinian had attempted to rape Liu's daughter on the day of the murder. They said that Liu had attempted to stop Wang Xinian, and he had stabbed her as a result. Wang Wenguang said that he had then seized the knife and stabbed Wang Xinian in the heat of the moment. The court then heard the testimony of Liu and Wang Xinian's neighbors, which indicated that the attempted rape story was false. As a result, Wang Wenguang was convicted of homicide. However, the court ruled that the murder had been committed because the defendant feared that his mother was being murdered, and hence he was sentenced to life imprisonment rather than death. In giving his reasons for the sentence, the judge wrote that the homicide was not premeditated. The accused had instead been attempting to save his mother, and thus deserved mercy (*qing shangke yuan*). If a heavier penalty were imposed, the judge further pointed out, then the balance between the law and human circumstances would be lost (*ruo jing chuyi zhongdian zhuanshi qingfa zhi ping*). These mitigating factors outweighed the possibly aggravating factor of the fabrication of evidence (i.e., the attempted rape claim).<sup>22</sup> This practice of differentiating homicide by severity was in line with the Qing Code, in which unpremeditated homicides, including manslaughter, homicide as the result of a fight, and negligent homicide, were accorded lighter sentences. The case of Wang Wenguang confirms not only that judges in the Republican period assimilated the Qing Code to differentiate between premeditated and unpremeditated homicide cases, but also that they incorporated the principle of human circumstances (*renqing*) used by Qing-era magistrates in ruling cases.<sup>23</sup>

Another representative case involved Yang Dianyuan, who was convicted of homicide against Wang Dianyuan in 1912. The deceased was the murderer of the accused's father. Yang's father was serving as a patrol officer in Beijing under the Qing Dynasty when Wang caused a disturbance on a city street. Yang's father was sent to stop Wang, who resisted and stabbed the patrol officer to death. The case was reported to the Board of Punishment, but Wang absconded and remained at large for many years. Ironically, he himself subsequently served as a police constable under the Republican regime. On December 16, 1912, Yang heard that Wang was in Beijing again, and tried to apprehend him for his father's murder. Wang resisted again and tried to stab Yang, but Yang took out a chopper knife and swung it at Wang's head. He then went to a police station and turned himself in. Wang died soon afterwards, and Yang was charged with his murder. The court interviewed a number of witnesses who had been involved in the previous murder case involving Yang's father. Subsequent investigation confirmed that that case had taken place in the seventeenth year of Qing Emperor Guang Xu (1891) and

had been recorded with the former Board of Punishment. The court ruled that Yang's actions in chasing after his father's murderer were righteous and that the court should show mercy. In his final judgment, the judge said "... the law is to safeguard the utmost justice. Yang pursued revenge at the expense of his own safety. His will and act should be treated with mercy. Moreover, he had no pre-meditation to kill..." The court further ruled that Yang's act of handing himself over to the police should be considered a mitigating factor. The defendant was sentenced to imprisonment for eight months, among the lightest penalties for homicide recorded in the JVBLC.<sup>24</sup>

The two aforementioned cases demonstrate that, when faced with insufficient guidelines and precedents, Republican judges tended to use the leeway they had been accorded by the borrowed criminal justice system not only to apply the Qing statutory provisions for differentiating degrees of homicidal intent, but also to assimilate customary ideas and traditional legal thinking into their rationale for the sentences they handed down in criminal cases.

### **Weighing confessions and evidence**

In addition to the assimilation of former imperial legal practices into the transplanted criminal trial procedures of the Republic, as shown in the cases outlined above, the period's judges also demonstrated an important switch away from the traditional method of evaluating evidence, as required by the borrowed legal codes and principles. This switch is illustrated by the way in which confessions and other available evidence were considered in criminal trials.

One of the key principles advocated by the DLCP was the elimination of the traditional over-reliance on the confessions of the accused. The imported DLCP required judges to consider and evaluate all available evidence, including but not limited to confessions. The principle of free evaluation of evidence was spelled out in Article 326 of the DLCP and its note on legislative reasoning. Under this transplanted principle of evidence, whose origin lay in continental jurisprudence, the judge had final discretion in deciding on the weight and reliability of all of the evidence presented in coming up with his final decision. Although a confession was one type of evidence that the court could take into account, it was no longer considered conclusive evidence.<sup>25</sup> The following homicide case shows how a judge at the Beijing Local Court dealt with the issues of confession and evidence and adopted the change specified by the new legal requirements.

In the 1912 homicide case in question, the weight that should be assigned to the accused's confession and to the medical evidence was the key issue the criminal court needed to deal with. The accused, Chao Chenglu, lived above a fish shop run by his cousin, Li Yongfu. Chao asked Li if he could work in the fish shop, but Li said no, explaining that his partner, Li Fu, did not want to employ him. Chao had previously been involved in a lawsuit with a man known as Zhang, and had avoided him ever since. Li Fu and his friend Liang Youlu had long teased Chao about this legal case, and even whispered that they might hand him over to Zhang. On November 6, 1912, Chao went to the bedroom of Li Fu and Liang Youlu after

everyone else had gone to bed and hit them with a pillow stone, killing both men. Upon his arrest, Chao confessed that he had killed the men. At the trial hearing, Chao pleaded guilty to the murder charges, saying that he had killed the victims out of anger. However, immediately before the judgment was handed down, Chao suddenly retracted his confession, claiming that he had been suffering from insanity for a long time and had spent time in an insane asylum. He then pleaded not guilty by reason of insanity.

The court adjourned, and asked the police to check with the insane asylum. The police investigation revealed that Chao had been admitted to an insane asylum in July 1910, when the country was still under the Qing dynasty, and had been released in August of the same year. The court then asked a medical doctor, Xie, to examine the defendant. Following this examination, Xie testified that Chao was not suffering from insanity at the time of the trial hearing. The only issue now was whether he had been of sound mind at the time of the murder, which neither the insane asylum nor the medical officer could verify. The court ruled that although the accused had previously been admitted to an asylum, he had been discharged upon making a full recovery. Had he been suffering from insanity during the murder, the judge wrote, he would not have waited for the victims to go to sleep before killing them. Furthermore, Chao appeared to be of sound mind when testifying at court and spoke normally. The court therefore rejected Chao's insanity plea, ruling that he had intentionally killed both Li Fu and Liang Youlu.<sup>26</sup>

What is interesting for our purposes here is that, contrary to imperial practice, the court allowed the defendant to retract the confession he had made to the police at the time of his arrest. He was even allowed, at the last minute of the trial hearing, to retract the guilty plea he had entered at the beginning. The judge did not conclude the case on the basis of the repeated confessions the accused had made, as he almost certainly would have done in earlier eras, but rather considered the other available evidence. The key was whether the defendant had been legally insane at the time of the murder, a determination that the expert medical evidence presented to the court was unable to settle. The issue was thus left to the judge's discretion. He weighed up and evaluated all of the evidence put before him based on imported principles of evidence, and made his decision accordingly.

### **Intellectual and emotional underpinnings of legal assimilation**

Contrary to the claim of previous scholarly works that legal reform achieved very little during the Beiyang period, or was even a complete failure, the findings presented herein show that the reformed measures were implemented in detail by the Beijing Local Court despite the political and military instability of the period. New criminal laws and criminal procedural laws were applied in trial hearings and written judgments as early as 1912, immediately after the Republic's establishment. More importantly, the foregoing cases show that Beijing Local Court judges not only learned and applied the new laws and templates, but were also able to reflect upon the possible incompatibility and inadequacy of those laws and templates. The cases presented in this chapter reveal the complex process by which earlier



imperial legal practices were assimilated into the routines of the borrowed criminal justice system during the early period of legal transplantation in Republican China. The borrowing of criminal procedural laws from the German and Japanese models unleashed ongoing controversy and debate among legal professionals, many of whom considered the new rules to be both inadequate and incompatible. The result was the publication of the JVBLC, one of whose editors, Judge Liu Yuyao (Chief Judge of the Tianjin Local Court, who had previously served as a judge in the Beijing Local Court, and was subsequently promoted to Head of the High Court in Hubei Province), wrote the following in the preface about his concerns and motives in compiling it.

Judicial independence is a rule commonly applied in many countries. Our nation has now had to appoint county magistrates to handle judicial affairs as a tentative measure. Financial difficulty is one of the most important reasons for doing so. The other is the lack of judicial personnel in every province. Society blames the fact that [the printed] judgments of civil and criminal cases are insufficient. For this reason, our association has put the criminal and civil judgments written by us into print. These judgments are not meant to be models for every province; however, we hope they can serve as references for the legal community... Someone said after the reorganization of the judiciary that judges tended to talk about [new] judicial principles in their judgments without paying attention to the reasoning of facts. He made these comments: "A usual judgment could be as short as a few hundred words or as long as a few thousand words. The discussion of reasoning in a judgment was similar to the lecture notes of law schools. This is no better than the judgments in the old days, which set out the essential facts in a precise and concise way. The new judgment [style] follows the Japanese format in dividing a judgment into the main text, facts, and reasons, which makes the judgment broken like the branches of a tree. Judgments in the old days were able to coherently cut to the essence without talking about ancillary matters. The new judgments look worse than the old." I think that since the reorganization of the judiciary, the court has paid considerable attention to the reasoning of facts during trials of the first instance. The exceptions are when the court has to deal with an appeal case: it can then study only the judicial principles without further investigating the issue of facts. I have now been part of the judicial community for eight years. I have followed the renowned masters of the imperial Board of Punishment and learned from them the skills of trial hearings and written judgment. Since the reorganization of the judiciary, when I decide a case with my colleagues, I first study the facts. Before their truth can be confirmed, I look to the evidence for support. In the old days, a trial relied too much on oral testimony [the confession] and not enough on the evidence. This style oversimplified important facts. When oral testimony or a confession was not available, the case would be considered indeterminable. Now, despite a judgment being divided into sections, the main text, facts, and reasons, [the new format] also cuts to the essence of a case without unnecessary details in a

similar way to the old format. If one supports only the old way and rejects everything new, he is too old-fashioned... I am here, for the purpose of upholding the right principles, to debate with those who support the old style and reject the new.<sup>27</sup>

This quotation shows that the primary purpose of compiling the JVBLC was to address two of the legal community's concerns resulting from legal borrowing. The first concern was the inadequacy of printed judgments. In response, Liu noted that he had compiled the JVBLC to provide useful reference materials for the legal community, thereby helping it to understand how the new court of first instance decided criminal cases under the new justice system. The second concern, which appears to be the more important of the two given the space Liu affords it in the preface, was the incompatibility of the foreign model of conducting trials and writing judgments with the expectations of the public, the legal community in particular, and inability to satisfy those expectations. In response to allegations from the legal profession that the new trial procedures were less useful and less focused on the reasoning of material facts than their imperial counterparts, Liu and his fellow judges defended the legal reforms by referring to the leeway the transplanted rules afforded for assimilating the merits of the imperial system into the new Westernized trial procedures in a number of important ways. Based on their knowledge of the imperial legal system, the judges inserted important content about crime exhibits into their criminal judgments, observed traditional autopsy procedures and descriptions, investigated and heard cases at the crime scene and elsewhere outside the courtroom, sought guidance on the standard of proof from the Tang Code, and applied Qing categorizations of crimes and customary teachings in their sentencing. Furthermore, in defending the superiority of the new system over the old, Liu chose not to support his arguments by elaborating upon the merits of the Western concept of the rule of law, but rather by emphasizing the new system's continuity with traditional practice before turning to a discussion of its practical merits. However, based on their knowledge of the transplanted system and principles, Liu and his fellow judges also discarded the traditional practice of overreliance on the confessions of the accused and weighed the evidence according to borrowed principles of continental jurisprudence.

Liu's preface to the JVBLC enables us to further uncover the intellectual and emotional factors at play, where legal professionals were concerned, in shaping the legal assimilation process. First, Liu, like a number of other judges, was a local court judge who had been appointed by the newly formed judiciary in Beijing and had served as a judge or *yamen* magistrate in the imperial era. He had been trained by the imperial Board of Punishment to rule cases and write judgments according to the old practices, but was now expected to "re-mold" himself to rule and write according to the transplanted rules based on Japanese templates and Western models. Second, in ruling cases and writing judgments for the Republican Local Court, judges like Liu did not forget the merits and defects of the old practices. Rather, they compared those practices with the new rules and ideas and then mixed and matched the two, openly admitting that they were engaging in such

assimilation and that the best of the old practices remained constituents of the new transplanted system. More importantly, they perceived their role as judges of the new court not only as agents pushing forward the new legal practices, but also as gatekeepers who could seek useful guidance from traditions, and synthesize the advantageous elements of both the old and new legal regimes in pragmatic fashion, whenever the latter afforded leeway for such assimilation. For these judges, diffusing certain traditional legal practices into the new trial system did not limit the effective transplantation of the Westernized legal system. Rather, they saw the sensible mixture of the two as enhancing the reasonableness and legitimacy of that system. Had the judges of early Republican China viewed themselves purely as radical advocates of the new system and of Western ideologies, their written judgments would not appear as they do in form, substance, or procedure.

Many previous scholarly works have informed us that a binary division of the traditional and modern legal systems of China is an incorrect approach to defining the early twentieth century Chinese justice system in actual practice, and much has been done to help us understand the way in which both traditional practices and Western ideologies affected the development of the country's legal culture in the early twentieth century. However, little research to date has discussed the factors that shaped this process of interaction between the new and old criminal justice systems. This chapter reveals the choices and experiences of judicial officials practicing within a transplant judicial system that may not have been perfectly compatible with local circumstances and/or adequate for their needs in practice. The self-perceptions and pragmatism of the era's judges contributed significantly to the legal assimilation we have seen in this chapter. Such assimilation continued to shape the legal practices of Republican China for some time to come.

## Notes

- 1 This chapter is a modified version of my paper presented at the Workshop on Chinese Legal History held at the Columbia University in May 2012. I would like to thank Madeleine Zelin for her valuable comments on the conference paper. All remaining errors are mine.
- 2 Liu Yuyao *et al.*, ed., *Beijing difang shenpanting facaohui pandu huibian* [Judgment Volume of Beijing Local Court], (Tianjin: Shangwu yinshuguan, 1914).
- 3 Huang Yuansheng, *Minchu*, 16.
- 4 Huang Yuansheng, *Falü jishou yu jindai zhongguo fa* [Legal Transplant and Modern Chinese Law] (Taipei: Yuanzhao chubense, 2007), 32.
- 5 Due to the lack of financial resources and newly trained judges, this system was not put in place at the county level for a much longer time in the Republic. County magistrates were still empowered to act both as the administrative and judicial heads. For background and details of counties' administration of justice in the Republic, see Xu, *Trial of Modernity*.
- 6 Shen Jiaben, *Xingshi susong lü caoan* [Draft Law of Criminal Procedures] (1910, unpublished).
- 7 Shen, *Xingshi*, 147.
- 8 Shen, *Xingshi*, 25.
- 9 See Huang Yuansheng, *Minchu*, 303–5, 307–8.
- 10 Liu *et al.*, JVBLC, 1.
- 11 Daniel Asen described in details the Qing's procedures of coroner's inquest and corpse examination in his recent doctoral dissertation: "Dead Bodies and Forensic Science:

- Cultures of Expertise in China, 1800-1949" (PhD diss., Columbia University, 2012), chapter 1.
- 12 See Asen, "Dead Bodies", 51–51; also Zhang, *Cong gongtang*, 104
  - 13 See Liu *et al.*, JVBLC, homicide & wounding section, 53.
  - 14 Zhang, *Cong gongtang*, 174–8.
  - 15 Guo Chengwei and Tian Tao, eds., *Mingqing gongdu miben wuchong* [Five Secret Bbooks of Judgments of Ming and Qing] (Beijing: Zhengfa daxue chubanshe, 1999), 565–7 cited in Zhang, *Cong gongtang*, 135.
  - 16 Liu *et al.*, JVBLC, homicide and wounding section, 32.
  - 17 See Zhang, *Cong gongtang*, 115–6. Zhang reached this conclusion by summarizing his observation from various imperial codes (emphasis added): *Tang Code Annotated*, vol. 29, judgment section: "If the evidence of crime was conspicuous after examination and there is no reason to doubt the truth of facts, [the magistrate] should judge based on the evidence, even though there is no [confession] for him to rely on"; *Song Criminal Code*, vol. 30, judgment section: "From now on judgments on crimes should be based on the type of crime, and should be written according to laws, decrees, forms and formats ... the verdict can only be decided when the facts are not in doubt"; *Yuan History*, criminal code section: "...If the evidence is clear after examination and the facts are not in doubt, judgment should be made accordingly"; *Ming Code*, vol. 28, criminal code, judgment section: "...When testimonies from the arrested are clear and examinations are well-conducted, there will be no injustice. [The case] should be decided according to the law and forwarded to the Board of Punishment for feedback"; *Qing Code*, criminal code, judgment case (lower section): "If a case is decided recklessly without evidence, and as a result people are wrongly convicted, the [judging magistrate] will be dismissed."
  - 18 Shen, *Xingshi*, 147.
  - 19 Liu *et al.*, JVBLC.
  - 20 For a recent discussion of the traditional conceptualization of homicide intents in imperial Chinese law, see Geoffrey MacCormack, "Xisha [Killing in a Game] and Negligence in Traditional Chinese Law," *Journal of Comparative Law* 6.2, (2012): 178–202; for an earlier discussion, see Jennifer Neighbors, "Criminal intent and Homicide Law in Qing and Republican China." (PhD diss., University of California at Los Angeles, 2004).
  - 21 See Jennifer Neighbors, "Criminal Intent", 246–50.
  - 22 Liu *et al.*, JVBLC, homicide and wounding section, 59–62. According to Neighbors ("Criminal Intent," 171) the sentence was further reduced to 15 years of imprisonment upon appeal. Neighbors used the same case to highlight the Republican judge's application of Qing statutes relating to unpremeditated homicide caused by sudden intent to mitigate sentences; while I would also stress that in this case, customary ideas such as filial piety and balance between the law and human circumstances (*qingfa zhiping*) were also seriously considered by the judge. Such consideration will also be shown in the next case as well.
  - 23 For application of *renqing* in Qing's judgments, see Shiga Shuzo "Qingdai susong zhidu zhi minshi fayuan de gaiguaxing kaocha [General study on Origins of Civil law of the Qing]," in *Ming Qing shiqi de minshi shenpan yu minjian qiyue* [Civil Trials and Civil Contracts during the Ming and Qing Periods], eds. Wang Yaxin and Liang Zhiping. (Beijing: Falu chubanshe, 1998), 19 and Wang Zhiqiang, "Qingdai sifa zhong de falü tuili [Judicial Reasoning in Qing's Judicial System]," in *Zhongguo shi xinlun-Falü shi fence* [New Perspectives on Chinese History-Legal History Section], ed. Liu Liyan (Taipei: Academia Sinica, 2008), 283.
  - 24 Liu *et al.*, JVBLC, homicide and wounding, 76–79.
  - 25 Huang Yuansheng, *Minchu*, 338–341.
  - 26 Liu *et al.*, JVBLC, homicide and wounding section, 20–23.
  - 27 Liu *et al.*, JVBLC, 1–2.

## 2 Practice of policing

A police force is central to any criminal justice system, and serves as an early point of contact between that system and the people. Police force theories originating in the West emphasize the differences between modern police forces and traditional security bodies in that the former is expected to be professional and independent in carrying out its duties. A modern police force is expected to focus on crime fighting and investigation and the maintenance of law and order.<sup>1</sup> In contrast with this image and theory, the Beijing police force that was established on the basis of Western models in the late-Qing period and continued into the Republican period bore many responsibilities unrelated to crime fighting. Their duties ranged from running hospitals and charities to cleaning the streets and disposing of human waste. The Beijing police force's deep involvement in the daily activities of ordinary people attracted considerable attention from the city's resident foreign population in the early twentieth century. Western sociologists who studied the policing density of Republican Beijing in the early 1920s were surprised to find a higher per capita number of policemen than that in the highly urbanized cities of the West.<sup>2</sup> More recently, the relatively small body of scholarship on policing in Republican China, notably the works of Wakeman, Dray-Novey, and Dutton, has extensively discussed the connection between the modern Chinese police force and crimes and order. These authors portray the multi-tasking police force of Republican China as largely a political tool for social control and state-building on the part of various levels of government.<sup>3</sup> The non-crime-related duties of the Republican police force are, however, given very light treatment in their narratives, if not neglected entirely. Such a focus draws on the Westernized conceptualization of modern policing and emphasizes the political nature of the Republican police force, thereby overlooking the importance of how policing has traditionally been conceptualized in Chinese society, particularly with reference to the daily life of the Beijing people. This chapter does not revisit earlier research on the crime-fighting work of the Republican police force, but instead discusses how and why the Beijing police force in this period took up many more non-crime-related tasks than their Western counterparts. The aim is to balance the state-building and social control discourses of Republican-era policing by demonstrating how the traditional conception of policing and practical considerations underpinned the Republican police force's broad scope of work.

## Modern policing in China: origin and organization

The Beijing police force traces its origins to the late-Qing reforms. Prior to the establishment of the late-Qing police force, law and order in the capital, particularly that inside the inner city (also known as the North City), was maintained by two arms of specialized military troops known as the gendarmerie (*bujun*). Headed by the Gendarmerie Yamen (*bujun tongling yamen*), these two arms (*liangyi*) were responsible for crime investigation and the arrest of criminals within Beijing's North City. Five battalions (*wuying*) under the same Yamen were charged with guarding the outer city (also known as the South City) and the four surrounding rural areas (*sijiao*). The Censorate of the Five Districts (*wucheng sifang*) was responsible for arrests and trials in the outer city, and another team known as the Streets Bureau (*jiedao tingju*) was responsible for road works, including cleaning the streets, flattening the roads, repairing pipes and ducts, and lighting street lamps.<sup>4</sup> These multiple elements of the imperial police force (although they were not referred to as such at the time), which sometimes overlapped in function and geographical jurisdiction, were large in number and scattered throughout the inner and outer cities. Dray-Novey estimates that the force totaled about 33,000, meaning a higher ratio of "police" in Beijing during the Qing era than in Paris, London, or New York in the nineteenth century.<sup>5</sup> This large number can be attributed to the wide variety of tasks assigned to these multiple strands of the force in addition to their duties in upholding the law and maintaining security, such as census taking, street maintenance, and fire watch duty.

In 1900, the Japanese army, together with the allied armies and local gentry, established an Order Maintenance Office (*anmin gongsuo*) that was responsible for protecting the foreign population of Beijing during the Qing's military conflicts with the Western allies during the Boxer Uprising.<sup>6</sup> As one of the conditions for ending the allied armies' occupation of Beijing, the Qing government promised to maintain law and order in the capital and ensure the safety of the foreigners living there. Therefore, after the allied armies returned the capital to Qing control, the Gendarmerie Yamen took over the responsibilities of the Order Maintenance Office by establishing the post-incident Patrol Bureau (*shanhou xiexun zongju*). This newly established entity was staffed and funded by the Gendarmerie Yamen. The Bureau's officers held various ranks. The most senior were known as police officers (*jingxun*; later renamed *xunguan*). They were followed by police captains (*xunchang*), and the lowest rank was police constable (*xunbu*; later renamed *xunjing*). This three-tier ranking system was in place from the late-imperial period until nearly the end of the Republican period.<sup>7</sup> The initial Patrol Bureau was based largely on the Japanese police force, which was in turn modeled on the German police force. A Police Academy was established to train members of the gendarmerie and new recruits, and Japanese experts were invited to lecture to them.<sup>8</sup> The Patrol Bureau was subsequently reshaped into the Bureau of Inner City Public Works and Patrol (*neicheng gongxunju*), and the Censorate of the Five Districts into the Bureau of Outer City Public Works and Patrol (*waicheng gongxunju*). The two were eventually combined into the Bureau of Police of the Inner and Outer Cities (*neiwaicheng*

*xunjing zongting*). In 1905, Police Bureau (*xunjing bu*) was established to take over the duties of the Bureau of Public Works of the Inner and Outer Cities and was responsible for investigating crimes, arresting criminals, controlling traffic, maintaining city hygiene, and implementing public works, as well as other municipal tasks such as taking censuses and inspecting businesses. The head of the Gendarmerie Yamen also headed up the newly formed Police Bureau.<sup>9</sup> The two forces continued to co-exist and function alongside each other in carrying out the policing functions of the capital city under a multiple-policing structure.<sup>10</sup> After the collapse of the Qing regime in 1911, the Capital Police Bureau (*jingshi jingchating*) of the Republic of China was formed but continued to be led by Wang Zhiqing, the former head of the Police Bureau under the Qing's government structure.

Numerous district police stations and four departments with different responsibilities were formed under this newly established police bureau. The four departments were: (1) the General Affairs Department, which was responsible for documentation, accounting, statistics, and confidential correspondence; (2) the Administrative Department, which was responsible for security, order, foreign affairs, and upholding morality; (3) the Judicial Department, which was responsible for criminal investigations and judicial matters; and (4) the Hygiene Department, which was responsible for cleaning streets, managing hospitals, preventing infection, laboratory testing, narcotics, and medical affairs. The fire service was later added as the fifth department of the Capital Police Bureau.<sup>11</sup>

### **Duties of modern Chinese police: from retention to invention**

Given its origins and historical links with the imperial bureaucracy, the Republican police had little choice but to inherit the legacy of the imperial past. The Republican police force took over the structures and policies of the imperial Police Bureau, and maintained the system of dividing Beijing into 20 police districts that had been used since the late-Qing period. The organizational structure of the Capital Police Bureau also resembled that of the imperial Bureau, and inherited most of its physical establishments, including more than 200 police outposts scattered throughout the city (reduced from the more than 300 established in the late-Qing era). Further, neither the titles nor pay scales of the police were materially changed,<sup>12</sup> and, like their imperial predecessors, the Republican police had to live with the reality of a multiple-policing structure. The gendarmerie was not abolished until the mid-1920s, and until then existed and functioned in Beijing together with the Republican police force. The division of work between the two was never clearly defined, and throughout the early Republican era, they shared a number of duties and rights, as well as mutual assistance, mutual influence, and mutual conflicts.<sup>13</sup> Patrolling the streets and guarding the city gates remained important duties of the gendarmerie, which continued to occupy more than 140 posts around the inner and outer cities until the mid-1920s. Both the police force and gendarmerie carried out arrests in Beijing, although the former tried to maintain exclusive jurisdiction over the South City. The gendarmerie sometimes arrested and tried criminals of its own accord, as it enjoyed such rights under imperial practices, and it demonstrated

its traditional military strength in quelling riots and controlling mass demonstrations, with the May Fourth Movement a prime example. The new police force sometimes found itself in contention with the gendarmerie over jurisdiction in the Inner City, but particularly in the South City, where the Five Battalions under the Gendarmerie Yamen had formerly been the principal policing body, but the new police force was now responsible for law and order.<sup>14</sup> These power ambiguities continued until the gendarmerie's guarding and policing duties were abolished in the mid-1920s. In 1924, the police force formally assumed the gendarmerie's responsibilities, including its jurisdiction over the four rural areas outside the city walls. The gendarmerie's property and manpower were absorbed by the police force and the national army.<sup>15</sup>

Given its historical roots, it is not surprising to find that the Capital Police Bureau not only exercised such commonly expected policing functions as arresting criminals, investigating crimes, and maintaining traffic order, but was also responsible for the functions historically undertaken by the gendarmerie and its associates. This set it apart from the modern police forces established in Western countries. Its additional functions included the supervision of health affairs, operation of the fire services, road maintenance and cleaning, street lighting, and city census taking. It further expanded its scope by taking over the supervision and operation of a number of hospitals and charitable institutions in Beijing from the 1910s to the 1920s. As a result, nearly 10,000 people were directly or indirectly employed by the police force, which was supported by an annual budget of millions of Yuan (¥; silver dollars at the time).

The manpower and budget of the Republican Beijing police force expanded considerably between the 1910s and 1930s. Police records stored in the Beijing Municipal Archives show that the patrol team increased from fewer than 7,000 constables in 1912 to close to 10,000 in 1924. This figure further increased to around 13,000 constables in 1925 when the police bureau absorbed the four rural areas originally under the jurisdiction of the gendarmerie. The annual police budget also increased steadily over the period, rising from less than ¥2 million in the 1910s to nearly ¥3 million in 1925 and more than ¥4 million after the rural areas were included in its jurisdiction. Gamble was astounded by the size and budget of the police force, commenting: "Peking has well been called the best policed city in the Orient. Anyone visiting the city is struck by the large number of traffic officers on the streets, one every few hundred yards on the busy thoroughfares." The entire police force of New York City totaled just over 9,000 in the 1910s, whereas there were approximately 10,000 members in Beijing in approximately the same period. For Beijing, these numbers meant an average of 12 police for every 1,000 inhabitants. Surprised by the size of the police force and money spent on it, Gamble further commented: "The Peking police are annually spending an average of ¥2.75 per person. When compared with the amounts that are being spent on cities of similar size in other countries, this does not seem to be very much, but when the Chinese standard of living is considered, it is really a large amount."<sup>16</sup>

The ordinary people of Beijing earned little in the early part of the twentieth century, and the same can be said of the police. The average monthly salary of a police constable was just ¥8–9 in the late 1910s,<sup>17</sup> which was slightly more than the wage of a gardener (¥6) and double that of a butcher (¥4). Therefore, from the



1920s onwards, most police districts in Beijing had far lower headcounts than desired. The busiest market areas, including the Outside No. 1, No. 2, and No. 5 Districts, were often short by upwards of 400 police officers.<sup>18</sup> Not only was it difficult to recruit and retain police, but the low wages made corruption and association with criminal activities common. These problems became particularly severe when the police were empowered to inspect and supervise various business sectors and collect taxes,<sup>19</sup> as we shall see later in the chapter.

Despite these ongoing financial and human resource pressures, the Republican Beijing police force continued to devote more than half its manpower and budget to duties beyond the scope of crime-fighting.<sup>20</sup> Such duties have been given little attention in previous scholarship. As noted at the beginning of this chapter, making crime-fighting and social control the primary foci in attempting to understand policing in Republican China overlooks the much broader meaning of policing as conceptualized by both the policing agents and the policed. A study of these non-crime-related duties is important for us to understand the development of policing in China in the early twentieth century, particularly in Beijing. First of all, it will show us how policing was traditionally conceptualized in the capital city. More importantly, examining the unusually wide spectrum of non-crime-related duties of the Beijing police force will reveal how the traditional conception of policing and pragmatism together drove the assimilation of those duties into the transplanted legal institutions. The following sections describe in detail some of the important non-crime-related duties of the Beijing police force based on the social survey of Republican Beijing conducted by Chinese and Western scholars published during the 1920s and 1930s, and the archived data of the Capital Police Bureau.

### **Police and philanthropy**

One of the most important features of the Beijing police force was its deep involvement in running, sponsoring, and monitoring charitable organizations. Some charitable activities were taken over from the gendarmerie, but many more were started by the Capital Police Bureau after the founding of the Republic.

### ***Soup kitchens***

There were approximately 12 major soup kitchens in Beijing where the poor could come to receive free food in an organized manner. Men and women, children, and the elderly, often in very thin clothing, could be found lining up at the entrances to these soup kitchens waiting for free hot porridge to be distributed, often in their hundreds or even several thousands. The distribution of free food began when the weather turned cold, and continued until spring. In some years, the distribution period lasted as long as December to April, although soup kitchens normally operated for just 100 days each winter.<sup>21</sup> In imperial times, these free food centers for the poor were operated by private charitable organizations or temples. During the Republican period, however, the Beijing police force operated seven of the 12 major centers in Beijing, with the remainder run by the gendarmerie (two) and the municipal government (three).



*Figure 2.1* Congee Distribution: [http://library.duke.edu/digitalcollections/gamble\\_222-1245/](http://library.duke.edu/digitalcollections/gamble_222-1245/). Courtesy of Sidney D. Gamble Photographs, Duke University David M. Rubenstein Rare Book & Manuscript Library.

Despite the almost constant financial pressure it faced, the Republican government continued to fund the soup kitchens predominantly from the police budget. On average, the police force handed out 350,000–400,000 meals per month from its seven centers. Each meal cost 1.2 Chinese cents and normally consisted of hot millet porridge and rice. It cost the Police Bureau approximately ¥12,000–15,000 to fund the seven centers, with the funds coming primarily from the government and the remainder from private sources such as the Bank of Communications.<sup>22</sup>

### *Provision of clothing*

The ordinary people of Beijing depended on warm clothing during the winter because the cost of fuel was high. Cotton wadding was the common padding for the less well-off, who could not afford wool and fur. Poor people generally wore the same clothing during summer and winter, with a layer of cotton padding placed over their summer clothes to survive the winter if they could afford it. Very often, misfortune and poverty would drive people to sell this layer of cotton padding to pawn shops for money to buy food during the summer. When winter

came, the huge amount of interest, as much as 2 per cent per month, charged by the pawn shops meant they were unable to buy back the padding and thus had insufficient clothing for winter.<sup>23</sup> It was not uncommon to see people with very few or even no clothes at all on the streets of Beijing during the winter.

The provision of clothing was therefore a very common charitable act on the part of both private and public bodies because it immediately relieved people's suffering. As time went on, many people who wanted to donate clothes would give them to the police for distribution because they had the right access and were well-acquainted with the location of the poor and needy within the city. In addition, both the police and gendarmerie used public funds to provide cast-off uniforms and other clothing to the poor. During the winter of 1916–17, the two forces gave clothes to over 5,000 needy people in Beijing.<sup>24</sup>

### *Foundlings' home*

As well as feeding and clothing the poor, the Beijing police also played an important role in housing abandoned babies. The Foundlings' Home (*Yuyingtang*), a Beijing center for orphaned babies run by private institutions in the early Republican period, was taken over by the Police Bureau in 1919 and operated by the Bureau thereafter.<sup>25</sup> The home, which housed 130 babies in the late 1910s, was located just outside



Figure 2.2 Babies in Foundlings' Home : [http://library.duke.edu/digitalcollections/gamble\\_276-1579A/](http://library.duke.edu/digitalcollections/gamble_276-1579A/).

Courtesy of Sidney D. Gamble Photographs, Duke University David M. Rubenstein Rare Book & Manuscript Library.

the north wall of the North City. Of the babies taken in, only 19 were boys, which is unsurprising as, even today, girls are more prone to being abandoned in Chinese society. The babies were cared for until the age of 3 by some 40 amahs and nurses employed by the Foundlings' Home. They were fed milk, cake, and/or congee and vaccinated three times until the age of 3. However, it seems that the hygiene conditions were not always satisfactory. In 1918, for example, deteriorating hygiene conditions at the home led to many babies becoming sick and dying. The Police Bureau sought help from the Danish Consulate, which sent a team of nurses and Chinese doctors trained in Western medicine who assisted in sanitizing the home and generally improving the conditions. Most of the funding for the Foundlings' Home came from the Police Bureau, with the remainder shared by the municipal government and private individuals. Donors from Denmark and France also offered financial help to improve its fixtures and equipment.<sup>26</sup>

### ***Industrial school***

The Beijing police not only took care of the newly born, but were also concerned with how teenagers would make a living when they grew up. An industrial school for boys (*Xiyisuo*) that was established in the imperial period was taken over by the Police Bureau after the founding of the Republic.<sup>27</sup> This industrial school provided schooling and occupational training for boys between the ages of 8 and 18. It housed over 600 boys who had been investigated and recommended by the police for admission. Once admitted to the school, a boy had to stay there until the age of 18. Boys were provided with lower to higher primary schooling, with five hours of instruction per day given by middle school graduates of Beijing. During the late 1910s, about 200 of the 600 boys in attendance were receiving schooling. Those who did not attend school were taught occupational skills, including carpentry, printing, paper making, soap making, rug weaving, tailoring, thread-spinning, and cloth weaving. Resident boys received 20–60 coppers a month for their work. The school's manager was appointed by the Police Bureau, and 40 police officers were assigned to look after the boy's conduct and behavior. A medical officer was also stationed at the school to provide medical care to the attendees.<sup>28</sup> The school's expenses of around ¥36,000 a year were partially met by the sale of products produced by the boys, with the remainder coming from the police budget.

After the boys had received education or training and prior to their discharge at the age of 18, the police helped them look for employment in the city. As we shall see later in the chapter, knowledge of and involvement in the business life of Beijing helped the police to place the boys in suitable jobs and find guarantors for them.

### ***Reform school***

A reform school (*jiaoyangsuo*) established in the late nineteenth century was also taken over by the Police Bureau after establishment of the Republic, to rehabilitate young men who had committed minor offences, as well as poor boys and men. The poverty situation of the latter was investigated before they could enter the school. The poor and offenders worked together as one group but were



Figure 2.3 Buddhist Orphanage Reform School, Weaving Shed: [http://library.duke.edu/digitalcollections/gamble\\_291-1665/](http://library.duke.edu/digitalcollections/gamble_291-1665/).

Courtesy of Sidney D. Gamble Photographs, Duke University David M. Rubenstein Rare Book & Manuscript Library.

segregated during their free time and inside their sleeping quarters. Residents of the reform school learned such occupational skills as rope making, weaving, tailoring, and blacksmithing. Both workers and inmates received minimal wages of ¥3–6 per month.<sup>29</sup>

### ***Poor houses***

Two poor houses (*pinmin shouyangsuo*) constituted another relief institution taken over by the Capital Police Bureau, one located in the South City and one in the North.<sup>30</sup> After being needs assessed by the police, poor men could be admitted to the poor houses, where they were provided with food and a very small living space. These houses were very overcrowded, with 15 men living in a room of about 100 square feet. A man could stay at a poor house as long as he liked. He could leave with police permission but had to promise not to beg on the streets. If he violated that promise, he would not be admitted to the house again. This may have been a method used by the police to reduce the number of beggars, and

hence also to improve the hygiene and general order of the city. However, as they could admit fewer than 2,000 men in total, the two poor houses were unable to resolve these problems, with around 80,000–100,000 people in the capital living in poverty. The managers of the two houses were appointed by the Police Bureau, and 10 police officers were responsible for taking care of the houses. It cost the Bureau approximately ¥20,000 annually to run the two poor houses.<sup>31</sup>

### *Nursing homes for the elderly*

In addition to taking care of infants, the young, and the poor, the Police Bureau of Beijing also ran three nursing homes for elderly men and one for elderly women. Together, these houses provided accommodation for approximately 300 men and 100 women.<sup>32</sup> They were originally founded by private individuals but, as in the case of the other relief institutions mentioned above, were taken over by the police force after establishment of the Republic. Like the other homes for the underprivileged, admission was granted only after a needs assessment and recommendation by the police. Residents could stay for life, and could choose to work for a little money to kill time or could stroll around and/or rest. They could leave the home during their leisure time, but if they were found begging on the street they were not allowed to return. Again, containing begging activities seems to have been one of the objectives of housing the elderly and poor. Expenses were met by the police budget and contributions from private individuals.

### *Door of hope*

Under the supervision of the Police Bureau, Republican Beijing established a system for registering and licensing prostitutes and brothels.<sup>33</sup> Within this system, the Beijing police managed an institution called the Door of Hope (*jingshi jiliangsuo*) to house women between the ages of 16 and 30 who had been mistreated by brothel owners.<sup>34</sup> Small children rescued from kidnappers, the homes of opium smokers, or poor families were also housed there. In 1923, it was reported that 51 women were housed in this institution, which was located in the Outside Right No. 2 District.<sup>35</sup> Any women in need could submit an application either to their district police station or directly to the Door of Hope. Once admitted, women could attend schooling and job training. They were not allowed to leave until relatives came forward to support them or they married. To boost residents' chances of marriage, photographs of all of the residents were hung outside the entrance to the Door of Hope (see Figure 2.5). Interested men needed to submit an application to the police containing their personal details and a declaration of their intention to “buy” the girl or woman in question as a wife or as a concubine. The Police Bureau then conducted an investigation into the man's background and negotiated a price that was a contribution to the Door of Hope. Prices ranged from ¥10–200 depending on the means of the man and the desirability of the girl/woman. Although the system ostensibly aimed to find homes for unfortunate girls and young women, Gamble notes that it was occasionally abused. In some cases,



*Figure 2.4* Door of Hope Girls: [http://library.duke.edu/digitalcollections/gamble\\_274-1569/](http://library.duke.edu/digitalcollections/gamble_274-1569/). Courtesy of Sidney D. Gamble Photographs, Duke University David M. Rubenstein Rare Book & Manuscript Library.

police officers or government officials made up excuses such as maltreatment to “rescue” women from brothels and bring them to the Door of Hope. They would then purchase them at a price much lower than that charged by the brothels.<sup>36</sup>

### **Police and public health**

Public hygiene and health matters in Beijing were supervised by the Health Department under the auspices of the Capital Police Bureau. The Police Bureau was the primary enforcement agency of a large number of ordinances for administering the municipal health and hygiene facilities of Beijing. Some of these functions were directly undertaken by the police, as we shall see in this section.

### ***Hospitals and the medical profession***

There were more than 40 hospitals in Beijing in the early 1920s, 10 of which were supported by public funds. Seventeen hospitals were under private Chinese management, and the remaining 16 were run by foreigners, including the 250-bed hospital funded and operated by the Rockefeller Foundation of the United States. All of the city’s hospitals were under the supervision of the Health Department of



Figure 2.5 Door of Hope, Looking at Girls' Pictures: [http://library.duke.edu/digitalcollections/gamble\\_274-1565/](http://library.duke.edu/digitalcollections/gamble_274-1565/).

Courtesy of Sidney D. Gamble Photographs, Duke University David M. Rubenstein Rare Book & Manuscript Library.

the Police Bureau. The Inner City Public Hospital (*neicheng guanyiyuan*) and Outer City Public Hospital (*waicheng guanyiyuan*) were directly operated by the police force after 1910.<sup>37</sup> The police paid over ¥60,000 per year to finance these two hospitals, which together treated more than 80,000 patients a year. In addition to hospitals, the Beijing police force also ran and financed the city's insane asylum after 1912. This asylum was the first government-funded insane asylum in China. It housed only around 100 patients, and treated them with Chinese medicine.<sup>38</sup> All doctors, nurses, and midwives in Beijing had to be licensed by the police.<sup>39</sup> The police also run a school to train midwives and nurses.<sup>40</sup>

The Capital Police Bureau was also responsible for controlling and preventing food and drug hazards. The police force carried out surveillance and testing of the food and drugs sold by shops, and publicized and enforced rules related to the handling, selling, and serving of food. Figure 2.6 shows a poster published by the Beijing Police Bureau, and presumably targeted at restaurant and food stall keepers. It describes how food should be prepared, preserved, contained, and



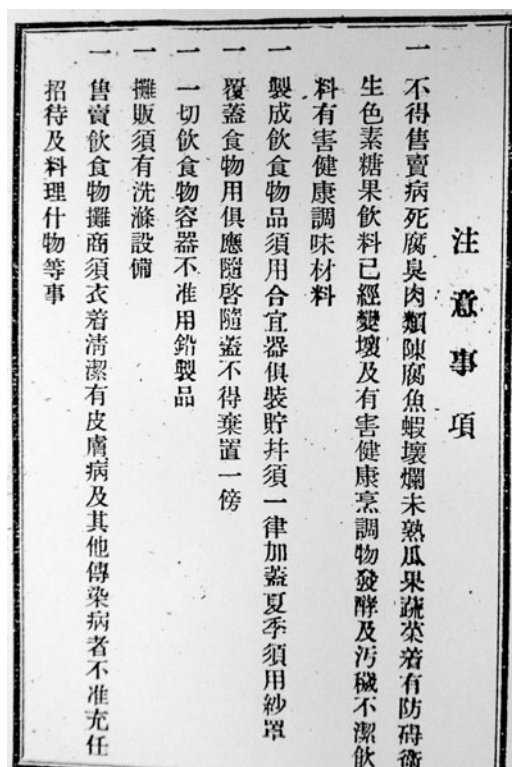


Figure 2.6 Poster showing food hygiene regulations published by the Beijing Police in 1923. Source: Personal collection of the author.

cleaned, and forbids people with infectious diseases from working in the catering business.

### ***Street cleaning and waste disposal***

The long arm of the Capital Police Bureau stretched from supervising and operating hospitals to managing the collection of night soil and running public toilets. About 5,000 men were engaged in the collection of night soil (human waste) in Beijing in the 1920s, all of whom were members of a fertilizer guild organized by order of the city's respective district police stations. These men helped to enforce police rules regarding the collection and handling of night soil, which was collected every morning and carried in wheelbarrows, as shown in Figure 2.7 below, to collection points located outside the city walls, where manure was dried for use as fertilizer. Policemen were stationed at the collection points or drying yards to monitor the disposal process, and some of the night soil was sold to fertilizer buyers at the disposal sites under their supervision. This business was closely



*Figure 2.7 Honey Wagon:* [http://library.duke.edu/digitalcollections/gamble\\_254A-1430/](http://library.duke.edu/digitalcollections/gamble_254A-1430/). Courtesy of Sidney D. Gamble Photographs, Duke University David M. Rubenstein Rare Book & Manuscript Library.

related to the operation of public toilets, of which there were 528 along the streets of the city under the supervision of the Beijing police force. Almost all of the toilets were built by the Police Bureau and rented to the collectors of night soil. Under police rules, the renters had to clean and inspect the toilets every day, although they were sometimes not cleaned as well as expected. Another problem was cleaning by cleaners who had not been officially appointed. This phenomenon was the result of the ongoing rise in the price of fertilizing materials, meaning that phony cleaners often simply stole night soil.<sup>41</sup>

The cleaning, sprinkling, repair, and lighting of the city's streets were also the responsibility of the Beijing police. Due to the dry and windy climate, streets in Beijing were dusty. Street cleaning and sprinkling were handled by a team organized and controlled by the police. About 800 team members were assigned to work in the Inner City, and the remaining 700 workers in the Outer City. One team comprising 20 workers was responsible for cleaning specific areas of the city.<sup>42</sup> They dressed in blue uniforms and could be found on highways and small streets. Streets were watered manually from horse-drawn carts or just by hand. Water was contained in a large tub that was pulled into the center of streets for sprinkling and cleaning. The costs of cleaning the major highways were covered by the police budget, whereas those of cleaning small streets were covered by funds collected

from local shops or houses. The total cost of street cleaning work in Beijing amounted to about ¥150,000 per year. Street lighting was also monitored and controlled by the police force. Lighting for highways and major streets was financed by the police budget, whereas that for the smaller *hutongs* was funded by the local community.<sup>43</sup>

### **Police and business**

In addition to controlling crime, managing public health and hygiene, running charitable institutions, and cleaning and maintaining the streets, the police force of Beijing also acted as the inspector of commerce.

### ***Regulating shops, industries and market gatherings***

Special police outposts were set up to monitor the major markets of Beijing such as the Dongan Market, Xian Market, and Xidan Market.<sup>44</sup> Before any shop or other retail outlet could open, complete information about the business entity, including the owner's name and address, nature of the business, details of all employees, and the amount of capital invested, needed to be filed with the police. A new shop also had to secure a guarantee from another retail outlet of similar size and capital. The police investigated the accuracy of the information provided before issuing a business permit. In addition to playing a major role in approving the opening of shops, the police also regularly inspected shops and collected taxes. Monthly taxes were collected from shops according to their level of profits. The police were authorized to collect taxes from all shops and to inspect their books to verify their profits if deemed necessary. The police visited shops every 10 days or so to ensure compliance with police regulations, particularly those relating to health and sanitation. The police were also very concerned about the identity of people working at or residing in shops. Shop owners were required to report any turnover in employees to their district police stations, and the police force thus kept personnel records on most shops in Beijing. These measures not only made it easier for the police to enforce tax rules and commercial regulations, but also increased the efficiency of criminal investigations and the apprehension of criminals. With their close relationship with and knowledge of most employers and employees in the city, the police needed to search only a small area before they were able to locate any individuals of interest.<sup>45</sup>

Police duties extended beyond the registration and monitoring of businesses to determining and enforcing the rules for specific industries. For instance, the Beijing police force was the authority that issued permits for running hotels. The Police Hotel Regulations set out the rules for operating a hotel. The rules stipulated that no one was allowed to operate a hotel until the police found that he or she was of good moral character. The details of the hotel's construction such as the location of chimneys, fire escapes, and fireplaces also had to be inspected and approved by the Police Bureau. In theory, hotel guests were not allowed to bring prostitutes to or gamble on the hotel premises, although in practice these rules were often overlooked. The hotel keeper was responsible for reporting to the police any irregularities on the hotel premises such as suspected kidnapping, prostitution, gambling, possession

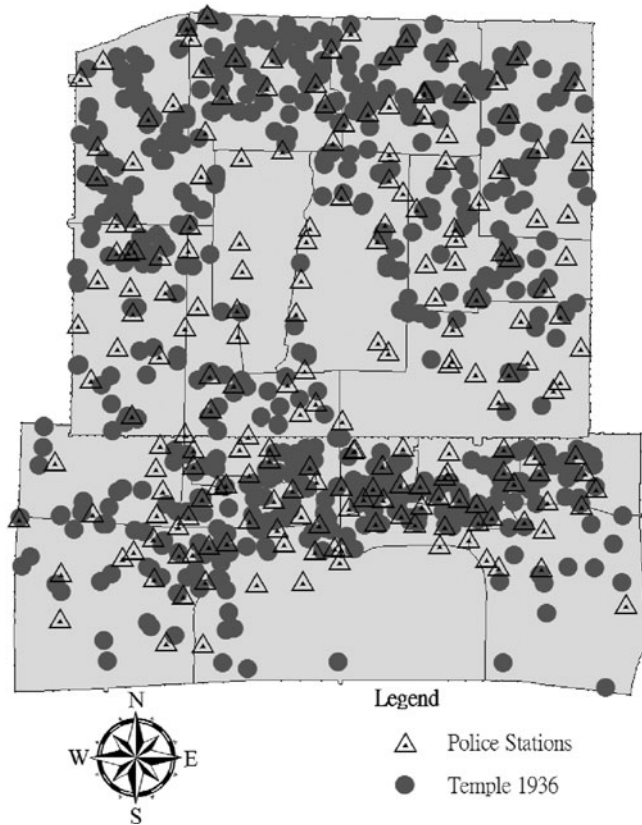


Figure 2.8 Distribution of police stations and temples in 1936.

Source: BJMA data files no. J181-16-1535, J2-8-1138, J181-15-131.

of firearms, or the presence of suspicious persons. If he or she failed to file a report, a fine was issued.

The Beijing police force also kept an eye on market gatherings. Temples in Beijing served as important venues for social gatherings, markets, and recreational and religious functions for ordinary people. Most of the city's police stations were located in the vicinity of a temple. Using GIS techniques, Figure 2.8 compares the distribution of police outposts (*paichusuo*) with that of temples in Beijing in 1936 using spatial data obtained from the records stored at the Beijing Municipal Archives (BJMA data files hereafter).<sup>46</sup> A conspicuous similarity in the spatial patterns of the two can be seen.

### Police and city records

In addition to dealing with crimes and criminals, controlling traffic, managing health and hygiene, looking after the registration and operation of shops and industries, and

區 郊	遷 入			徙 出			出 生		死 亡		男 女	承 繼	分 居			失 蹤			
	戶 數	人 數		戶 數	人 數		共 男	女	共 男	女			戶 數	人 數			共 男		
		共 計	男 女		共 計	男 女								共 計	男 女			共 計	男 女
總 計	1023	994	4005	756	381	2811	1218	1093	1770	843	847	265	407	1	3	2	1		
內 一 區	748	2186	1643	1143	769	3340	2424	1216	158	77	81	97	56	41	23	19			
內 二 區	1116	1973	2664	2309	385	1171	2288	1883	133	75	58	100	38	62	7	9			
內 三 區	948	2321	2035	1898	956	3246	2074	1862	171	80	91	156	84	74	14	13			
內 四 區	825	3291	2010	1887	976	3465	2474	1933	153	85	68	150	77	73	14	11			
內 五 區	625	2516	1335	1241	757	2475	1709	1564	153	75	78	142	67	55	15	17			
內 六 區	649	2078	1450	1245	530	2065	1176	887	107	64	43	83	42	41	15	7			
外 一 區	515	2168	1183	973	373	1241	845	482	107	63	44	87	54	33	24	17			
外 二 區	834	2971	1834	1537	657	2278	1317	961	100	48	52	83	46	37	10	2			
外 三 區	692	2000	1358	834	530	2083	1506	777	186	89	97	107	64	43	52	30			
外 四 區	754	3266	1756	1510	649	1177	1416	1061	141	86	75	138	65	73	4	3			
外 五 區	1066	3255	2922	1333	833	2846	1693	383	140	59	61	74	34	38	13	13			
東 郊 區	628	2155	1173	384	533	2130	1174	956	280	154	126	211	101	110	30	28			
西 郊 區	676	2507	1394	1113	423	1848	1112	736	226	148	38	170	95	75	17	20	1		
南 郊 區	336	1041	750	491	307	1143	665	478	81	53	35	93	44	25	15				

Figure 2.9 Monthly record of births and deaths, population movement, and marriages in 1936.

Source: Personal collection of the author.

taking care of the homeless, poor, and elderly, the police force of Beijing was also responsible for conducting the city census. According to Gamble's survey findings published in the 1920s, a census was conducted once a year.<sup>47</sup> However, the sheer volume of statistics and reports in the archives indicates that they were conducted far more often. In the files prepared by the police force that are now stored in the various archives of China, one can find thousands of statistical tables ranging from such crime-related records as the monthly crime tallies for each district, categories of crimes, records of stolen goods, records of gun holders and narcotics manufacturers, identities and details of suspects and released inmates, and monthly records of suicide cases to such non-crime-related information as library records, the records of shops and hotels, the records of fires and estimates of fire damage, birth and death registries, hospital budgets, and patient information.<sup>48</sup> Figure 2.9 shows the monthly record of births and deaths, population movement, and marriages in each district of Beijing in 1936. The figure also illustrates the typical format the Beijing police force used to prepare statistical records for different aspects of the city during the Republican period. That format appears to have changed little between the 1910s and 1930s. Considerable human and financial resources would have been required to collect and compile such voluminous information, and the degree of detail is surprising considering the financial difficulties the government faced during most of the Republican period.

## Policing reinvented under legal transplantation

The extraordinarily wide scope of responsibilities undertaken by the Beijing police raises the question of how policing was conceptualized in the newly established Republic. Republican-era police not only took charge of police work in today's sense, i.e., detecting crimes, arresting criminals and controlling traffic, but also took responsibility for cleaning roads, disposing of waste, running hospitals, taking care of abandoned infants and children, housing prostitutes, reforming inmates, regulating shops and buildings, licensing doctors, nurses and brothels, and giving clothes and food to the poor. In observing the wide scope of work done by the Beijing police, Gamble wrote:

The managing of many of the institutions of the city is the most unusual work that is being done by the police. Since the Revolution of 1911, they have taken over more and more of this type of work until now they have some connection with practically all of the charitable institutions. They are in entire control of two hospitals, the insane asylum, the poor houses, the industrial schools, the reform schools and the rescue home for prostitutes. They have also opened 53 half-day schools, in various parts of the city, and in these are giving some education to 4,000 poor children.<sup>49</sup>

In short, in the years following its establishment, the Beijing police force took over many of the existing duties of the gendarmerie while continuing to expand its scope and taking on numerous new non-crime-related undertakings, many of which had never been duties of the gendarmerie. To put Republican Beijing policing in perspective, one must understand the historical circumstances in which the Beijing police force was founded and the bureaucratic environment in which it operated.

The Republican Beijing police force was formed by the Qing government primarily to take over the roles of patrolling and of protecting foreigners. These roles had formerly been played by the military police organized by the Japanese army during the allied occupation. Already deeply in debt, the Qing government had little choice but to rely on the manpower and funds of the existing imperial gendarmerie to support the newly formed police. For two decades, both the police and gendarmerie could arrest, charge, and sometimes even try criminals in Beijing, and in Republican Beijing the two bodies worked in an often delicate and competitive relationship, the dynamics of which was a popular topic for the Beijing press. In newspaper reports of the capital city, the reactions and opinions of both the head of the gendarmerie and director of the police force on public issues were reported side by side and compared. On September 2, 1916, a news article in the *Morning Bell Post* (*Chenzhong Bao*) reported that the head of the gendarmerie, a man named Jiang, had issued a decree requiring the gendarmerie to patrol more frequently and pay more attention to searching for robbers and other thieves, given that more cases of robberies and other crimes were being reported in Beijing. Five days later, a report appeared giving the reaction of the director of the

Capital Police Bureau, a Mr Wu. He was reported to have also issued a decree ordering the police force to patrol more vigorously to eliminate robberies in the open streets. He also said that the heads of the various police districts would be held accountable if his order was not followed. A news item on August 27, 1916 reported robberies that had taken place consecutively in the Chung Hwa Book Store and then in the glass factory next door. The reactions of Jiang and Wu were again noted in the article, with both stating that their respective forces had been ordered to arrest the suspects within a limited time. It is clear that both forces made a conscious attempt to assert power and authority in the city. They often found themselves under the lens of the mass media, with opinions and reactions sought not only in matters relating to curbing crimes and catching thieves, but also in municipal affairs such as planting trees and cleaning *hutong*. Gamble noted this delicate relationship:

The principal duties of the Military Guard [gendarmerie] in Peking are putting its seal on all proclamations for the city, guarding all the city gates and posting extra guards on the main highways. These guards are allowed to make arrests without first notifying the police, if they find the offender in the North city, but they cannot do so in the South City. The police are jealous of the power that the Military Guard [gendarmerie] used to have in the South City, and so insist that no arrests be made without their having been notified. They want to make sure that the Military Guard is not using the organization that it still maintains for the South City.<sup>50</sup>

However conflicting their respective interests may appear, both forces were aware of the need to cooperate under this multiple-policing structure. In another news report, dated September 18, 1916, it was stated that Jiang and Wu wanted to establish a recreational club to foster a closer relationship between the police force and gendarmerie. The report further stated that the two heads held a tea-meeting to discuss the details of the club's launch. Under these historical conditions and the delicate dynamics between the predecessor and successor of policing in Beijing, the police force not only had to defend its core work in arresting and charging criminals under the new criminal justice system, but also needed to search for opportunities to demonstrate its usefulness to the public by expanding its role and scope of activities in the city and running more and more institutions not directly related to the criminal justice system, such as the insane asylum, Door of Hope, foundlings' home and soup kitchens.

Dray-Novey placed considerable emphasis on the aim of social control in her explanation of the gendarmerie's expansive duties in the capital city, which to a large extent were subsequently taken over by the police force.<sup>51</sup> Although social control was undoubtedly a key responsibility of both the gendarmerie and police force, social control alone, I would argue, cannot adequately explain all of the new tasks undertaken by the police force after the establishment of the Republic. Many of the activities they undertook were largely charitable and municipal in nature. Unless we use the widest possible definition of social control, that is, one

that views anything falling within the arena of social welfare or social justice as an indirect preventive measure against delinquent behavior, then such activities as distributing winter clothes, collecting human waste, running hospitals, planting trees, carrying out laboratory tests on cosmetics, and inspecting the bodies of dead animals are very likely to fall outside it. I argue that these duties make sense only if the role of policing in the capital is conceptualized much more broadly than as a simple matter of maintaining law and order.

To understand how policing was conceptualized in Beijing, one must look at the duties of the gendarmerie. The Head of the Gendarmerie Yamen, originally named the Yamen of the Governor of the Nine Gates and Patrol of the Five Battalions (*tidu jiumen xunbu wuying tongling yamen*) was modeled upon the Ming Dynasty Military Commander of the Five Cities (*wucheng bingma zhihuisi*). According to the Record of Responsibilities in the Official History of the Ming Dynasty (*mingshi guanzhizhi*), the work scope of this Military Commander included “directing patrolling officers to arrest thieves, managing vagabonds and wicked guys; tidying up streets and drains, matters relating to inmates and prevention of fire....”<sup>52</sup> This traditional conception of the scope of police work had changed little by the time a new police force was proposed in the late-Qing period. In Zhang Zhidong’s petition to form a police force under the Japanese model, he proposed that all matters relating to the population census, road cleaning, fire prevention, differentiating the good and the bad, and arresting thieves and robbers be done by the new police force.<sup>53</sup>

In addition to discharging municipal services, policing in Beijing also meant performing moral education functions for the general public. Within the four departments of the Qing Bureau of Public Works of the Inner and Outer Cities was a division under the Administrative Department known as the morality upholding division (*zhengsu*). This division was responsible for checking the moral practices of hotels and restaurants, checking the practice of customs in temple meetings and social gatherings, monitoring brothels, imposing a ban on the sale of pornographic materials, and detecting cases of animal abuse. David Strand also commented that the Republican police in Beijing perceived part of their duties as serving as a moral example for the people. The police force consciously engaged in the function of moral display and followed the dictates of a public-service ideology,<sup>54</sup> despite the reality that police corruption was not at all uncommon. The perception of being tasked with the responsibility to manage municipal services and uphold morality was reflected in the additional charitable and social relief work the police chose to take up during the Republican period. In 1918, when one of the markets in the Tianqiao area of Beijing was devastated by a fire in an opera theater, public debate arose concerning whether the market should be rebuilt. Public opinion was against the rebuilding of the market and the Tianqiao entertainment area because the place was notorious for crime and vice. Finally, the head of the police station at the Outside Right No. 5 District of Beijing decided to take charge of rebuilding the market, including designing the market layout, monitoring the construction of shop spaces and entertainment facilities, and renting out the spaces to vendors. He justified his decision with reference to the then accepted roles of the police in



Beijing: maintaining law and order, upholding custom and morality, benefiting those suffering poverty and other hardships, and giving to the needy.<sup>55</sup>

It is clear that traditional moral and municipal responsibilities continued to be conceptualized as the core elements of policing in the eyes of both the police and the policed. Despite the transplanted policing model adopted primarily from the West, or rather working alongside it, this conceptualization continued to drive the reinvention of the way in which Beijing and its people were policed in the early twentieth century. A great deal of rather sensible pragmatism can also be seen in the way that the newly formed police force assimilated the traditional duties and practices of the imperial gendarmerie, meaning that the transplanted police force could, after the abolition of the gendarmerie in the 1920s, eventually function as the sole policing agency in Beijing. The findings presented herein also clearly show that, contrary to claims that the legal reform of the Beiyang period was generally a failure, the transplanted police force in Beijing grew, operated continuously, and was deeply involved in daily services to the people from the 1910s to 1920s. Well before the capital was taken over by the Nationalist government in the late 1920s, the imperial policing manpower and legacy had been absorbed by, and the policing function unified under, the Beijing police force. This does not mean that Republican policemen were not involved in corruption, crime, or even politics, as their counterparts in other parts of the world also sometimes were during the period. However, this chapter does uncover the considerable progress made by legal reform in the Beiyang period, an area that has been very much overlooked in Chinese historical scholarship.

## Notes

- 1 Robert Reiner, "Police in Postmodern Society," *Modern Law Review*, 55.6 (1992): 761–781; Charles Edwards, *Changing Policing Theories for the 21st Century* (Annandale, NSW: Federation Press, 2005), 28; Wakeman, *Policing Shanghai*, 43.
- 2 Gamble, *Peking*, 75, 80.
- 3 Wakeman, *Policing Shanghai*; Alison Dray-Novey, "The Twilight of the Beijing Gendarmerie, 1900–1924," *Modern China*, 33.3 (2007): 349–376; Dutton, *Policing*. There has also been a considerable amount of Chinese scholarship on modern policing in China. Much of this, however, has focused on the institutional and legislative changes in the policing system of this period rather than on the actual practices on the ground. For example, Meng Qingchao, *Zhongguo jingcha jindaihua yanjiu* [Study of Modernization of China Police] (Beijing: Zhongguo renmin gongan daxue chubanshe, 2006); Mu Yumin, *Beijing jingcha bainian* [Hundred Years of Beijing Police] (Beijing: Zhongguo renmin gongan daxue chubanshe, 2004) and Hang Yianlong and Su Yigong, *Zhongguo jindai jingcha shi* [History of Modern Police Force of China] (Beijing: Shehui kexue wenxian chubanshe, 2000). For a recent attempt to summarize the Chinese-language literature on the study of policing in China, see Kam Wong, *Chinese Policing – History and Reform* (New York: Peter Lang, 2009), 34–41.
- 4 Cai Xun, *Beijing jingcha yanke jiyao* [Record of Origin and Development of Beijing Police] (Beijing: Beijing Special City Police Bureau, 1944), 1.
- 5 Alison Dray-Novey, "Spatial Order and Police in Imperial Beijing," *Journal of Asian Studies*, 52.4 (1993): 887–889.

- 6 The Boxer Uprising was a series of anti-foreigner movements from 1899 to 1901 headed by a group known as *Yihe quan* [Righteous and Harmonious Fists] and supported by the Qing government. These movements finally led to a war that took place in Tianjin and Beijing between China and the armies of the Western powers and Japan. A peace settlement was signed between the allies and China in 1901 under the terms of which, among other conditions, the Qing government promised to protect Beijing's foreign population. For details see Immanuel Hsu, "Late Ch'ing foreign relations, 1866–1905," in *The Cambridge History of China, Vol 11, Late Ch'ing, 1800–1911 Vol. Part 2*, eds. Liu Kwangching and John K. Fairbank (Cambridge: Cambridge University Press, 1980), 115–130.
- 7 Cai, *Beijing jingcha*, 1–3.
- 8 One of the best known experts was Kawashima Naniwa who subsequently became the head of the Police Bureau in late Qing era. It was said that even the name *Jingcha* came from Japanese word: *keisatsu*, see Wakeman, *Policing Shanghai*, 19–20.
- 9 Cai, *Beijing jingcha*, 1–3.
- 10 Here I have borrowed the phrase "multiple police structure" used by Dray-Novey, "The Twilight".
- 11 Cai, *Beijing jingcha*, 2–10.
- 12 Cai, *Beijing jingcha*, 117.
- 13 Dray-Novey, "The Twilight", 363–368; Gamble, *Peking*, 70–86.
- 14 Gamble, *Peking*, 70–71.
- 15 Cai, *Beijing jingcha*, 7.
- 16 Gamble, *Peking*, 75, 80.
- 17 Cai, *Beijing jingcha*, 117, 437.
- 18 Cai, *Beijing jingcha*, 97.
- 19 Cheng Shanqing, *Tianqiao shihua* [Historical Stories of Tianqiao] (Beijing: Sanlian shudian, 1990), 374–381.
- 20 Cai, *Beijing jingcha*.
- 21 Gamble, *Peking*, 276–277.
- 22 Gamble, *Peking*, 278.
- 23 Gamble, *Peking*, 281.
- 24 Gamble, *Peking*, 280–282.
- 25 Wang, Zhixiang, *Beiping yuyingtang gailan* [Overview of Beiping Foundlings' Home] (Beijing: Beiping yuyingtang, 1932), 6.
- 26 Wang, *Beiping yuyingtang*, 7.
- 27 Cai, *Beijing jingcha*, 53.
- 28 Cai, *Beijing jingcha*, 53; Gamble, *Peking*, 291.
- 29 Gamble, *Peking*, 295–296.
- 30 Cai, *Beijing jingcha*, 55.
- 31 Gamble, *Peking*, 297–300.
- 32 Gamble, *Peking*, 303.
- 33 Cai, *Beijing jingcha*, 63.
- 34 Cai, *Beijing jingcha*, 54.
- 35 Liu Xilian, *Beijing cishan huibian* [Volume of Beijing Philanthropy] (Beijing: [pub. unknown], 1923), 35; Gamble, *Peking*, 260.
- 36 Gamble, *Peking*, 261–263.
- 37 Cai, *Beijing jingcha*, 56; Qiu Zhonglin, *Xin Beijing* [New Beijing] ([Beijing]: Jiehuashuju, 1914), vol.2, item 19.
- 38 Gamble, *Peking*, 118.
- 39 There were 1,098 physicians in Beijing in 1919–1920, of which 989 were practitioners of Chinese medicine and 109 were trained in Western medicine. Of the latter, 59 were foreigners. About 184 midwives were registered with the police during the same period, of which 168 were Chinese and the rest were foreigners. See Gamble, *Peking*, 118–119.
- 40 Cai, *Beijing jingcha*, 47.

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- 41 Gamble, *Peking*, 121–124.
- 42 Cai, *Beijing jingcha*, 60–61.
- 43 Gamble, *Peking*, 124–125.
- 44 Cai, *Beijing jingcha*, 63.
- 45 Gamble, *Peking*, 217.
- 46 BJMA data files no. J181-16-1535, J2-8-1138, J181-15-131.
- 47 Gamble, *Peking*, 83.
- 48 For perusal of the data prepared from the statistical records kept by the police bureau during the Republican period, see the legal culture data of Republican Beijing kept at the website: <http://www.iseis.cuhk.edu.hk/history/beijing/>, run by the project *Beijing in Transition: A Historical GIS Study of Urban Cultures, 1912–1937* funded by the Research Grant Council of Hong Kong Government (project no. 450407), under the supervision of the Principal Investigator Billy K.L. So.
- 49 Gamble, *Peking*, 85.
- 50 Gamble, *Peking*, 70–71.
- 51 Dray-Novey, “Spatial Order”, 903–911.
- 52 The original text reads as “指揮巡捕盜賊，疏理街道溝渠及囚犯火禁之事，… 境內有遊民、姦民則逮治” Mingshi guanzhizhi [Record of Responsibilities in the Official History of the Ming Dynasty], 3 quoted in Wang Jiajian, *Qingmo minchu woguo jingcha zhidu xiandaihua de licheng* [Modernization Process of Chinese Police System during Late Qing and Early Republic] (Taipei: Taiwan Shengwu Yinshuguan, 1944), 6.
- 53 *Zhangwenxiang quanji* [Zhangwenxiang Petition] 53, 11–13; 25–30 quoted in Wang Jiajian, *Qingmo minchu*, 23–24.
- 54 Strand, *Rickshaw Beijing*, 89–97.
- 55 *Waiyouwuqu jingchashu banli Tianqiao dengxiang minguo qinian shouzi gekuan baogaoshu* [Outside Right no. 5 District police station’s report about income and expenses of managing Tianqiao projects in the seventh year of the Republic], 1–2.

### 3 Practice of lawyering<sup>1</sup>

Within the new legal system primarily based on Western models, many new professions and institutions emerged soon after the founding of the Republic of China in January 1912, and local bar associations, law schools, and law courts were progressively established. Laws specifically governing lawyers, the Provisional Articles for Lawyers (*lǚshi zānxíng zhāngchéng*), were promulgated in September 1912, marking the legalization of the legal profession in China.<sup>2</sup> However, the impact of tradition on the newly implemented legal system was not foreseen by this corpus of laws or the other new legal codes, resulting in interplay between traditional and transplanted practices on a number of key issues, as we shall see in this and the next chapter.

With the enactment of the Provisional Articles for Lawyers and the establishment of the Beijing Bar Association in 1912, lawyers began to run their legal businesses in Beijing under the protection of law.<sup>3</sup> This signified not only a revolutionary turn to the formal recognition of the right to legal representation, but also a governance challenge for officials, who had become accustomed in imperial China to being the sole administrators of judicial hearings. Soon after, the Beijing legal community grew in number and attempted to establish a credible image in the eyes of ordinary people, who traditionally were suspicious of old-style ‘litigation masters’.

Studies of Republican lawyers published over the past decade reveal how those practicing in Shanghai endeavored to overcome obstacles in the early days of the Republic, eventually managing to establish a legal profession that enjoyed a relatively high social status. However, Beijing in the Republican era presents a quite different picture. Modern research on Republican-era lawyers started in the 1990s, essentially as an extension of studies of the legal system in the late-Qing and early Republican periods. The monographs by Wang Shen<sup>4</sup> and Xu Jiali<sup>5</sup> constitute pioneering studies on the institutional history of Republican lawyers. Later, scholars from mainland China, Taiwan, and the United States also launched investigations in this field. They include Alison Conner,<sup>6</sup> Sun Hueimin,<sup>7</sup> Xu Xiaoqun,<sup>8</sup> and Zhang Leiyun,<sup>9</sup> all of whom focused primarily on the activities of the lawyers and Bar Association of Shanghai and the peripheral Jiangsu province. Chen Tong not only examined Chinese lawyers, but also wrote extensively on foreign lawyers in Republican Shanghai.<sup>10</sup> Despite Beijing being the capital of the newly established Republic and boasting the greatest number of law schools and

lawyers in Republican China after Shanghai, with the exception of Qiu Zhihong's recent Chinese-language book,<sup>11</sup> very little has been written on the city's lawyers.

Examination of the materials stored at the Beijing Municipal Archives and the records of the Beijing Bar Association reveals that, on the one hand, lawyers in Beijing developed earlier and grew in number at a faster pace than their Shanghai counterparts during the Beiyang period of the 1910s to 1920s. When this first generation of lawyers found the early market for the transplanted legal profession to be insufficiently large to accommodate its burgeoning numbers, it sought guidance from the traditional legal business to overcome the early challenges. On the other hand, these materials reveal that, although the number of lawyers in Beijing grew rapidly immediately after the founding of the Republic, these lawyers faced challenges that did not exist in Shanghai. For example, the traditional perception of legal service providers held by government officials and ordinary people alike sometimes posed serious threats to the Beijing lawyers' operation.

Drawing on the aforementioned archival materials, this chapter examines the emergence, background, and growth of Beijing lawyers in the early twentieth century. Their growth demonstrates the extent and speed of growth of another important part of the legal reform during the Beiyang period. The chapter also gives an account of how Beijing lawyers dealt with business challenges by assimilating traditional legal practices. The next chapter focuses on the continuous efforts of the early generation of Beijing lawyers to overcome the obstacles created by the traditional perceptions of their customers and the government by making certain compromises. Those compromises involved the assimilation of traditional legal thinking and transplanted legal values. As we saw in the case of criminal judges in Chapter One and will see in the next chapter, the self-perception and pragmatic considerations of Beijing lawyers played important roles in this assimilation process. I argue that the legal assimilation process that took place in the specific Beijing context distinguishes the development of Beijing lawyers from that of their counterparts in the treaty ports of China such as Shanghai. What is depicted in the scholarly works on Shanghai lawyers as the characteristic legal culture of the developing legal profession actually applies rather narrowly to Shanghai, a unique treaty port where East met West, and therefore a city with its own pattern of interplay between the transplanted legal system and legal traditions against the backdrop of its distinct cultural and social transformation and economic conditions. Accordingly, research findings on Shanghai lawyers are unlikely to apply to the profession as it was practiced in other cities, and they cannot be interpreted as characteristic of the general development trends of the legal culture of modern China.

## **Growth and education**

Research for the present study included an inspection of lawyer registers, meeting minutes and correspondence prepared by the Beijing Bar Association, now stored at the Beijing Municipal Archives (BJMA) and the Beijing Capital Library. Membership data of 1,007 lawyers registered with the Beijing Bar Association during the first 20 years of the Republic (1912–1931) was examined.<sup>12</sup> A table of

the Chinese-language particulars of these lawyers is appended as the Appendix of this book. A typical registration page in the lawyer register contained important personal information pertaining to members. It normally included the lawyer's name, alias, home address, office address, age, educational background, date of registration with the court, date of admission to the Bar Association, and occasionally a photograph. With these data certain statistical and spatial analyses of various attributes were carried out for the present study. The results of the analysis reveal important spatio-temporal information regarding this first generation of lawyers in China in terms of their growth and development, their operation and distribution, and their successes and challenges, that previous scholarship has not examined.

Figure 3.1 shows that the legal profession in Beijing as a whole experienced its first growth period from 1912 to 1914, when the community expanded from about 40 to over 200 lawyers. This growth slowed down considerably over the next two years during a period of political instability in China and picked up again in 1917 and 1918. Another decline in numbers followed in the early 1920s, and the Beijing legal profession seemed unable to regain its initial growth momentum afterwards. As pointed out by the Beijing Bar Association in its meeting minute book, limited economic development in Beijing contributed to the decline of new membership in the 1920s.<sup>13</sup> When this is compared with the growth of the legal community in Shanghai during the same period, a significant variation in growth patterns of the legal profession between the two cities is revealed, as shown in Figure 3.2. The graph indicates that for most of the time prior to 1927, the Beijing legal community outnumbered its Shanghai peers by a ratio of four to one. From the late 1920s onwards the Shanghai legal profession experienced its first period of high growth, while Beijing lawyers' growth started to slow down and eventually declined after 1931. This decline was also due to the military instability in North China caused by the Japanese invasion of Manchuria. After the mid-1930s this

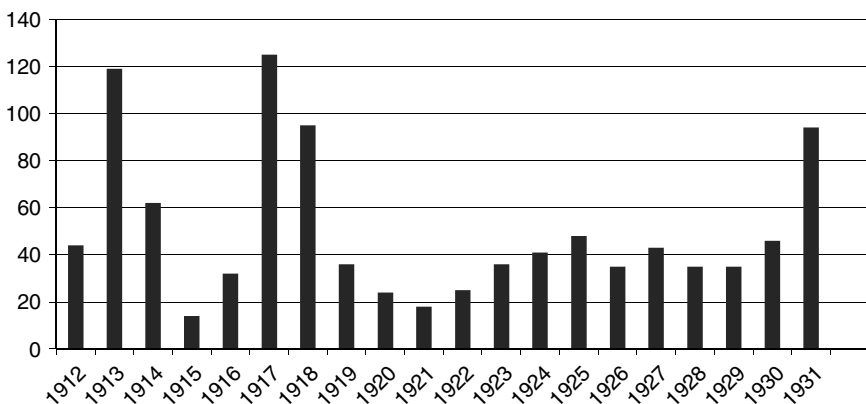


Figure 3.1 Number of newly registered lawyers.

Source: BJMA data files no. J65-3-539 to J65-3-547.

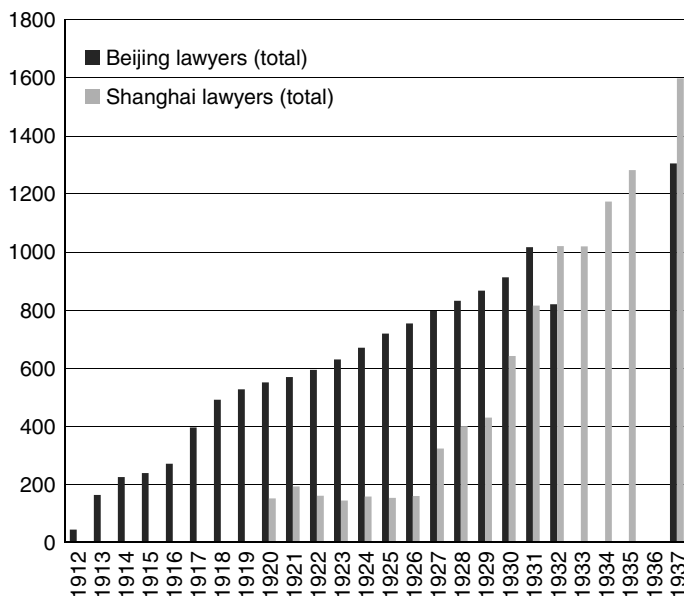


Figure 3.2 Total Numbers of Beijing lawyers and Shanghai lawyers (1912–1937) Compared.

Source: BJMA data files no. J65-3-539 to J65-3-547, Chen, *Jindai shehui*, 179–185.

trend continued, and Shanghai overtook Beijing so that it came to possess a larger legal community. The extensive research on Shanghai lawyers by Chen Tong has also revealed that the legal profession in Shanghai while experiencing slow growth between 1912 and 1926, enjoyed a remarkable expansion from 1927 to 1936. Chen attributed this pattern to a number of factors. One was the development of commerce and industry in Shanghai from the late 1920s, and the other was the gradual abolition of extraterritoriality after the establishment of the Nationalist Government in 1928.<sup>14</sup> Qiu identified another important reason behind the growth of the legal profession in Shanghai alongside the simultaneous decline in Beijing in the late 1920s: the relocation of the national capital from Beijing to Nanjing. This development made Beijing less important politically and economically, and consequently less attractive for legal practice.<sup>15</sup> It seems likely that the growth of the legal profession of China in the early twentieth century was closely linked to the economic and political significance of the urban area in which members of the local legal community lived.

In terms of educational background, the new legal professionals of Republican Beijing came from a number of sources. Some were government officials and members of elite families from late-Qing dynasty times, while others were locally trained law students from the newly established law schools, universities or schools of legal and political studies. Overseas graduates also filled in many

gaps in supply. In fact, much of the knowledge of Western legal systems was acquired from the experience of Japan's legal modernization. Japan appealed to Chinese students because it was culturally and geographically the closest country where some key Western values, institutions and other aspects of life had been successfully transplanted and implemented and this was thought to be demonstrated by Japan's economic and military achievements of the late nineteenth and early twentieth centuries. This fact attracted a considerable number of Chinese students to study in Japan, and for the Qing government to give them support. Law students in the early twentieth century formed one of the largest groups of overseas Chinese students in Japan.<sup>16</sup> As well as bringing more 'international' legal knowledge back to China, these students also made significant contributions in building the regulatory regime, business network and professional culture that shaped the development of the legal professions of China. It is therefore important to examine the educational background of these students in order to discover more about the characteristics of the new lawyers' community of Republican Beijing.

Although Qiu's study of Beijing lawyers in the Republican period in broad terms has shown the educational background of these lawyers from 1911 to 1941, his study did not break down these data further, for example, into the different periods of the Republican era.<sup>17</sup> Looking at the entire 30 years as one period without a further breakdown fails to reveal the impact of various graduate groups in different phases of social and political change. Therefore, I break the figures down into five-year clusters so as to reflect the level of influence of different groups in different periods. This will enable us to map out the path of localization of the new legal profession in Beijing in the early twentieth century.

Figure 3.3 below shows that of the total number of 1,007 lawyers on the membership records for the first 20 years of the Republic (1912–1931), graduates from Beijing institutions formed the largest group of founding practitioners, with over 450 members. The Beijing University of Law and Politics produced a majority of over 80 lawyers, followed by China University and Zhonghua University, each of which provided over 50 practitioners respectively. Graduates from Japan ranked next after their Beijing counterparts, comprising over 200 lawyers: 46 came from Hosei University, 45 from Meiji University and 41 from Waseda University. Schools from Zhili province (now Hebei Province) produced the third largest group of over 120 lawyers during the period. While we can see from the above that the influence of graduates from Japan, Beijing and Zhili was strong between the 1910s and the 1930s, more can be observed if we further condense our focus to figures covering a shorter time span.

If we look at the earliest period after the founding of the Beijing Bar Association, an even stronger influence of Japanese college graduates can be noticed. During the first five years after the formation of the Beijing Bar Association, i.e. from 1912 to 1916, 270 lawyers appeared on the membership record. As shown in Figure 3.4, Japanese university graduates accounted for 96 people, or 36 per cent. Most graduated from Meiji, Waseda and Hosei Universities, and the majority of the remaining members came from schools in Beijing or Zhili. Within this first group of Beijing



Top 30 universities (1912–1931)

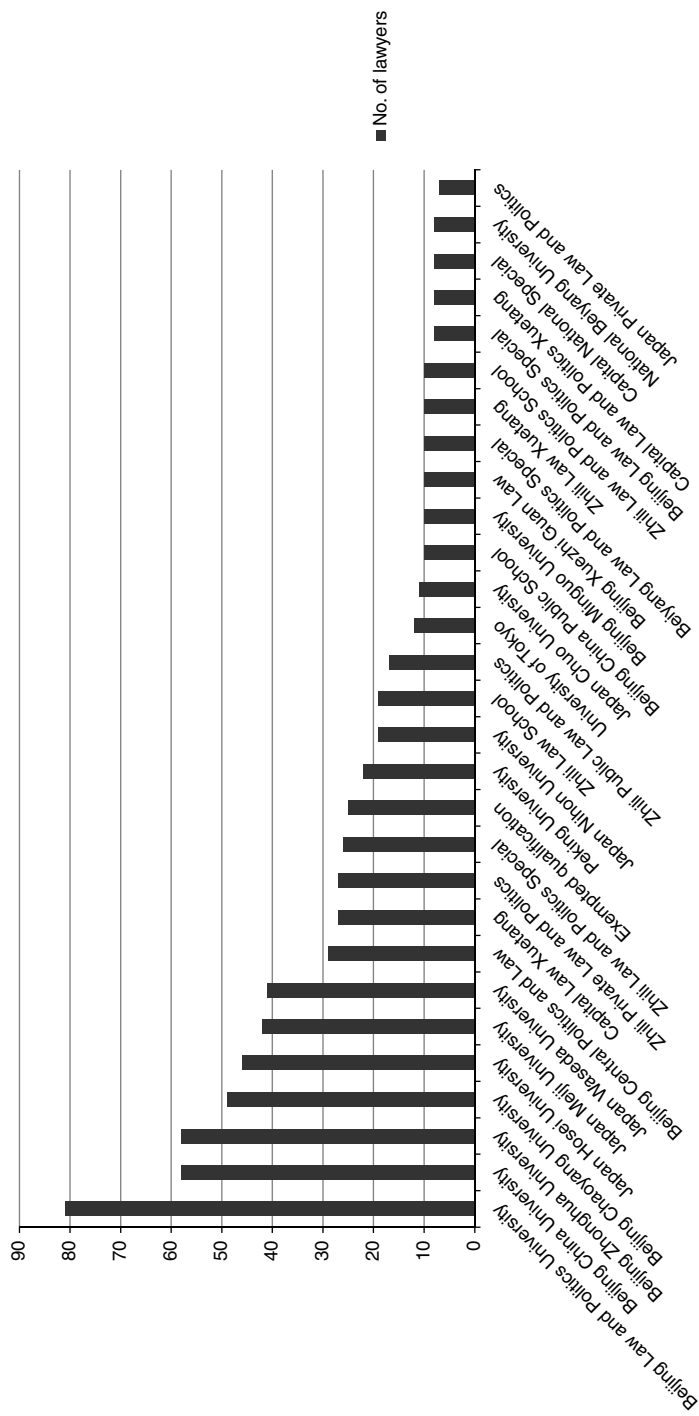


Figure 3.3 Educational background of Beijing lawyers (1912–1931).

Source: BJMA data files no. J65-3-539 to J65-3-547.

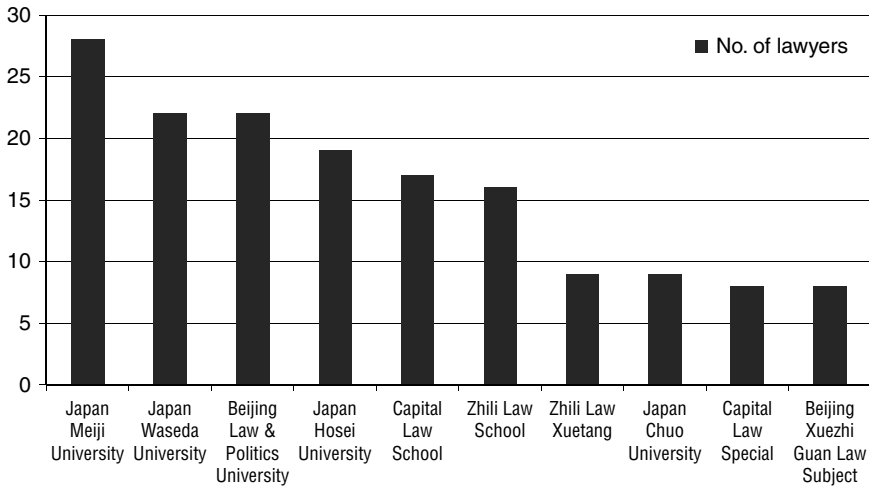


Figure 3.4 Top 10 universities (1912–1916).

Source: BJMA data files no. J65-3-539 to J65-3-547.

lawyers, Japan's Meiji University and Waseda University contributed the first two largest groups of 28 members and 22 members respectively. The third largest group came from Beijing University of Law and Politics, which produced 22 lawyers during the first five-year period. From the above analysis, it is clear that the founding group of Beijing lawyers was largely supplied by the law schools in Japan and Beijing. Further examination will tell us that Japanese college graduates had the largest influence at this initial stage.

If we further narrow down the period of analysis to the first 100 lawyers registered with the Bar Association after the founding of the Republic, the ratio is even more conspicuous. Figure 3.5 shows that of the first 100 lawyers registered with the Beijing Bar Association, 36 members were Japanese college graduates, Beijing accounted for 41, and 13 came from Zhili schools. Even more significantly, these lawyers returned from Japan included influential legal-political figures such as Cao Rulin, Deng Rong (then Chairman of the Beijing Bar Association), and other founding council members of the Beijing Bar Association.

The number of Japanese college graduates was substantial during the early Republican period, and a considerable proportion of these graduates also became senior practitioners. They exerted a significant influence over the development of the nascent legal profession in Beijing. The senior practitioners returning from Japan affected the development of judicial and legal practice during the early days of the Republic in particular by proposing and organizing a certain number of law schools. Some taught at these law schools, while others helped set up the new law courts. A number were also appointed as the first batch of judicial officers in the new courts before they began their subsequent private practice. Many Japanese

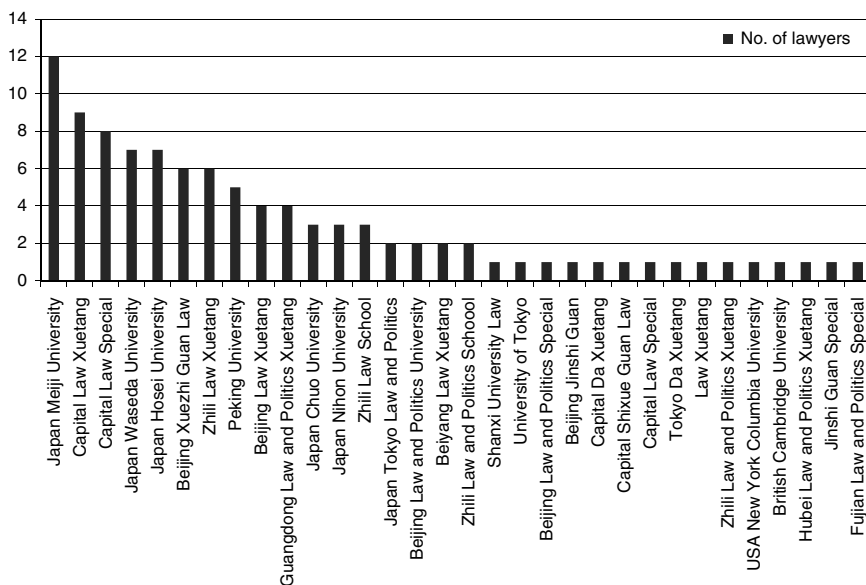


Figure 3.5 University background of the first 100 lawyers.

Source: BJMA data files no. J65-3-539 to J65-3-547.

university graduates also became judges at the highest judicial body of the Republic – The Supreme Court. Out of the 65 Supreme Court Judges whose education information is available, 43 were graduates of Japanese colleges.<sup>18</sup>

During the early stages after the birth of the legal profession, returned lawyers from Japan were very influential in the political arena as well.<sup>19</sup> For example, Cao Rulin studied in Japan at Chuo University and received training in the Japanese court and prison system. After graduation, he helped to organize intensive law courses in Japan for Chinese students.<sup>20</sup> Subsequent to his return to China, he assisted with the establishment of law schools in China. In political matters, Cao was invited by the Beiyang government to help organize a parliament along Japanese lines.<sup>21</sup> After the establishment of the Republic in 1912, Cao joined the Beijing Bar Association and practiced as one of the first generation of lawyers. He was the first member in the register of lawyers with the High Court of Beijing and had “No. 1” printed on his practicing certificate. Cao had business and social connections with senior government officials and judges, many of whom were Cao’s former schoolmates in Japan.<sup>22</sup> Cao also had direct access to Yuan Shikai, a major imperial minister during the Qing dynasty who had become the president of the Republic, and was recruited a number of times to the government. He subsequently left private legal practice and became a senior official of the Ministry of Foreign Affairs. Although he later became controversial for his dealings with Japan on behalf of the Beiyang Government, Cao was representative of the lawyers

returned from Japan who were influential in both legal and political affairs of the Republic.<sup>23</sup>

Many of the early lawyers who had returned from Japan came to occupy high positions in the government or professional organizations in Beijing.<sup>24</sup> They included Deng Rong (Meiji graduate), Tang Bao-e (Waseda graduate), Jiang Yong (Waseda graduate), Huang Youchang (Hosei graduate), Liu Chongyou (Waseda graduate) and Ceng Youlan (Waseda graduate). Most had significant influence not only in private legal practice but also in the legislative, judicial and political fields of China in the early twentieth century.<sup>25</sup> Some also helped set up the Beijing Bar Association and served as council members. Deng Rong served one term as the chairman of the Beijing Bar Association.<sup>26</sup> This group continued to liaise with the Prosecution Bureau and the Ministry of Justice in efforts to liberalize the lawyers' regulations and establish a more flexible legal fee and disciplinary standards for private legal business, as shown later in the next chapter. All these matters in due course directly affected the development of the legal profession of China.

Returned lawyers from Japan also had significant influence over the development of the legal profession in other major cities. Xie Zhuchen, who returned to China from the University of Law and Politics of Japan, helped to establish law schools and law courts in Hubei province after his graduation. He was also appointed as a prosecutor in Hubei before he was subsequently made the Chief Judge of the newly established Shanghai District Court.<sup>27</sup> Subsequently, he helped set up the Shanghai Bar Association and practiced in Shanghai as a private lawyer for 30 years before moving to Taiwan.<sup>28</sup> He was at one time offered a substantial sum (¥800) in legal fees for a case, partly it seems because the head of the Sungjiang County Court was Xie's schoolmate in Japan. Xie's biography reveals that many lawyers who returned from Japan became the earliest heads of law schools, heads of court, senior prosecutors, and senior lawyers who would often face one another in the courtroom. One should not underestimate the influence of such a network in shaping the operation of the early legal profession, as consumers of legal services were willing to pay a high price to engage a well-networked lawyer in order, for example, to increase their chances of winning a case.<sup>29</sup>

According to their biographies, these lawyers were deeply impressed by Japan's successful experience in ending extraterritoriality. Not surprisingly, these graduates tended to show a strong desire to learn from this experience.<sup>30</sup> It would not be unreasonable to expect that the returned lawyers, when assisting in the establishment of the regulatory and operational regime for the legal profession during its infant stage, greatly benefitted from their experience and knowledge acquired in Japan.

Despite the fact that returned law graduates from Japan occupied important positions in the legal community of Beijing in the early 1910s, localization actually took place fairly quickly subsequently. Figures 3.6, 3.7 and 3.8 show that the proportion of the community who were graduates of Japanese institutions became less significant as the years went by. Within the cluster of the second five-year

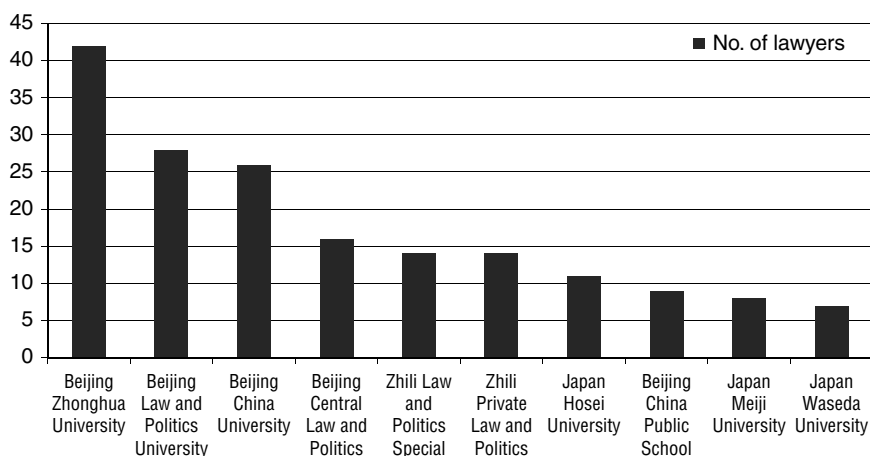


Figure 3.6 Top ten universities (1917–1921).

Source: BJMA data files no. J65-3-539 to J65-3-547.

block (1917–1921), most of the lawyers came from universities in Beijing, including Zhonghua University, the University of Law and Politics, and the China University. Japanese college graduates only accounted for about 15 per cent, as opposed to approximately 35 per cent in the preceding five-year cluster of 1912–1916. The trend of localization continued as the profession grew. In the third (1922–1926) and fourth (1927–1931) five-year cluster, Japanese college graduates did not fall into the top three university groups. From this, we can conclude that despite the considerable operational difficulties described later in the next

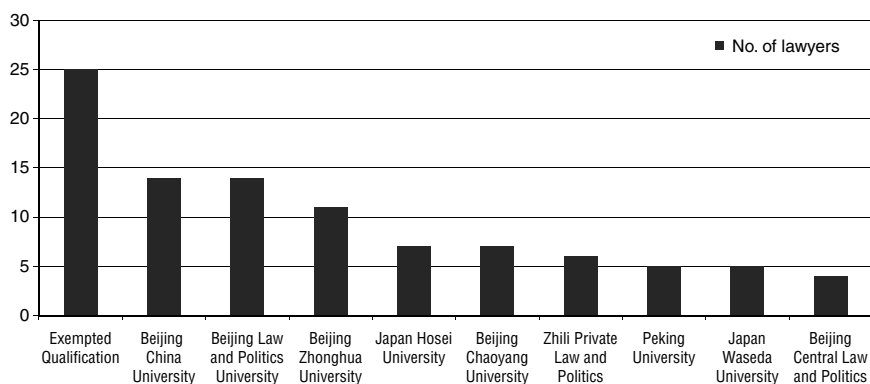


Figure 3.7 Top ten universities (1922–1926).

Source: BJMA data files no. J65-3-539 to J65-3-547.

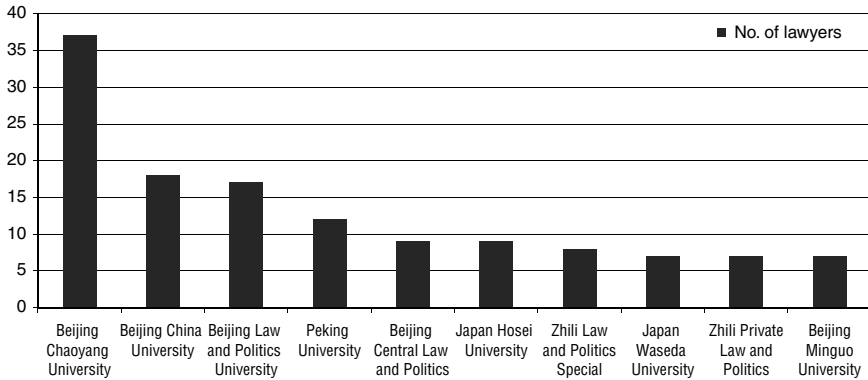


Figure 3.8 Top ten universities (1927–1931).

Source: BJMA data files no. J65-3-539 to J65-3-547.

chapter, the legal profession in Republican Beijing succeeded at least in localizing its profession quickly, which was important for China's development of a new justice system and legal culture that accorded with local needs.

### Age and native origins

Figure 3.9 shows that the average age of new lawyers was in the early 30s, and gradually increased to early 40s within the first 20 years of the profession's development. This analysis reveals that young professionals formed the core group of the first generation of Beijing lawyers. While it is difficult to draw any conclusions simply from the demographic distribution of early lawyers, it is not unreasonable for Qiu to have concluded that most of the early legal professionals in Beijing were at a career-building age, and this was beneficial for the growth of the newly established profession.<sup>31</sup>

Figure 3.10 shows that close to 30 per cent of the lawyers registered with the Beijing Bar Association for the period under research were originally from Zhili and Beijing, with the second largest group from Sichuan. However, if we assess the first 100 lawyers of the profession, we find 20 Sichuanese members and another 20 members from Zhili. Further research is required to know why the Sichuanese community was so large and what influence this group had on the development of the early legal community. As time went on, this group shrank and was gradually replaced with lawyers from Jiangsu-Zhejiang and Guangdong. As the profession developed, lawyers of other provinces also joined the Beijing Bar to practice there. It is evident that the lawyers who were educated overseas brought home expertise and helped train local professionals. As the community grew and the market prospered, legal professionals from other cities flew into Beijing for business.

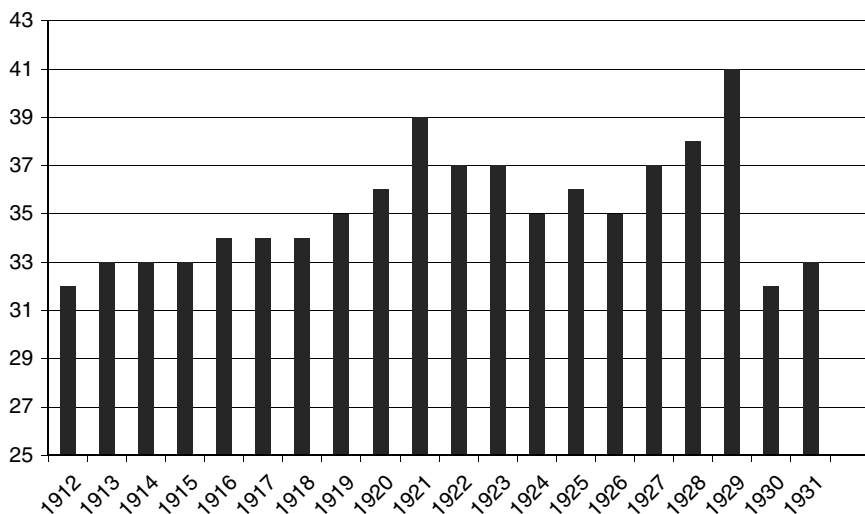


Figure 3.9 Average age of newly registered lawyers.

Source: BJMA data files no. J65-3-539 to J65-3-547.

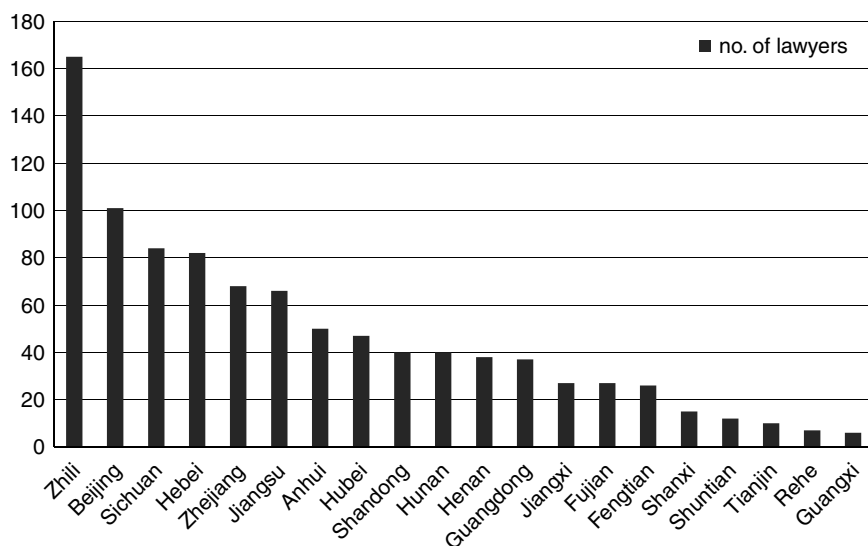


Figure 3.10 Top 20 native origins (1912–1931).

Source: BJMA data files no. J65-3-539 to J65-3-547.

## **The lawyers' market and the market's lawyers**

Before we can understand how a Beijing lawyer in the Republican period ran his business, we should first look at the legal pre-requisites for running a law firm in Beijing. Under the various sets of laws governing legal professionals during the Republican period, a lawyer was required to obtain a qualification certificate issued by the Ministry of Justice, then to register with the high court of the city or province in which he intended to practice. Even after registration, he was still not qualified to practice until he was enrolled as a member of the local bar association, a process requiring payment of fees and compliance with certain regulations.

Archived records show that most of the lawyers operated as sole practitioners rather than in partnership. Most chose their home as the place for conducting their legal practice and less than 10 per cent of the members on record from 1912 to 1931 had separate firm addresses. While the phenomenon of running a law firm from home may look unusual today, this business practice was not uncommon in Chinese cities of the early twentieth century when transportation and commuting were not convenient. Traffic problems were especially well known in Beijing during the Republican period.<sup>32</sup>

Geographic information system (GIS) techniques were employed to trace the business locations of lawyers in Republican Beijing onto a map of Beijing City, which was divided into a number of administrative districts in the Republican period. To perform the analysis, again, I separated the data into four 5-year blocks to observe the clustering of lawyers' business locations over time. These quantitative results provide useful spatio-temporal observations concerning the establishment, distribution, and process of expansion of the market of legal business in Beijing. As shown in Figure 3.11 a-d, the first legal community in Beijing had been located primarily around the city's Outside No. 1 and 2 Districts, and then expanded northward and eastward as time passed, as the spatial means in these maps indicates.<sup>33</sup> Within two decades, legal services had been extended to more than three-quarters of the city. This was a remarkable achievement in a place in which lawsuits and the legal profession were traditionally despised and the political situation was unstable.

The types of services offered by Republican lawyers were quite similar to those offered by Chinese lawyers today. Their professional work ranged from writing civil complaints to drafting commercial documents; from appearing in court for civil cases to representing those arrested at criminal trials; and from visiting inmates to handling business mediation. Not long after the founding of the Republic, the people of Beijing began to hire lawyers to represent them in lawsuits. Figure 3.12 shows the record of a lawyer's appearance in a court hearing in the Beijing Local Court in May 1913. Legal fees for these services were prescribed by the Beijing Bar Association subject to the final approval of the government.<sup>34</sup> The fee scale during the mid- to late-1920s is shown in Table 3.1 in comparison with the fees charged by Shanghai lawyers in a similar period.<sup>35</sup> The table shows that, in general, although they offered similar types of services, Beijing's lawyers could charge only 50–80 per cent of the fees charged by their counterparts in Shanghai. This again echoes the foregoing observation that Shanghai lawyers were ahead of those in Beijing





Figure 3.11 Distribution of lawyers in (a) 1912–1916; (b) 1917–1921; (c) 1922–1926; and (d) 1927–1931.

Source: BJMA data files no. J65-3-539 to J65-3-547; So *et al.*, “GIS In Urban Cultural Studies: Reflections from the Project on Republican Beijing,” *Annals of GIS*, 18.1 (2012): 89.

in terms of their income-generating capability during a period in which the economic and political center of China had moved from the North to the Yangtze Delta.

To put the fees charged by Beijing lawyers into context, comparison with the salaries of workers and other professionals during the same period is useful. The archived records tell us that the monthly salaries of miners, rickshaw carriers, teachers, and policemen were approximately ¥8, ¥12, ¥13, and ¥14, respectively.<sup>36</sup> It is clear that the general public, or certainly the working classes, could not easily afford legal services, as lawyers' fees were equivalent to several months' wages. However, wealthy families could afford even the higher fees charged by famous

判決  
被告劉克忠山東海陽縣人年五十三歲商人住東華門內義恆興  
劉克志年三十八歲劉克忠之弟餘同前  
辯護人刁名世四川人年二十五歲律師住前府胡同  
右列被告因誣告及偽造私文書案經檢察官楊士毅蒞庭本廳審理判決如左  
主文  
劉克忠誣告楊永盛等一罪處四等有期徒刑二年偽造私文書一罪處五等有期  
八個月應執行徒刑二年又二個月褫奪公權全部十年  
劉克志造意誣告楊永盛一罪處四等有期徒刑二年共犯偽造私文書一罪處五  
期徒刑八個月應執行徒刑二年又二個月褫奪公權全部十年  
偽銀信三封均沒收  
事實

Figure 3.12 Judgment of Beijing Local Courts that shows appearance of Beijing Lawyers (1913). The circled part says: Diao Shiming a lawyer, Sichuanese, 25 years old, living at Qianfu hutong, is representing the defendants.

Source: Liu *et al.*, JVBLC, fabricating evidence section, 13.

Table 3.1(a) Maximum itemized legal service fees in the mid-1920s: Beijing and Shanghai compared

<i>Services</i>	<i>Unit</i>	<i>Fee (¥) (Shanghai ~1927)</i>	<i>Fee (¥) (Beijing ~1925)</i>
Discussing case	Hour	8	5
Perusing documents or meeting persons in custody	Number of times	15	13
Summarizing or copying documents	Per 1,000 words	2	1
Preparing letters or applications	Number of document	15	13
Preparing complaints of mediation	Number of document	30	26
Appearing in court for civil case	Number of times	100	80
Appearing in court for criminal case	Number of times	50	53
Preparing letter of advice or other document of substantial length	Number of document	100	53
Making statement of appeal, defense or counterclaim in first appeal of civil case	Number of document	80	60
Making statement of appeal or defense in first appeal of criminal case	Number of document	50	53
Making statement of appeal or defense in second appeal of civil case	Number of document	150	100
Making statement of appeal or defense in second appeal of criminal case	Number of document	80	60
Preparing letter of supplemental reasons in case of first instance or first appeal of civil case	Number of document	80	60
Preparing letter of defense in case of first instance or first appeal of criminal case	Number of document	50	53
Preparing letter of supplemental reasons in case of second appeal of civil case	Number of document	150	100
Preparing letter of defense in case of second appeal of criminal case	Number of document	80	60
Executing settlement items of civil case	Number of items	500	400
Re-investigating case within Shanghai/Beijing	Number of items	80	80
Extra fee charged for services rendered outside of Shanghai/Beijing	Days	70	50

lawyers. Clearly, lawyers' income levels varied according to, among other things, their background and status. Cao Rulin notes in his autobiography that several clients hired him for legal services after he won an important lawsuit heard by the Supreme Court. He then became (as he sees it) a very famous and successful lawyer, earning about ¥2,000 per month from his private practice.<sup>37</sup>

However, for most people in Republican Beijing, lawyers and the legal services they offered were new and expensive imports, and few were willing or even able to pay for such services. Therefore, the income situation of legal professionals in Beijing was not as rosy as one might expect, particularly given that the legal

*Table 3.1(b)* Maximum fees to be charged for litigation services in the mid-1920s: Beijing and Shanghai compared

<i>Services</i>	<i>Maximum Fee (¥) (Shanghai~ 1927)</i>	<i>Maximum percentage of subject property of litigation above ¥50,000 (Shanghai)</i>	<i>Maximum Fee (¥) (Beijing~ 1925)</i>	<i>Maximum percentage of subject property of litigation above ¥50,000 (Beijing)</i>
Civil case of first instance and first appeal	1500	3%	1300	3%
Civil case of second appeal	800	1.5%	670	2%
Criminal case of first instance and first appeal	800		800	
Criminal case of second appeal	500		400	

Source: WRBBA 1925, regulations 6–8; Chen, *Jindai shehui*, 261–262.

community grew faster than the city's infant legal business market could cope with from the 1910s to 1920s. The issue of overdue membership fees to the Beijing Bar Association shows that not all lawyers enjoyed high earnings.

The monthly membership fee charged by the Beijing Bar Association was around ¥1, which was equivalent to the price of four to five catties (approximately 2.5–3 kg) of peanut oil in Beijing during the 1910s.<sup>38</sup> Nonetheless, records show that fees were frequently overdue. A lawyer named Suen explained in a letter to the Bar Association that his cumulative overdue membership fees amounted to ¥23, which owing to his poor income situation he would be unable to pay in a lump sum. He begged to be allowed to pay in installments instead. Another Bar member named Yin wrote a similar letter requesting that his repayment of overdue fees in arrears for 37 months be deferred. In response to this clearly widespread issue, the Beijing Bar Association sent a letter to all members requesting that they pay their fees according to its rules, warning that it would otherwise be unable to continue operating. The Association also mentioned that there were many instances of fees being overdue for 10 months or more. Its financial statement for 1927 shows that it received ¥93 in fees in one month, but that cumulative overdue fees amounted to ¥236, equivalent to 2.5 times its monthly income.<sup>39</sup> The gravity of the Beijing Bar Association's financial situation is clear. According to its regulations, the Association had the power to cancel a lawyer's registration if his fees were not paid on time, meaning that he would be unable to practice law. Hence, by not paying their fees, lawyers were risking their livelihood, which suggests they were in considerable financial difficulty rather than simply avoiding an unwelcome charge, and the documentation gives no indication that the latter was the case.

In attempting to understand how the early generation of Beijing lawyers tackled these business challenges, the changes in law firms' locations over time provide

some clues. Further research involving GIS techniques was conducted to address the question of why the founding group of legal professionals preferred the Outside No. 1 and 2 Districts of Beijing to set up their businesses. Although the professional community eventually spread northward and eastward, as noted, highly concentrated clusters of law firms remained in these two districts. Now the areas around Qianmen Street where it crosses three city gates, namely Xuanwumen, Zhengyangmen, and Chongwenmen, the two districts were once industrial and commercial centers with the city's highest concentration of guilds (*huiguan*), temples, and shops.<sup>40</sup> Guilds were meeting points for business migrants of the same native origins, and also places where employers could recruit workers, conduct important business discussions, witness trade deals, reside during their stay in Beijing, and even resolve business disputes.<sup>41</sup> Temples, in contrast, were venues for social gatherings, markets, and entertainment, in addition to sites for religious and festive functions.<sup>42</sup> When the locations of lawyers' businesses are overlaid with the map of guilds for further observation (see Figure 3.13), the similar patterns in their spatial distribution reveal that the rise of the legal profession in Republican Beijing cannot be separated from the development of its market economy. In 1914, a commercial court was established under the supervision of the Beijing Chamber of Commerce to arbitrate in commercial disputes.<sup>43</sup> Chaired by Chamber of Commerce officials, the commercial court had jurisdiction over all contractual and business disputes among the merchants of Beijing. Although lawyers were not allowed to appear formally before the court, it is not surprising that they played an increasingly important role in advising clients on the settlement of commercial disputes as China's market economy grew.

As time passed, the legal community expanded to districts outside the commercial and industrial areas. How did lawyers choose a location for their businesses in the vast city of Beijing? Placing the locations of lawyers' offices in the late 1920s to early 1930s over the geographical distribution of police stations in the same period provides a few clues.<sup>44</sup> Observation of the spatial distribution in Figure 3.14 shows that when the legal community spread northeastwardly from the Outside No. 1 and 2 Districts, the new locations of law firms were generally in the vicinity of police stations. When the commercial and industrial centers of the city were no longer sufficient to sustain the legal community, some lawyers chose to seek other business opportunities in police stations.

According to Bar Association regulations governing their duties, lawyers were responsible for providing both litigation and non-litigation services. The former primarily included drafting complaints and attending trials, whereas the latter involved commercial document preparation, personal estate management, will drafting, and property transfers. Negotiating with police officers was not a legal service stated in the Bar Association regulations, but negotiating with *yamen* officers such as clerks, runners, and secretaries prior to a trial was traditionally one of the major functions of the litigation masters of the imperial period.<sup>45</sup> Hence, in a pragmatic response to market forces, the lawyers of Republican Beijing did not hesitate to assimilate this traditional role into the transplanted legal profession to sustain their businesses.

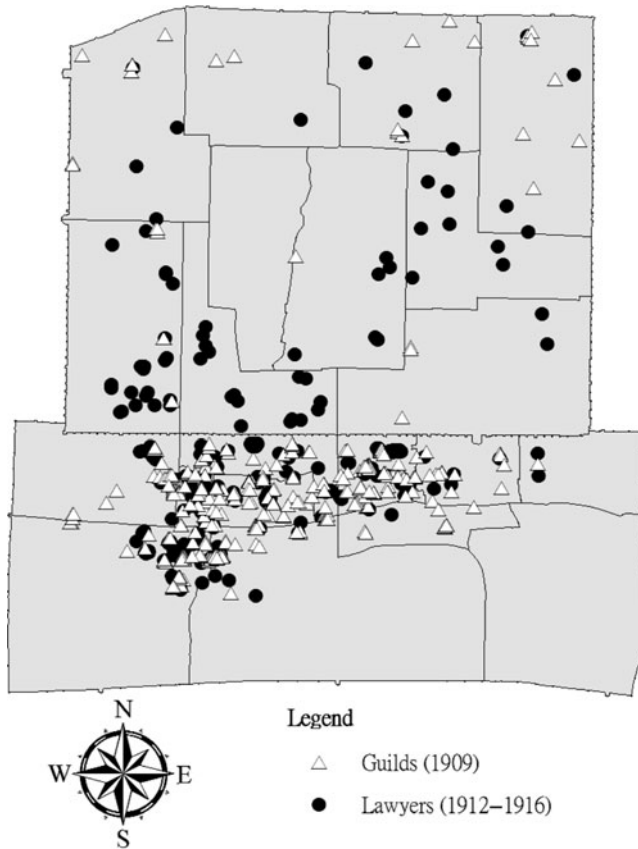


Figure 3.13 Distribution of lawyers and guilds.

Source: *Beiping zhinan* 1929, BJMA data files no. J65-3-539 to J65-3-547.

### Overcoming a tradition of contempt: the rise of Beijing lawyers

The emergence and initial development of Chinese lawyers during the 1910s was largely a product of the late-Qing reforms rather than a reflection of the new Republican Government's plans. At the close of the nineteenth century, the Qing government began to send elite students abroad, many of them to Japan. A large portion of those educated in Japan in the early days chose or were designated to study law or legal-political subjects, either on specialized intensive courses or within the regular university curriculum. Had the Qing government not sent students abroad to study law, the legal profession could not have been established so quickly after the Beiyang Government enacted the Provisional Articles for Lawyers in 1912.<sup>46</sup> When this first set of laws was promulgated, the first generation of legal professionals had already been trained and returned home, and was ready to practice law in the country's major cities. It was with this background that the

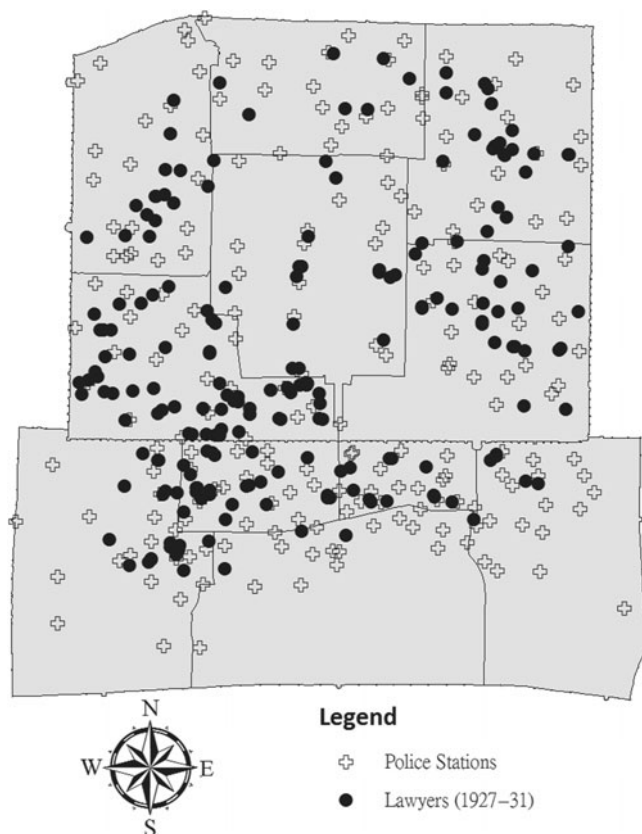


Figure 3.14 Distribution of lawyers and police stations.

Source: BJMA data files nos. J65-3-539 to J65-3-547 (location of lawyers) and J181-16-1535 (location of police stations).

founding group of lawyers in Beijing began to develop a new approach to lawyering in Republican China. Although they were joined by some locally trained lawyers, at least until the early 1920s, Japanese-trained lawyers exerted considerable influence over the establishment and operation of the Beijing Bar Association, the schooling of the next generation of locally trained lawyers, and, as the next chapter will show, negotiations with the government and courts to secure a greater degree of independence for the profession. Within the criminal justice system, a considerable number of Japanese university graduates occupied high-ranking positions in the courts, police institutions, law schools, the Prosecution Bureau, and the Ministry of Justice.

As the profession grew, law schools were established in other major cities in China. Accordingly, the ranks of lawyers trained in local universities swelled in number and, in due course, overtook those who had returned from Japan. Not

surprisingly, then, the influence of the Japanese law school graduates was gradually surpassed by that of their locally trained counterparts. The foregoing analysis shows that the localization of the legal profession took place rapidly in Beijing during the Beiyang period after the mid-1910s, with graduates from universities in Beijing and Zhili becoming the largest group of practitioners in the capital city.

In terms of native origin, most of the city's lawyers also came from Zhili or Beijing in the first 20 years following the establishment of the legal profession. The second largest group was the Sichuanese, followed by natives of Zhejiang-Jiangsu. Most lawyers were between 35 and 45 years of age. Their strong local network and relatively young age contributed to the rapid growth of the profession in the early stages of its development during the Beiyang period. In little more than 10 years, these newly qualified lawyers spread their practices from the central commercial areas in the Outside No. 1 and 2 Districts to cover most districts of Beijing. The practice of law was thus successfully marketed to most of the city, despite the traditional contempt for and suspicion of those who earned their living from litigation. The profession's growth in Beijing outpaced that in Shanghai for the entire Beiyang period, although the situation changed when the Nationalist Government moved the country's political and economic center southward to Nanjing and Shanghai in the late 1920s.

The findings presented in this chapter address a number of aspects of the legal profession's transplantation in early twentieth century China that have been overlooked by previous scholarship. Firstly, whereas there has been considerable discussion of the development of the early generation of Chinese lawyers in Shanghai, this chapter describes the equally important development that took place in Beijing. In fact, the legal profession grew earlier and faster in the capital than in Shanghai from the 1910s to 1920s despite the capital's traditional contempt for legal service providers. Secondly, whereas the Nationalist period has been the focus of existing scholarship on the legal modernization of China, including the development of a Westernized legal profession, this chapter constructs a narrative of the important legal reform milestones accomplished during the much-neglected Beiyang period. Lastly, similar to what we have seen in the cases of court judges and the police force during this period, the early generation of Beijing lawyers had to assimilate the traditional practices of litigation masters to sustain their businesses. Without such assimilation, the transplanted legal profession would not have grown or possibly even survived. At the same time, however, as we will see in the next chapter, the traditional negative perception of litigation masters also posed a serious threat to the businesses of qualified lawyers.

## Notes

- 1 This chapter is a modified version of my articles published in the *Journal of Comparative Law* and the *Annals of GIS* respectively: "Business of Justice and Justice of Business – The Legal Profession of Republican Beijing," *Journal of Comparative Law*, 6.2 (2012): 292–321, and "GIS in Urban Cultural Studies: Reflections from the Project on Republican Beijing," *Annals of GIS*, 18.1 (2012): 81–92 (co-authored with Billy K.L. So, Zhang Peiyao, and Lin Hui). I would like to thank their publishers for consenting to the publication of this chapter.



- 2 Legal service providers in the imperial era, commonly known as *songshi* [litigation masters] or *songgun* [litigation hooligans], were traditionally restricted from open practice by the imperial legal codes, primarily in order not to encourage litigation. They were in general despised in society especially by the scholar-official elites, despite the fact that they were often consulted by the public mass when legal disputes arose. A Westernized lawyer system was first introduced into Chinese society as a part of the late-Qing legal reform primarily based upon Western models. For details of litigation masters in the imperial period, see Melissa Macauley, *Social Power and Legal Culture: Litigation Masters in Late Imperial China* (Stanford: Stanford University Press, 1998) and Fuma Susumu, "Litigation Masters and the Litigation System of Ming and Qing China" *International Journal of Asian Studies*, 4.1 (2007), 79–111.
- 3 You Chenjun, in his recent article, gave a succinct account of events that led to the enactment of the Provisional Articles for Lawyers since the late-Qing reform, see You Chenjun, "Yinying xia de zhengdangxing : Qingmo minchu de lüshi zhiye yu lüshi zhidu," [Propriety under the Shadow: Lawyer System and Lawyer Occupation in the Late-Qing and Early Republic] *Fa xue*, 12 (2012): 41–54.
- 4 Wang Shen, *Zhongguo jindai lüshi zhidu yanjiu* [Study of Lawyer System of Modern China] (Beijing: shehui kexue yuan chubanshe, 1994).
- 5 Xu Jiali, *Zhonghua minguo lüshi zhidu shi* [History of Lawyer System of Republic of China] (Beijing: Zhongguo zhengfa daxue chubanshe, 1998).
- 6 Alison Conner, "Lawyer", and "Chinese Lawyers on the Silver Screen" in *Cinema, Law, and the State in Asia*, eds. Corey Creekmur and Mark Sidel (New York and Hampshire: Palgrave Macmillan, 2007), 195–211.
- 7 Sun, *Zhidu yizhi*.
- 8 Xu, *Trial, and Chinese Professional*.
- 9 Zhang Liyan, "Tongwang zhiyehua zhi lu: minguo shanghai lüshi yanjiu (1913–1936)" [The Road towards Professionalization: Study of Republican Shanghai Lawyers (1913–1936)] (PhD diss., Huadong shifan daxue jindai shi yanjiusuo, 2004).
- 10 Chen Tong, *Jindai shehui*.
- 11 Qiu Zhihong, *Xiandai lüshi*.
- 12 Membership register of Beijing Bar Association (1912–1931), Beijing Municipal Archives data files (BJMA data files hereafter) no. J65-3-539 to J65-3-547.
- 13 Beijing Bar Association (1925) *Beijing lüshi gonghui linian banshi baogao* [Work Reports of the Beijing Bar Association] (WRBBA hereafter) at 11 of regulations section.
- 14 Chen, *Jindai shehui*, 185–187.
- 15 Qiu, *Xiandai lüshi*, 60.
- 16 Lam Hokchung, "Fazheng sucheng ke yu liuri fazheng jiaoyu"[Legal-political Intensive Course and Legal-political Education for Overseas Students in Japan] in *Jindai zhongguo liuxuesheng lunji* [Collected Essays on Foreign-educated Students of Modern China], eds. Joseph S.P. Ting, Chow Kaiwing and Wong Yinlee (Hong Kong: Hong Kong Museum of History, 2006), 360.
- 17 Qiu, *Jindai lüshi*, 79–89.
- 18 For a table of particulars of these judges, see Huang Yuansheng, *Minchu*, 40–56.
- 19 Takada Yukio, "Qingmo liuri xuesheng de zheng tixing yanjiu: shi fenxi gesheng guanfei zifei biye xuesheng xingming biao" [Study of Japan Educated Students in Late-Qing period: An Attempt to Analyze the Name List of Self-financed and Government-funded Graduates of each Province] in *Jindai zhongguo liuxuesheng lunji* [Collected Essays on Foreign-educated Students of Modern China], eds. Joseph S.P. Ting, Chow Kaiwing and Wong Yinlee (Hong Kong: Hong Kong Museum of History, 2006), 90–104.
- 20 Cao, *Yisheng*, 25–26.
- 21 Cao, *Yisheng*, 69.

- 22 Cao, *Yisheng*, 99.
- 23 Cao, *Yisheng*, 103–107. In 1919, Cao Rulin was part of the Chinese government's delegation at the Paris Peace Conference following the end of the First World War. At the conference former German concessions in China were handed to Japan. This created unrest in China and led to the demonstration on 4 May, 1919. Cao was blamed for betraying the interests of China in favour of the Japanese at the peace conference, see Zhang Yufa, *Zhonghua minguo shigao* [Draft History of the Republic of China] (Taipei: Jinglian chubanshiye, 2001), 130, 142.
- 24 Takada, "Qingmo liuri" and Lam, "Fazheng sucheng ke".
- 25 For a brief biographical account of some of these returnees, see Qiu, *Xiandai lishi*, 80–83.
- 26 WRBBA, 8 of minutes section.
- 27 Xie Jian, *Xiezhuchen huiyilu* [Biography of Xie Zhuchen] ([Taipei]: Wenhai chubanshe, [1973]), 31–32.
- 28 Xie, *Xiezhuchen*, 131.
- 29 Xie, *Xiezhuchen*, 44.
- 30 Cao, *Yisheng*, 16–32.
- 31 Qiu, *Xiandai lishi*, 77.
- 32 Gamble, *Peking*, 62–64.
- 33 A spatial mean is the center of a set of locations. It indicates the summary of the location, like statistical mean or average. Spatial means of locations over time can show the overall geographical shift of a phenomenon. For details see David W.S. Wong, and Jay Lee, *Statistical Analysis and Modeling of Geographic information with ArcView GIS and ArcGIS* (Hoboken, NJ: John Wiley & Sons, 2005), 464.
- 34 WRBBA, 11 of regulations section.
- 35 WRBBA, 6–8; Chen, *Jindai shehui*, 261–262.
- 36 Gamble, *Peking*, 431; Beijingzhi bianji weiyuanhui [The editorial board of Beijing Gazetteer], ed., *Beijingzhi zonghe juan: renmin shenghuo zhi* [Beijing Gazetteer: Consolidated Section, People's Life Record] (Beijing: Beijing chubanshe, 2005), 41.
- 37 Cao, *Yisheng*, 106.
- 38 WRBBA, 11 of regulation sections; Beijingzhi bianji weiyuanhui [The editorial board of Beijing Gazetteer], ed., *Beijingzhi zonghe juan: jingji kuanli zhi* [Beijing Gazetteer: Consolidated Section, Economic Management Record] (Beijing: Beijing chubanshe, 2005), 49.
- 39 Beijing Bar Association, *Beijing lishi gonghui huiwu yuebao* [Monthly Report of Beijing Bar Association] (MRBBA hereafter) (1927), vol. 1, no. 2, BJMA data files no. ZQ5-3-1391 to ZQ5-3-1396.
- 40 For the location of commerce and industry in Beijing, see *Beiping shi gongshangye gaikuang* [Overview of Industry and Commerce of Beiping] (Beijing: Beiping shi shehuiju, 1932).
- 41 For the functions of guilds, see Beijingshi donganguan [Beijing Municipal Archives], ed. *Beijing huiguan dangan shiliao* [Beijing Guilds Archives] (Beijing: Beijing chubanshe, 1997) 1–17; for the location of guilds in Beijing, see *Beiping zhinan* [Beiping guide] (Beijing: Beijing minshe, 1929).
- 42 For the functions of temples, see Beijing shimao ziliao weiyuanhui [The editorial board of the historical temple records of Beijing], ed., *Beijing simiao ziliao* [Historical Temple Records of Beijing] (Beijing: Beijing dongan chubanshe, 1997) 1–3; for the location of temples in Beijing, see records stored at BJMA data files no. J2-8-1138, J181-15-131.
- 43 Gamble, *Peking*, 204–210; Wagner, Richard, "Alternatives to Magistrate Justice: Merchant Guild Dispute Resolution and the Foreign Trader Driven Litigation and Arbitration Reforms of Late Imperial and Early Republican China," *Journal of Comparative Law*, 4.2 (2009), 257–290.

- 44 For business locations of lawyers, see BJMA data files no. J65-3-539 to J65-3-547; for location of police stations, see J181-16-1535.
- 45 Fuma, "Litigation Masters," 87, 96.
- 46 Several provincial bar associations were set up even prior to the enactment of the Provisional Articles for Lawyers, see You, "Yinying," 51.

## 4 Obstacles to the practice of lawyering<sup>1</sup>

In the last chapter, we saw that the transplanted legal profession took root quickly in Beijing following the Republic's establishment. Law firms opened rapidly, and lawyers began representing clients in legal cases. However, such transplantation to a large extent outpaced the development of potential customers' traditional concept of legal services, particularly in Beijing, a city with deeply rooted legal traditions. Legal services had not traditionally been provided by people qualified in the Western sense of the word, and legal service providers – known as litigation masters in imperial times – were traditionally despised in Chinese society. Such contempt conflicted with the expectations of newly qualified lawyers in Beijing, who regarded themselves as members of the social elite and advocates of legal modernization. These lawyers thus had to overcome the Beijing population's traditional perception of legal service providers if they were to attain the professional status they desired, and believed themselves to deserve, and the ability to practice law as they saw fit. Their first challenge was to demonstrate to the Beijing populace that their abilities and legal status were completely different from those of the traditional, and much despised, litigation masters whom Beijing residents were accustomed to hiring for legal services. However, that was easier said than done, particularly because, more than a decade after the birth of the qualified legal profession, Beijing remained troubled by the existence of so-called “phony lawyers” (*fei lüshi*),<sup>2</sup> a further reflection of how the perception of the legal profession differed from that in treaty ports such as Shanghai. Moreover, although the government was the main driver of the legalization of the legal profession, government officials did not always perceive the intended outcomes of legal reform in the same way that lawyers did. Traditional concepts concerning the relationship between the government and legal service providers still stood in the way of the professional autonomy desired by Beijing lawyers. The second part of this chapter shows how the early generation of the city's lawyers stood up to the government to fight for the principles they believed to be fundamental to their survival while also making certain pragmatic compromises to resolve the conceptual conflicts between the transplanted system and legal traditions.

**Phony lawyers in Republican Beijing: cases and materials**

The term “phony lawyer” was used to denote a person posing as a qualified lawyer in Republican Beijing. Phony lawyers filed legal complaints and even appeared in court on behalf of litigants. The term was repeatedly used in a precise technical sense in official correspondence between the Beijing Bar Association and the courts and prosecution bureaux of Beijing, reflecting the general prevalence of the phenomenon and the gravity of the situation for genuine lawyers. Shanghai, by contrast, features little documentation of illegal activities by impostor lawyers. Whereas cases of impostor lawyers actually appearing in Shanghai courts in the 1920s and 1930s were rare, there were cases of people misrepresenting themselves to clients as lawyers and then making money by referring them to real lawyers.<sup>3</sup> The fact that phony lawyers organized themselves into gangs in Beijing, as we will see below, but not in Shanghai is another indication that the development of the lawyering profession and legal culture can differ as a result of local characteristics and the complex interplay between legal traditions and transplanted knowledge.

The following cases retrieved from the records of the Beijing Bar Association and Beijing courts stored in the Beijing Municipal Archives shed light on how phony lawyers formed themselves into gangs and set up business quite openly, as well as on how the situation grew nearly out of control despite the concerted efforts of the legal community to combat the threat they posed.

You Guixin, a councillor of the Beijing Bar Association, and a few of his fellow members wrote a joint letter to the Association in May 1927 to complain about the practice of phony lawyers, and requested that the Association work with the courts to enforce a stricter ban on this phenomenon. The complaining members also attached a list of phony lawyers and submitted it to the Association. After a discussion by the Standing Committee of Councillors of the Association on 17 May 1927, the list was sent to the courts in Beijing, and in July 1927 a notice was sent out to all members. Members of the Association were advised to pay attention to the activities of phony lawyers, to help investigate such activities, and to report to the Association whenever they encountered phony lawyers. This clearly reflects the general prevalence of the phenomenon, the attention it aroused and the disturbances it caused among the profession.<sup>4</sup>

Despite an order from the Ministry of Justice requiring lawyers to sign and stamp their seals on all legal complaints written by them, there were phony lawyers who were able to steal the seals and stamp them on the legal complaints they drafted when the lawyers were away from their offices. In November 1927 the Wuqing County Court of Beijing wrote a letter to the Beijing Bar Association appealing for assistance in distinguishing legal complaints written by phony lawyers from those written by real ones. The court said it sometimes had to summon a lawyer to verify his signature in person, which cost time and money for the lawyer to make a special trip back to the county for the purpose.<sup>5</sup> From the fact that even the court could not distinguish a legal complaint written by a phony lawyer from one drafted by a qualified lawyer, we can get a sense of the level of competence of a phony lawyer, which might not be much lower than that of a formally trained and qualified one. In the

few months that followed, the Beijing Bar Association presented, in several rounds, a complete list of signatures and seals of members to the court for identification purposes.

In another case from the same year, it was reported in the *Police Post* (*Jingcha Gongbao*), *Shuntian Times* (*Shuntan Shibao*) and other newspapers that a lawyer known as Liu Quan had recently rented an apartment in Tai Ping Lane in Nanheyan District to open a branch office. On the opening day, firecrackers were set off. It was further reported that because the lawyer Liu Quan had apparently put up a commercial sign without permission from the district government and let off celebratory firecrackers in the middle of the night, he was summoned to the local police station, and a penalty imposed on him. When this news report came to the attention of the Beijing Bar Association, it was discovered that the name Liu Quan could not be found among its list of members. The Bar Association therefore wrote to the prosecution bureau on 21 December. In the letter, the Bar Association mentioned that Liu Quan could be a bad element who handled legal cases illegally, and requested that the government take action to investigate him. If the government failed to take appropriate action, the Association further declared, the honour and discipline of the legal profession would be at risk.<sup>6</sup> From this case we can see that some of the phony lawyers were not operating underground. They called themselves lawyers and operated offices openly in public places. Their practices were thus in direct competition with those qualified under the new legal practice regime. The openness of phony lawyers' activities showed that they did not fear competition from the qualified lawyers. This could be due to the fact that the phony lawyers were able, or at least they believed that they were able, to provide customers with services at a competitive standard and price. From the next case below we can further see that the phony lawyers did not fear protests from or investigation by the qualified lawyers, and that they could even gang up to resist those actions.

On 5 July 1927 a motion was passed by the Beijing Bar Association to request the courts and the prosecution bureau to seek a stricter ban over the activities of phony lawyers. Shortly afterwards, the Association councillor You Guixin had his office disturbed by a group of phony lawyers. The phony lawyers threatened to break You's office nameplate and openly attempted to provoke a fight with him in the street. In a letter of complaint from You to the Bar Association, You maintained that the phony lawyers were seeking revenge against him because of the Bar Association's recent request to ban them. You further said that the phony lawyers had deliberately sought to inflict bodily harm and damage his reputation.<sup>7</sup> From this, it is clear that the phony lawyers in Beijing were not deterred by the protests from qualified practitioners and were prepared to fight openly for a living space whenever necessary. It also seems that both the government and the Bar Association were unable to find effective measures to curb the existence of the phony lawyers, even though the identities and locations of such illegal practitioners were well known, as we shall see from the following letters.

A letter dated 31 July 1927 from Feng Xueyan, a qualified lawyer, to the Beijing Bar Association, provided the names and aliases of three well-known phony lawyers. They were Yu Peihai (alias Yu Futing), Li Zhiting (alias San

Long) and Li Yongan (alias Li Jingxuan). Feng requested the Association to work with the court to investigate and eliminate their practices so that the social order could be restored.<sup>8</sup> In another letter dated 15 December from the Beijing Bar Association to the prosecution bureau, the Association mentioned that its members had conducted investigations into the activities of phony lawyers and had come up with a list of certain phony lawyers containing names, aliases, addresses and the types of cases handled by them. The Bar Association attached the list to the letter and requested that the prosecution bureau take action to clamp down on phony lawyers' activities in the interest of the public. Their list is shown in Table 4.1 below.<sup>9</sup>

All of the data in Table 4.1 is derived from a single record of the Beijing Bar Association in 1927. However, phony lawyers cannot have emerged suddenly in that year; in fact they had existed as a problem well before that. From a record of the Beijing Bar Association as early as January 1918, a letter written by a member called Kuai Pude described the activities of phony lawyers and urged the Association to take action against them.<sup>10</sup> Kuai declared that people without a lawyer's qualifications falsely assumed the identity of a lawyer in order to handle litigations. He said that phony lawyers chose dilapidated temples or laundry houses in back streets where they hung the nameplate of a law firm to solicit customers and deceive people into handing over their money. Though the law courts were said to be monitoring the situation, Kuai felt that their eyes and ears were inadequate for the task and many victims were suffering as a result. He wrote that the situation had not only substantially affected the business of lawyers, but had also contravened the national government's intention to establish a lawyer profession. He therefore proposed that the police bureau be requested to check the identity of law firms within their respective jurisdictions and ask them to produce valid lawyer certificates issued by the Bar Association.

The above again demonstrates that phony lawyers openly established offices in Beijing. They were noticed by the public, the legal profession and the government over a long period of time, but could not be eliminated. The legal professionals felt that the profession and the public interest were substantially affected by this phenomenon.

The official form issued by the Ministry of Justice for the appointment of attorneys in criminal cases, dated February 1920, which clients were required to fill in, carried a specific warning not to hire phony lawyers to represent them.<sup>11</sup> This again shows how serious and widespread this phenomenon was in Beijing during the first decade after qualified lawyers were introduced.

From the above historical data, it can be established that the phony lawyers existed for a considerable period and covered a wide legal domain; their activities ranged from securing clients and dealing with legal matters on clients' behalf, as well as appearing for clients in court. Their business activities included recovery of debts, dealing with real estate and private property, general civil cases and criminal litigation. Phony lawyers were open about their activities. At least two of those listed in Table 4.1 had addresses in guilds, yet they were never suppressed in any serious way. Rather, they formed into gangs and provided each other with

Table 4.1 Beijing Bar Association's list of phony lawyers, 15 December 1927

<i>Name</i>	<i>Alias</i>	<i>Address</i>	<i>Cases handled</i>
Li Jiechen		No. 67 Qianmen wai Dongliushujing	Representing Huang Qixian to appeal against Hu Zonglun in a debt case at the high court on 29 September, 1927. Representing Hao Shaowu against Li Xutang in a debt case at the summary court on 1 November 1927
Shi Bizhai	Yu Xueqian	Mafuma dajie, Taipinghu nei dacaochang, no. 18 Qianneicaomao hutong; also lived at Heluo Guilds	Representing Chen Xiaobao in a detention case on 30 July 1927.  Representing Chen Xiaobao against Wang Zongyu in a debt case on 15 September 1927.
Shen Shaotian	Rui Quan	Luanxingwei jie, No. 9 Jiadao	Sending people to solicit cases at the entrance of the court every day and handling litigations.
Li Zhongyuan		No. 1 Qianwai Xihuying	Representing Mrs Chen-Wang against Mrs Wang-Guan in a civil case on 26 September 1927.
Chen Liuguang		Chaozhou Guilds	Representing Zeng Gangfu against Li Huichuan in a case regarding recovering possession of books in April 1924.
Yu Peihai	Fu Ting		These three were widely known to plan and solicit cases.
Li Zhiting Li Yongan Meng Zhuxu	San Long Jing Xuan	Pingzemen wai	Representing Lin Shi against Wang Li in a case regarding recovering possession of a house.
Shen Xiaoting		Changxiang Xiasantiao menpai No. 9	Representing Su Baohua against Mrs Liu-Zhang in a case regarding recovering possession of a house.
Li Chun		No. 16 Gulüdongxiajie	Representing Xi Chengzhi and Wang Shuhua in a shop guarantee case.

support against outsiders and qualified lawyers, constituting a major obstacle to the growth of the lawyer profession in Beijing.

Who exactly were these phony lawyers? The following possibilities exist. It is stated in the above example concerning the Wuqing County Court that the court



had encountered cases in which phony lawyers stole lawyers' seals and stamped them over the legal complaints they drafted while the lawyers were away from their offices. Thus, some phony lawyers could have been employees in lawyers' offices.

Phony lawyers could also have been former "litigation masters" (*songshi*), alternatively known as "litigation hooligans" (*songgun*), during the Qing dynasty.<sup>12</sup> Actually, the format of legal complaints in the late-Qing era and early Republican days was quite similar.<sup>13</sup> The market for former litigation masters might have persisted well into the 1920s. A police case record from 1915 gives us positive evidence in this regard.<sup>14</sup>

In court records and a police report dated 1915 made by a patrol officer Ma Yongfu about a case involving a phony lawyer, Ma mentioned that he was asked to investigate Li Jiwu, alias Li Yunji, who lived at door number 31, at Xiaosi yanjing hutong. Li often stayed at the Sunrongxuan Wine Shop located at the west entrance of the district court and was alleged to have instigated litigation. He was reported to have hung out a wooden plate bearing the names of the lawyers Bian Baohai and Huang Yi and deceived people into handing over their money. Li was arrested on the second day of the month prior to Ma's investigation. To check whether the allegations were true, Ma went to the vicinity of the said *hutong* to interview Li's neighbors. According to a man surnamed Jiang, Li was a native of Shangdong province and over 40 years old. Jiang also mentioned during the interview that Li had made a living during the Qing dynasty by writing legal complaints for others under the cover of a fake stall selling decorations, located at the entrance of the district court.

From the above we know that the phony lawyer Li arrested by the police had formerly worked as a litigation master during the Qing dynasty. He made his living by soliciting customers at the entrances of law courts, whether the court was under the rule of Qing or the Republican government. Unless we assume that the above was a totally isolated case, it is reasonable to conclude that at least some of the litigation masters of imperial Beijing transformed themselves into phony lawyers and were able to continue to make a living from legal services during the Republican period.

### **Phony lawyers: conceptual conflicts with customers**

From the above historical materials, it can be concluded that phony lawyers (or "legacy litigation masters") troubled Beijing lawyers over a long period of time. This problem aroused concern amongst the lawyers' community and judicial bureaux and affected the prosperity of the new profession. The great number of phony lawyers points to the fact that this was no isolated matter; rather, an entire profession was involved. From the members' register of Beijing lawyers we know that the number of practicing lawyers in Beijing during the 1920s was approximately 400 to 500. If the number of lawyers in Beijing amounted to a few hundred and the number of phony lawyers a few dozen, this is a rather substantial ratio. At least some of the phony lawyers had been litigation masters under the Qing dynasty who were continuing to win the trust of clients by providing traditional complaint-writing services despite the fact that the legal system had changed from a

traditional to a Westernized one. The long persistence of the traditional specialists is striking. What went wrong in implementing the lawyer system in Beijing, such that the phony lawyers could openly handle cases illegally in 1927, even though the Western-style lawyer system and laws had been in place since 1912? Academic studies undertaken over the past few decades have so far not identified problems of a similar extent occurring in Republican Shanghai. If that was really the case, what were the differentiating factors that might have made the Shanghai legal profession less susceptible to such phenomena? I would argue that one of the key reasons was the consumers' choice of legal services.

One question worth considering is: were the consumers aware that the phony lawyers were not real lawyers? Were they interested in finding out whether or not phony lawyers were properly qualified? If they had all been victims of deception, surely the police would have intervened, and it would not have been necessary for the Bar Association to investigate and complain to the Prosecution Bureau. If the above-mentioned cases of openly securing litigation assignments were known to all, it would seem that the litigants hiring these phony lawyers knew the truth but did not mind; they simply did not care where the truth lay. In the same prosecution record of the above-mentioned arrest of ex-litigation master Li Jiwu in 1915, the Prosecution Bureau reported that Li had been arrested previously under a similar charge but was not prosecuted since no victim had come forward to the prosecution office to file a complaint. So, what did consumers care about?

Consumers of legal service in China, like consumers in the West, ultimately cared most about whether justice could be sought at a reasonable cost through legal services, whether in the form of having disputes resolved, rights safeguarded, economic interests protected, wrongdoing punished, and so on. However, unlike their counterparts in the West, independent, formally educated and qualified legal professionals were never a necessary foundation for achieving justice in traditional Chinese society. Rather, legal service providers were always an illegal occupation under the law, not necessarily independent (from the litigant's viewpoint, sometimes having good connection with government officials was beneficial), and without any formal qualifications. Consumers were used to hiring legal service providers based on word-of-mouth reputation from actual services rendered; consumers made choices according to, among other things, their own prior experience and knowledge of similar services. The change in the legal system brought about by importing the Western system of a formally regulated legal profession did not change conceptions and practice in society overnight, nor even over a span of many years.

Had consumers switched immediately from traditional conceptions and made a habit of hiring only qualified practitioners for lawsuits, phony lawyers would not have been able to survive for more than ten years after new laws for a Western-style legal profession were enacted in Republican Beijing. What possibly could have driven the choices of consumers in Shanghai and Beijing in different directions as they made their selection from the traditional service and the newly established modern professional service? I would argue that one of the key differentiating factors is a conceptual shift through which mass consumers came to appreciate the merits of the new Western-style professionals in order to achieve their aim of

seeking justice, whether it related to economic or other interests. When the consumers of legal services had acquired adequate experience and knowledge of the functionality of using qualified lawyers, and consequentially undergone a corresponding conceptual shift, they would likely be more willing to change their traditional habit of hiring underground legal service providers (be they phony lawyers or litigation masters) to one of retaining qualification-based legal practitioners. In such circumstances it would not be easy for phony lawyers to practice openly.

In Shanghai, prior to the legalization of Republican lawyers, cultural and conceptual changes had already been underway for 50 or 60 years, from the time of the first arrival of foreign lawyers, who had demonstrated economic and social leadership, the practical functionality of legal service and the importance of the right of legal representation to the people of Shanghai, via the system of extraterritoriality. Under this new though unequal and oppressive legal framework, foreign qualified lawyers possessed a greater right of advocacy in the various courts of Shanghai during this period than before. Foreign lawyers' existence and performance boosted the demand for engaging litigators in protecting individual rights in court. Even Qing government officials, even while they continued to ban traditional litigation masters from practicing, started to retain legal counsel as an inevitable method of resolving legal disputes with foreigners.<sup>15</sup> There were also cases in which foreign lawyers acted for Chinese litigants in lawsuits against Westerners.<sup>16</sup> However, I am not trying to concur with the modernization theorists that Westernization must have brought modernity to Chinese judicial reform. In fact the mixed courts under extraterritoriality can hardly have been a system of modernity given the inequality in the right of advocacy, the high degree of political intervention, the lack of judicial independence, and so on. Nevertheless, the effectiveness of foreign lawyers against this backdrop did unintentionally help in developing a new conceptual awareness among Shanghai society that was well suited to the subsequent establishment of a qualification-based lawyer profession.

Given that it took Shanghai half a century to adapt to the transplanted legal system, the problem of phony lawyers in Beijing does not come as too much of a surprise. After years of concerted effort by the community of qualified lawyers to report and curb phony lawyers' activities, and as the market economy further developed, licensed lawyers in Beijing eventually won the battle by demonstrating their important function and value by winning court cases and participating in public affairs. As time went on, the demand for licensed lawyers in business and civilian life grew, and the open operation of phony lawyers in Beijing became nearly impossible after the 1930s.

### **Lawyers' regulations: cases and materials**

Regulations and the practical experience of lawyers show that – contrary of course to what we might have expected from an independent legal profession of today – the business of the newly established legal profession in Beijing was under the close supervision of the government. Codified law established a framework in which the government, rather than the Bar Association, was the ultimate governing authority of lawyers in Republican China. The provisions from the Revised

Provisional Articles for Lawyers (dated 1923) clearly set out (as shown in Table 4.2. below) the rules of governance over lawyers and the bar associations.<sup>17</sup>

The above law imposed limitations on matters that a bar association was able to discuss and resolve. Strictly speaking, a bar association was not allowed to consider matters which were not “judicial” in nature. In other words, the government was able to restrict the bar association from engaging itself in politics or public affairs. In theory this restriction limited the political threat of the legal community over the government, although in practice the government was not strong enough to enforce this provision to the fullest extent. Furthermore, while the bar association was the sanctioning body over disciplinary matters for lawyers, the ultimate punishment agency was the Prosecution Bureau. It is not difficult to see that the Republican government had a strong desire to exert control over the legal profession.

In addition to the above restrictions over the functioning of the bar association, the daily operation of legal business was also under the supervision of the prosecution. The fee structure of legal services was one example. The initial fee structure was stated under earlier versions of the Bar Association’s rules, which allowed lawyers to charge both a ‘common fee’ (*gongfei*) and ‘gratitude fee’ (*choujin*). The common fee was a fee fixed by bar associations for different types of services rendered by lawyers, while the gratitude fee was an *ex gratia* payment made according to the agreement between the lawyer and the client in addition to the common fee.<sup>18</sup> This fee structure lasted until 1915, when the Ministry of Justice claimed that the gratitude fee was too arbitrary and decided to abolish it. The Ministry of Justice as a result promulgated a revised common fee schedule through a memorandum to the bar associations. The memorandum ordered that any member failing to follow the revised schedule would be struck from the register of lawyers. The new fee structure

Table 4.2 Extracts of Revised Provisional Articles for Lawyers dated 1923

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Article 24	The bar association is to be supervised by the local chief prosecutor or the prosecutor of the higher prosecution office.
Article 29	The bar association should determine its rules, which shall be submitted by the local chief prosecutor to the higher chief prosecutor, who will in turn submit it to the Minister of Justice for approval.
Article 32	The bar association should not resolve on issues other than those set out on the left: 1. Matters prescribed by the law or the rules of the bar association; 2. Matters consulted by the court or the Minister of Justice; 3. Matters that relate to judicial affairs and the common interest of lawyers for making a suggestion to the Minister of Justice and the court.
Article 34	The Minister of Justice or the higher chief prosecutor can declare a resolution invalid or can stop a meeting from proceeding if such a meeting of the bar association or its standing council breaches the law or the rules of the association.
Article 35	If a lawyer breaches these Articles or the rules of the bar association, the Chairperson of the bar association should, in accordance with the resolution of the standing council or the general meeting, request the local chief prosecutor to punish the lawyer.

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Source: WRBBA, 13–19 of regulations section.

abolished the right of lawyers to negotiate and receive the gratitude fee, and prohibited lawyers from sharing the client's damages awarded by the court. Any agreement with respect to gratitude fees and reward sharing between lawyers and clients was deemed void according to the new regulations. The memorandum also disallowed payment of a commission to referrers of legal business. To replace the old fee schedule, the Ministry of Justice set out a new set of charges which specified the common fee for different types of legal services and the maximum amount chargeable.<sup>19</sup>

This announcement obviously met with an adverse reaction from the legal community. The Beijing Bar Association received a number of letters of complaint from members. Complaints mainly concerned the following: (1) The fee structure was ambiguous and contained many ill-defined circumstances and self-contradictory provisions, which would make it difficult for lawyers to fully comply with the rules. (2) The fees were too low and oppressive, and did not take into account the hard work and effort of lawyers. One member complained that writing a legal plaint of a criminal case for only one Yuan under the new fee structure virtually put lawyers into the same position as a *daibi* (a name given to the traditional legal plaint writer or litigation master during the imperial period). (3) The fee structure gave the court or adjudicating *yamen* the power to audit whether the fee was just and reasonable, together with the power to reduce the fee. Members complained that this power and the circumstances under which such an audit power could be exercised were loosely defined, and therefore did not allow the lawyers to charge reasonable fees.<sup>20</sup>

At almost the same time as the issuance of the new fee structure, a set of Lawyers' Duties (*lūshi yiwu*) was also promulgated by the Ministry of Justice. This was a list of five additional rules which lawyers needed to follow when performing their duties. The Prosecution Bureau and the court would have the power to impose punishment on those who failed to comply with these rules. These five rules are briefly summarized as follows:

- (1) Unless made out of the voluntary will of the clients, any gifts made to lawyers from the clients and any contract signed between the lawyers and the clients may be rescinded.
- (2) Lawyers should return to their clients any benefits obtained from the other party of the lawsuit.
- (3) Lawyers should be liable for compensation for damage caused to clients owing to the lawyers' ignorance of laws and procedures or owing to their laziness.
- (4) Lawyers should be responsible for litigation costs of clients if they continue to represent the client in a lawsuit or encourage the client to continue the lawsuit despite the fact that the lawyers have discovered that there is no proper cause for the case.
- (5) Lawyers should perform their duties with integrity. If the court discovers that a lawyer aids in making the plaint, instigates the delivery of testimony, fabricates facts or abuses the litigation procedures, it should send the lawyer for punishment.<sup>21</sup>

Lawyers in Beijing reacted strongly to these additional rules, and the disadvantages they introduced and began a long journey of negotiation to defend their autonomy and prestige, although they were prepared to reach compromise with the government out of pragmatic needs. Members felt particularly insulted by the fifth provision, which contained a description traditionally used to describe the litigation “hooligans” of imperial times who aided in preparing a complaint to the magistrate, and instigating the delivery of testimony.<sup>22</sup> In the letters of protest to the Beijing Bar Association, members wrote that these rules created terror and bewilderment. They said that the description of “aiding in making the complaint, instigating the delivery of testimony” was too broad and could therefore be abused to punish lawyers. Some even said this rule was drafted by the government in order to eliminate the legal profession – they wrote that these rules were deliberately created by judicial bureaucrats who had regarded lawyers as enemies for a long time and wanted to use the rules to destroy the profession.<sup>23</sup> These rules were also said to have undermined judicial independence and hence the prospects for abolishing extraterritoriality.

The new fee structure and the additional lawyers’ duties created controversies not only among Beijing’s legal professionals but also lawyers in other parts of China. After several rounds of argument with the government lasting more than a year,<sup>24</sup> the Prosecution Bureau made some concessions on the fee issue but still insisted on the lawyers’ duties. In September 1916, the Ministry of Justice formally repealed its revised fee structure for legal services. The bar associations were allowed to fix the maximum legal fees for different services according to local circumstances, subject to the final approval of the Prosecution Bureau. The Beijing Bar Association subsequently submitted its proposed revised fee structure to the Prosecution Bureau. However, the proposal was rejected as the government considered it too generous to lawyers. Having gone back and forth between the government and the Beijing Bar Association for another six months, the revised fee structure was finally approved in April 1917.<sup>25</sup> Subsequent changes in fees proposed by the Beijing Bar Association in 1923 met with similar disapproval by the Ministry of Justice before they were finalized after another compromise in 1925.<sup>26</sup> In May 1916 the Prosecution Bureau finally agreed to amend the controversial provision No. 5 regarding lawyers’ additional duties. The compromise reached between the legal profession and the government was that the wording “abuse of litigation procedures” was deleted. However, the most controversial component “aiding in making the complaint, instigating the delivery of testimony,” was retained.<sup>27</sup>

### **Regulation versus interference: conceptual conflicts with government**

As we saw in the previous chapter, within the course of approximately ten years, the practices of Beijing’s newly qualified lawyers spread from the central commercial areas in the Outside No. 1 and 2 Districts to cover most of the city. Legal practitioners grew quickly in numbers and became more localized in terms of their educational background. The practice of law was successfully marketed to most districts of Beijing despite the traditional contempt for and suspicion of

those who earned their living from litigation. When competition became fierce, the early generation of Beijing lawyers sought guidance from traditional legal practices by locating themselves close to police stations to find business opportunities. However, Beijing lawyers also had many more obstacles to overcome than their Shanghai counterparts. Many of their difficulties stemmed from Beijing's status as a century-old capital city with deeply rooted traditions that affected the manner in which the emerging legal profession was perceived among government officials and lay clients.

For those lawyers who had received a Westernized legal education, the administration of justice was "intrinsically" independent from the outset, and they believed the same degree of independence should apply to the Chinese legal profession. This point was made clear in a letter of complaint written by lawyer Li Qichun to the Beijing Bar Association. Li said that the judiciary should be kept independent from government administration and that lawyers should not be interfered with in their execution of duties.<sup>28</sup> The question for lawyers who shared Li's view was how much control should be conceded to the government and how much intrinsic independence should be safeguarded. There were fundamental differences between lawyers and government officials in their perceptions of the rights and responsibilities and roles and functions of the new legal profession, and the former continued to be troubled by the degree of interference they experienced from the government. In the eyes of government administrators, however, the new legal system had liberated legal service providers, who had traditionally been under the *yamen*'s stringent control. The key questions facing the administration were, first, just how much freedom should be granted to the profession and, second, how many of the government's traditional rights of governance and control had to be retained. The government's view, and perception of lawyers, is well captured in the conversation between Yuan Shikai and Cao Rulin, one of the earliest practitioners in Beijing, cited at the start of this book. Yuan summoned Cao to try to persuade him to leave legal practice and join his government. When Cao explained his interest in and ideals of practicing law, Yuan was rather bemused, asking Cao: "What is the point of continuing to be a lawyer? Isn't a lawyer equal to a litigation master from the old days?"<sup>29</sup>

The legal profession in the early twentieth century made concerted efforts to defend and define the boundary of its autonomy, particularly in terms of freedom from government intervention. However, although acknowledging the general need to liberate the profession by conceding supervisory power to the bar associations, the government was determined to retain its final right of veto on critical issues. Lawyers often found themselves in conflict with the government concerning crucial elements of daily operation, such as fees and duties, and their rights as legal representatives in trial hearings were sometimes disrespected by both the Prosecution Bureau and the court itself. Some lawyers were even arrested when representing clients in making a lawful request at the Prosecution Bureau.<sup>30</sup> There were also complaints against the Supreme Court regarding its failure to respect lawyers' rights. In February 1914, one member of the Beijing Bar Association wrote to it to complain that the Supreme Court was not complying with the relevant rules

and, in practice, was oppressing lawyers. The Supreme Court was criticized for not informing lawyers of hearing dates and for not handing down its reasons for judgments to the representing lawyers. Similar complaints were lodged with the Beijing Bar Association in 1915. It heard that lawyers were often not informed of hearing dates until the morning of hearings and sometimes not informed at all.<sup>31</sup> Such failings impaired legal representatives' ability to put forward their clients' cases in a timely manner, and some practitioners were not even certain that the cases they handled had been properly adjudicated on the basis of substantive law.<sup>32</sup>

### **Changing traditional perceptions and overcoming conflicts**

Overhauling the old legal system and replacing it in its entirety with a transplanted foreign model within a short period of time was bound to produce conflicts with traditional values and practices. It took time and considerable pain for legal practitioners and ordinary people alike to resolve those conflicts by mixing and matching Chinese and Western bodies of knowledge. In theory, the establishment of the legal profession in the early twentieth century marked the beginning of the right to legal representation in China through the transplantation of a Westernized model. In practice, however, there was no outright adoption of Western values and total rejection of traditional practices. Similar to the Republican judges described in Chapter One, Republican lawyers sought guidance from traditional practices to sustain their businesses. At the same time, however, they also fought against the government's traditional views to defend the principles they perceived as fundamental to sustaining an independent legal profession based on Western notions. Sometimes, they made compromises to such principles in order to resolve conflicts and reach a solution reasonably acceptable to the government, customers and members of the profession alike.

In this delicate process of migration from old to new practices, a number of factors were at work. The state's actions, such as passing new laws and establishing bar associations, obviously played an important part. The perceptions of government officials, ordinary people, and lawyers themselves regarding the roles and functions of the new legal professionals were also influential. The findings presented in this chapter show that, at least in the case of Beijing, the tradition of hiring litigation masters and the traditional less-than-positive public image of those masters shaped the perceptions of the new class of Chinese lawyer held by government officials and ordinary people alike. Further adding to the confusion, these new practitioners sometimes took up the work of the litigation masters of old, and some litigation masters posed as modern lawyers.

Market forces also played a very important role in the process. The close spatial relationship between the locations of commercial sectors and legal businesses tells us that the marketplace was an important environment for the survival of legal professionals. Some lawyers even operated inside the premises of the guilds, that is, traditional business associations. In addition, the growth of the business community and urban economic prosperity also benefited the development of the legal business in terms of both financial returns and fame. The example of Shanghai



shows that that city's lawyers benefitted from its growing economic and political importance, enjoying relatively high economic and social status in the 1930s. That elite status, in turn, gave them strong bargaining power vis-à-vis the government. Shanghai lawyers also had considerable influence in public and political affairs. They became the key group of professionals to whom the ordinary citizens of Shanghai would look for action against legal and social injustice.<sup>33</sup> In Beijing, in contrast, many ordinary people were unable to perceive the difference between the new class of lawyers and litigation masters or phony lawyers, or were simply indifferent to the distinction. The persistence of traditional perceptions constituted a serious challenge to the emerging legal profession in Beijing and continued to trouble it for decades. As time went on and the market economy developed, however, the demand for licensed lawyers in business and civilian life eventually shifted these perceptions and strengthened the legal community's bargaining position with the government.

## Notes

- 1 This chapter is a modified version of my articles published in the *International Journal of Asian Studies* and the *Journal of Comparative Law*, respectively: "Attorney on Trial: When the Lawyers met the Phony Lawyers in Republican Beijing," *International Journal of Asian Studies*, 8.1 (2011): 25–39, and "Business of Justice and Justice of Business – The Legal Profession of Republican Beijing", *Journal of Comparative Law*, 6.2 (2012): 292–321. I would like to thank their publishers for consenting to the publication of this chapter.
- 2 Phony lawyer (*fei lǚshi*) was a term commonly used in Republican Beijing to refer to people without formal qualifications posing as legitimate lawyers to take up cases. *Fei lǚshi* is literally "non-lawyer," but this fails to reflect the connotations of the term as used historically, in most cases a derogatory designation for a person who was not qualified as a lawyer but claimed to be so in order to deceive people into handing over their money. I have chosen to use "phony lawyer" in order to convey something of the contextual meaning of *fei lǚshi* in the archival materials.
- 3 Sun, *Zhidu yizhi*, 295–296.
- 4 Letter issued by the Bar Association to all members on 6 July 1927, in MRBBA.
- 5 Letter from Wuqing county court received by the Bar Association on 21 November 1927, in MRBBA.
- 6 Letter issued by the Bar Association to the District Prosecution Office on 21 December 1927, in MRBBA.
- 7 A motion proposed by Councilor You to the Bar Association dated c. September 1927, in MRBBA.
- 8 Letter from Feng Shuyan received by the Bar Association on 31 July 1927 in MRBBA.
- 9 Letter issued by the Bar Association to the District Prosecution Office on 15 December 1927, in MRBBA.
- 10 WRBBA, 52–53.
- 11 Form of Appointment of Attorney (*xingshi weiren zhuang*) issued by Ministry of Justice dated 1920, stored at BJMA data files no. J65-004-1203.
- 12 A large number of English translations have been used by scholars to describe legal plaintiff writers and legal service providers during the imperial era, ranging from "litigation master" or "legal scribe" to "litigation hooligan", "pettifogger" or "litigation stick". See Fuma "Litigation Masters", 79–80, Xu, *Trial of Modernity*, 233–238 and Macauley, *Social Power*, 21–23.

- 13 In writing legal complaints during the early Republican period, lawyers even referred to Qing's reference book on preparing legal complaints authored by litigation masters, see Sun, *Zhidu yizhi*, 358–360.
- 14 Capital Police Bureau Document no 1170, 1915, stored at BJMA data files no. J181-18-5209.
- 15 Chen, *Jindai shehui*, 74–81.
- 16 Chen, *Jindai shehui*, 68–74.
- 17 WRBBA, 13–19 of regulations section.
- 18 WRBBA, 16–22 of correspondence section.
- 19 WRBBA, 16–22 of correspondence section.
- 20 WRBBA, 27–32 of correspondence section.
- 21 WRBBA, 22–23 of correspondence section.
- 22 WRBBA, 24–34 of correspondence section.
- 23 WRBBA, 24–34 of correspondence section.
- 24 WRBBA, 23–45 of correspondence section, which shows a series of letters sent respectively from lawyers Yu, Pun, Ouyang, Li and Wei and the letters of reply sent from Beijing Higher Prosecution Bureau and Beijing Local Prosecution Bureau from 1915–1916 on the issues of legal fees.
- 25 WRBBA, 39–45 of correspondence section.
- 26 WRBBA, 11 of regulations section.
- 27 WRBBA, 39–40 of correspondence section.
- 28 WRBBA, 28 of correspondence section.
- 29 Cao, *Yisheng*, 104.
- 30 WRBBA, 23, 57 of meeting minutes section.
- 31 WRBBA, 208 of correspondence section.
- 32 WRBBA, 6 of correspondence section.
- 33 Chen, *Jindai shehui*, 211–229.

## 5 Practice of crime experts<sup>1</sup>

New values and knowledge from the West not only brought about changes in the governance system of China, but also led to a reconstruction of knowledge systems among the elite. During the early twentieth century, new meaning was given to what was deemed a crime, who was deemed a criminal, and what were considered to be the causes of crime. Previous scholarship has described how the first generation of Chinese criminologists, adopting social science methodologies acquired from the West, explained the causes of the rising crime problem in modern Chinese cities in the early twentieth century,<sup>2</sup> yet few studies have discussed the institutional and mental frameworks of the newly transplanted legal system upon which those crime experts such as criminologists and crime detectives relied in conducting their professional analysis of the crime phenomenon. Institutional frameworks include the overhaul of the imperial statutory meaning of crime and spatiotemporal recording of crimes maintained by the Police Bureau according to the new legal definition of crime. Mental frameworks, that assimilated Western knowledge and technique on the study of crime with traditional Chinese values and perceptions about the city and its people, also affected considerably the understanding of crime scholars and law enforcement agencies on the crime problem of Beijing. Complex interaction of the old and new bodies of knowledge concerning crime, as we shall see in this chapter, shaped the transplanted criminal justice system as it coped with the perceived problems of crime in China during this period of tremendous social change and cultural transformation.

### **The sociological study of crime**

Western organizations and missionaries established important academic institutions in Beijing during the early Republican period, and the application of emerging social science methods to the study of Chinese society became popular among both foreign and Chinese scholars. One of the manifestations of this new mode of research was the organization of large-scale studies such as that conducted on Beijing by Sidney Gamble in the late 1910s under the sponsorship of the Princeton University Center in China.<sup>3</sup> Crime, together with other urban problems such as poverty, public hygiene, and prostitution, became popular subjects for foreign sociology researchers, many of whom approached China as a testing ground for

their views on social progress. Gamble studied the social conditions and problems of China in the hope that “the Orient, as far as possible, be saved from the costly mistakes made by the Occident.”<sup>4</sup> Combining scholarship with a social reconstruction mission, these Western scholars aimed to work out a social program that would exert a positive influence on the lives of the Chinese people.<sup>5</sup>

Local sociologists began to catch up in the 1920s, producing important work in an attempt to develop their own sociological discourse on the problem of crime in China. They used the research techniques they had learned from the West to find an explanation for this problem in Beijing and other urbanizing cities of China. These studies were novel in their quest for answers to China’s growing rate of urban crime in that they were based on new forms of empirical analysis. Both Dikötter and Kiely in their previous analyses provided succinct accounts of the empirical studies carried out by the first generation of Chinese social scientists in the early twentieth century, among them such leading criminologists as Yan Jingyue.<sup>6</sup> However objective early Chinese social scientists such as Yan may have considered their collection of data to be, I argue, they could not help but analyze those data on the basis of traditional Chinese frameworks of how society was organized and how justice was conceptualized and, more importantly, how the transplanted legal system conflicted with those frameworks to contribute to the rising crime rate in 1920s and 1930s China.

In one of the most representative criminological works of the Republican period, Yan conducted a survey comprising more than 300 interviews with inmates in Beijing and other cities across more than 12 Chinese provinces in the late 1920s and early 1930s.<sup>7</sup> These inmates had been sentenced for a wide range of offenses under the imported criminal law, ranging from theft and murder to rape, bigamy, kidnapping, and opium consumption. He also collected statistical data on the occurrence of crimes and the particulars of criminals from the police bureau and other government offices. Yan’s survey formed part of his doctoral thesis at the University of Chicago. However, in searching for the causes of the crimes reflected in his data, Yan offered explanations that were not typical of the prevailing American criminology theories of the day, which tended to be biological or sociological in nature. Instead, he offered a cultural narrative of crimes and criminals in China by applying traditional Chinese thinking to data collected using Westernized methodologies.

As part of his work on crimes and their relation to social change in China, Yan surveyed a large bandit group in Northern China called the *Kelou Hui*, studying the group’s organization, working style, and internal rules. In narrating his conversations with bandit group members, Yan displays deep sympathy for them, many of whom he felt had had no choice but to join the group to survive in a period of economic and military instability. He presents these bandits as disciplined, reasonable, and concerned with justice. Yan shared the bandits’ sense of justice, which was based on the traditional Chinese concepts of kindness and righteousness (*ren yi*), and doubted the criminality of their acts. In concluding his survey of the *Kelou Hui*, he remarked that “doing good for Heaven” (*titian xingdao*) and “robbing the rich to feed the poor” (*jiefu jipin*) were the principles these bandits had adopted. He also noted that they cared about ordinary people and sometimes

protected the weak and poor from natural disasters and military attacks. As a result, ordinary people did not regard the *Kelou Hui* as a criminal gang.<sup>8</sup>

It is not my objective in this section to argue the issue of whether Yan's survey was scientific or his views objective. There are without doubt ample cases of cruel robberies and ruthless violence that present a very different picture from the benevolent bandits that Yan depicts. What this section intends to show instead is that Yan's work gives us a representative example of how the crime scholars of the 1920s and 1930s studied crimes in China by, consciously or unconsciously, applying traditional legal and moral values to their empirical analysis of the causes of crime in Chinese society. Despite being a doctoral graduate in Western criminology, Yan observed his survey subjects through the lens of tradition, as revealed by his concerns for those who acted righteously according to Chinese tradition but had been made criminals by the new criminal justice system.

Yan cited a number of other examples to illustrate his concerns over the disparity between what was deemed a crime in Chinese legal tradition and what had been made a crime under the imported laws. For example, he interviewed a convicted murderer who had been imprisoned for murdering the man who killed his father. Yan said that such an act of revenge would have been praised in traditional Chinese society, whereas the new criminal justice system had turned this man into a murderer.<sup>9</sup> Similarly, a number of Yan's interviewees had been charged with bigamy. Yan believed that these men had married more than one woman in accordance with what they believed to be legal and normal in Chinese society and in ignorance of imported bigamy laws. He also argued that the traditional practice of taking more than one wife benefited the inheritance of family wealth and was thus an integral part of the organization of Chinese society, which was based on the family unit rather than the individual.<sup>10</sup> Opium smokers constituted another group of individuals that had unjustifiably been turned into criminals under the new laws, in Yan's view. According to his survey, opium was consumed not solely for pleasure, but was a pain-killing solution for those unable to afford medical care or hospitalization. Yan interviewed 188 opium smokers who said they smoked the drug to alleviate such medical complaints as stomach pain, tuberculosis, and venereal disease, concluding that simply making these people criminals without resolving the social problems underlying their behavior highlighted the conflict between the new laws and traditional practices.<sup>11</sup> In fact, on the basis of his survey conducted in the late 1920s and early 1930s, Yan concluded that many of the so-called crimes of the period were actually the result of conflict between the imported laws and Chinese traditions.

### **The legal reordering of crime**

Chinese sociologists of the 1920s and 1930s conducted their empirical studies largely using crime data provided by the Police Bureau, data that had been unintentionally filtered by the legal changes taking place in China at that time. The lawmaking and enforcement agencies, each with its own mission and agenda, had revisited the legal ordering of crimes at the turn of the twentieth century. Those efforts to redefine and record crimes according to the new legal ordering would have

considerable impact on the sociologists' perceptions of and discourse on the severity and causes of crime. Moreover, the Republican police force also studied the occurrence of crimes by collecting and describing crime data based on the Westernized format of tables and charts. Although it deployed manpower based on these imported statistical methods, the Beijing police force nonetheless retained its traditional perception of crime areas, such as the association between the recycling business and crimes, in using these data to monitor potential criminal activity. The complex interplay between transplanted legal knowledge and traditional perceptions of crimes, criminals, and crime zones is discussed in the following sections.

The new criminal justice system introduced numerous new institutions for dealing with crimes and criminals, including a new corps of certified attorneys and judges, a police force, law courts, and reformed prisons. What was equally important was the introduction of new definitions of crimes under the law. These new legal definitions affected not only the ways in which offenders were recorded, handled, and tried, but also the ways in which crimes were perceived, interpreted, and discussed in the discourses of crime experts. During the imperial period, the major categories of crime could be found in the Criminal Code (*xinglu*) section of the Qing Code. Crimes were primarily grouped into the following categories: robbery and theft, homicide, quarreling and fighting, use of abusive language, offenses related to presenting information to the court, bribery and corruption, forgery and fraud, incest and adultery, escape from arrest, and miscellaneous offenses such as defacing public monuments and gambling.<sup>12</sup> Through the efforts of Shen Jiaben and Wu Tingfang, a New Criminal Code (*xinxinglu*; hereafter NCC) was promulgated in 1910. A number of revised criminal codes were subsequently promulgated during the Beiyang and Nationalist periods, but they differed little from the Qing-era NCC, particularly in terms of their categorization of crime. For example, the first criminal code of the Republic – the Provisional Criminal Code (*zanxing xinxinglu*; hereafter PCC) – classified crimes into 35 types, most of which existed in the NCC: crimes related to national interest or security such as treason, foreign aggression, harming the relationship with another country, and leaking confidential information; crimes related to the public duty of government officers such as dereliction of public duty, and interfering with elections; crimes related to public order such as causing a breach of the peace, disrupting traffic, threatening public order, forging currency or weighing scales, tampering with the water supply or drinking water, and posing a threat to public hygiene; crimes against persons, property, and reputation such as sexual offenses and bigamy, homicide and wounding, abortion, the abandonment of babies, private arrest and imprisonment, abduction, damaging reputation and credibility, theft and robbery, deceit, misappropriating another's property, handling stolen goods, damaging property, and arson; and other offenses, including escaping from arrest, hiding criminals, destroying or forging evidence, making malicious accusations, possessing or manufacturing dangerous goods, forging documents, blaspheming religious ceremonies and excavating tombs, trading in opium, and gambling.<sup>13</sup>

This categorization of crime remained largely in force in China until 1949. The NCC and PCC not only re-categorized crimes but also excluded from the official

definition of what constituted a crime offenses that the law drafters considered to be less serious. These offenses were redefined as police contraventions (*weijing*) under the law and placed under another legal regime called the Police Contravention Punishment Law (*weijing fafa*; hereafter PCPL). The concept of police contraventions was adopted from the continental legal tradition by the law reformers of the late-Qing period. In 1908, the Qing government approved the Police Contravention Code (*weijinglu*) as part of the legal reform. From then until 1949, many offenses were thus placed outside the reach of the criminal law regime and criminal justice system. The PCPL, which was largely based on this Code, categorized police contraventions primarily into the categories of causing harm to public peace, order, customs, or hygiene or to the person or property of others.<sup>14</sup> Although many of these offenses overlap with those in the PCC, the PCPL dealt with offenses that resulted in less serious injury or damage, and hence were punishable by a fine of not more than ¥15 or detention for a period not exceeding 15 days.

The laws concerning police contraventions were important for a number of reasons. First, they removed many offenses from the defined list of crimes, and hence from the jurisdiction of the criminal justice system. Those committing police contraventions were neither tried openly nor sentenced by a court judge. They were summarily dealt with by the Police Bureau, and were charged, convicted, and penalized inside police stations. Offenders were warned, fined, and/or detained at the detention center run by the Police Bureau, not in the new prisons built upon the Western model. Second, official data on crimes and criminals did not include police contravention offenses. In the police archives, data on these contraventions are held separately from the records and statistics on crimes (*fanzui*).

Although some of the offenses under the police contravention law, such as causing harm to another person, were relatively more serious in nature than littering or creating a nuisance, they were not defined as a crime or included in crime statistics if little injury was caused. They were perhaps also overlooked by the criminologists of the day. Yan Jingyue acknowledged the incompleteness and limitations of the crime data supplied by the government, and noted that they were unsatisfactory in part because of the exclusion of police contraventions.<sup>15</sup> However, he may not have realized that the discrepancy was as substantial as the following analysis suggests it was.

The graph in Figure 5.1 shows the data used by Yan in his analysis of Beijing's crime situation in the 1920s in comparison with those kept by the Police Bureau. It is clear that one would come to very different conclusions concerning the city's crime rate depending on which set of data, and whose definition of offenses, one consulted. The number of criminals examined by Yan was only 15 to 20 per cent of the total number recorded by the Police Bureau, which was tasked with maintaining and updating the city's crime dataset. Yan acknowledged that his data source included only criminals sentenced to imprisonment. Therefore, the difference between the two sets could be accounted for by those criminals who had been sentenced to suspended prison sentences, fines, and/or probation orders.<sup>16</sup> In his study, Yan noted his alarm at the 123 per cent increase in the number of criminals over the seven years from 1920 to 1926,<sup>17</sup> but the rising trend would have appeared much less serious if Yan had had the chance to study the official crime records kept

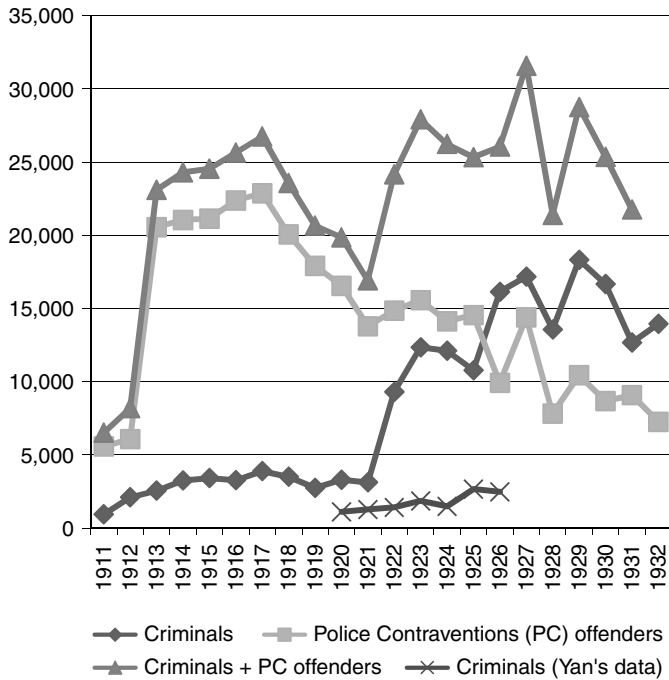


Figure 5.1 Crime data used by Yan Jingyue and those kept in the Police Bureau in the 1920s  
Sources: Yan Jingyue, “Beijing fanzui zhi shehui fenxi,” 3–5; Police Bureau records (see note 18 below).

by the Beijing Police Bureau. Whereas the number of those committing officially defined crimes climbed over the period, the number violating police contraventions declined on average. If we look at the combined numbers of police contravention offenders and criminals in Figure 5.1, we get a rather different impression of the city’s crime rate. The line showing the combined data for the period from 1911 to 1931 shows that the crime situation in Republican Beijing was not deteriorating to the extent described by Yan. Rather, the figure in the late 1920s was at a level similar to that in the mid-1910s. Obviously, the combined data are dominated by the police contravention trend, as the number of such offenders was eight to ten times higher than that of criminals. Thus, putting the two datasets together reduces the impact of the number of criminals on the results of criminological analysis such as Yan’s.

Although we can assess neither the level of accuracy and completeness of the data used by Yan nor that of those recorded by the Police Bureau, it is evident from the foregoing analysis that crime scholars and law enforcement agencies were using different sets of data to form their images of the crime situation in Beijing. Using their own datasets, each group conducted analyses and portrayed views that



fit its own conception of the city's social reality. Criminologists applied Western sociological knowledge to the results of their studies to form their perception of crimes and theorize about the causes of crime. The police, in contrast, used the data they collected to form their own spatial order of crimes in the city, which then guided their deployment of resources and understanding of the causes of crime.

### **Spatial study of crime using police force data**

The policing agency of Beijing had been responsible for collecting data concerning various aspects of life in the city since the imperial period, with crime data being among the most widely collected. In the Republican period, the Beijing police force presented those data in a Westernized format of tables and charts, as shown in Figures 5.2–5.3. A typical table of crime data included the number of criminal cases and criminals in each category of crime, the sex and age of the criminals, the months and years in which offenses took place, and the districts in which they occurred. Such data not only provided useful information about the rise and fall of crime numbers, but also traced the spatial order of crimes over time. These data allowed the generation, via the historical GIS technique, of maps (Figures 5.4–5.12) illustrating the spatial pattern of crimes in Beijing as perceived by the Police Bureau.<sup>18</sup>

We can see from the spatial distribution of criminals recorded by the Police Bureau from the 1910s to 1930s that the districts with the highest number of criminals (the darker areas on the maps) appear to have changed over the years. However, when we look more closely at the numbers, we are able to see the common denominators in these patterns. Taking the 1920s to early 1930s as a continuous period for observation, we can see that Outside No. 5 District was always one of the top-five districts with the highest number of criminals, and, in four of the nine years, it had the highest crime rate. Outside No. 1 District, too, was consistently in the top three. In fact, the northern part of the South City, which contained the Outside No. 1 and No. 2 Districts as well as No. 5, had always been a major crime center. Why did these districts remain attractive to criminals despite changes in the political and economic situation of Beijing over the years? The former two once constituted the commercial center of Beijing, home to the highest concentration of guilds, temples, shops, and markets, as shown in Figures 5.13 to 5.15.<sup>19</sup> The Outside No. 5 District, another area popular with criminals, was also the site of the famous Tianqiao market, which was the largest market for low-priced goods in Beijing. It was a gathering place for sellers of secondhand clothing, fabric, and leather goods. Tianqiao was also renowned for certain forms of entertainment popular with the working classes, such as wrestling matches and martial arts performances.<sup>20</sup> Criminologists of the time might perceive poverty, ignorance of the imported laws, and other underlying social problems to be the main drivers of the city's rising crime rate, but to the Beijing police force it was location that mattered. These sites of vibrant markets and populist leisure activities were highly dangerous and needed to be closely watched, despite their relative affluence.<sup>21</sup>

本埠發售各項案件統計表

民國23年9月份

[illegible]

北平市違警事件調查表 (月報)																				
區  郊	總  計	妨 害 安 寧	妨 害 共 計	妨 害 違 章 營 業	秩 序 違 抗 命 令	秩 序 不 顧 公 益	妨 害 公 務	妨 害 告 偽 證	煙 沒 證 據	妨 害 交 通	妨 害 共 計	風 俗 類 似 賭 博	俗 其 他	妨 害 共 計	衛 生 其 他	衛 生 任 意 便 溺	害 污 壤 飲 食	害 污 壤 飲 食	害 污 壤 飲 食	害 污 壤 飲 食
總計	613		98	44	5	10	39	1		335	127	20	50	57	89	28	59	5	47	16
內一區	40		3				3			11	2			2	4		4			
內二區	30		5	1			4			12	8		5	3	4		4		1	
內三區	41		5				5			20	12		2	10	4		4			
內四區	50		4			3	1			24	7	3		4	9	4	5		6	
內五區	15									4			4	7	3	4		2	2	
內六區	35		4	1		1	2			21				10	1	9				
外一區	68		13	9			4			28	2		2	19	8	11		6		
外二區	51		3	2			1			25	1			1	7	1	2	4	15	
外三區	84		11	5			6			44	13	3		10	4		4		8	4
外四區	59		6		2	4				28	17		13	4	8	4	4			
外五區	29		8	3			5			12	7	4		3	9	4	5		3	
東郊區	29		4		3		1			2	7		4	3	2		1	1	4	10
西郊區	22		9	5			4			6	6			6					1	
南郊區	2		2				2													
北郊區	2													2	2					
第三科	66		21	18		2	1	1		2	41	10	26	5					1	

Figure 5.3 Monthly record of police contraventions (*weijing*) kept by Beijing Police Bureau (1936).

Source: Personal collection of the author.

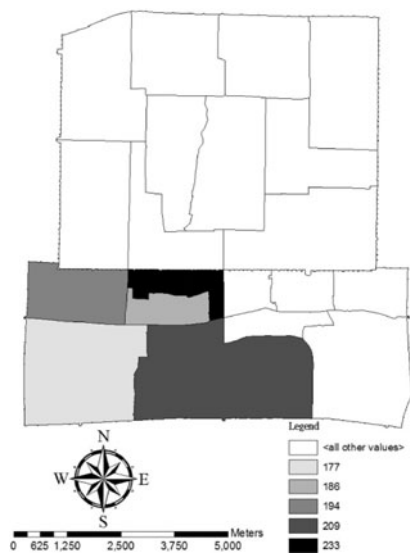


Figure 5.4 Distribution of criminals (1912).



Figure 5.5 Distribution of criminals (1922).



Figure 5.6 Distribution of criminals (1925).



Figure 5.7 Distribution of criminals (1926).



Figure 5.8 Distribution of criminals (1927).



Figure 5.9 Distribution of criminals (1928).



Figure 5.10 Distribution of criminals (1929).

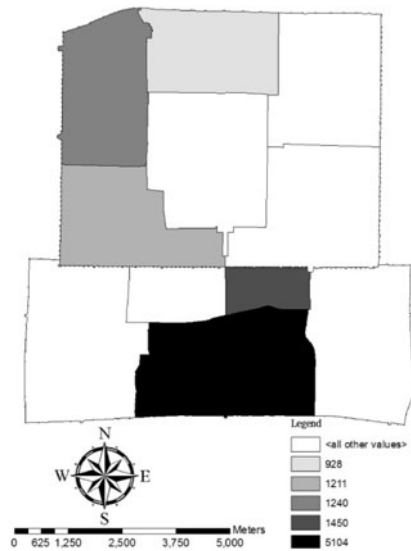


Figure 5.11 Distribution of criminals (1930).



Figure 5.12 Distribution of criminals (1931).

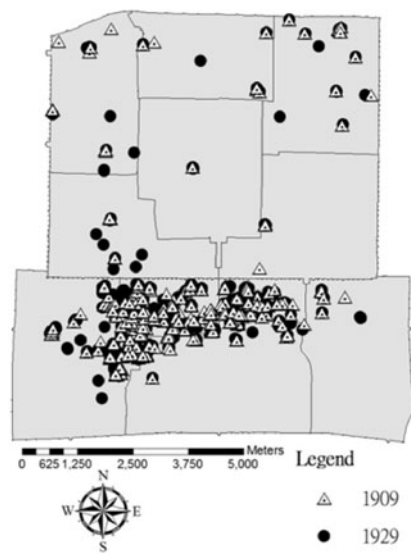


Figure 5.13 Distribution of guilds (1909 and 1929).

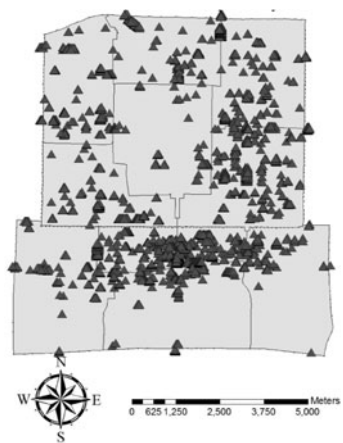
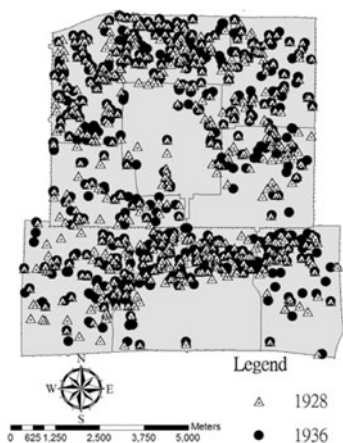


Figure 5.14 Distribution of temples (1928 and 1936). Figure 5.15 Distribution of shops (1932).

Figures 5.16–5.25 show police density in each of Beijing’s districts from the 1910s to 1930s.<sup>22</sup> Police density was measured by the number of police constables (PCs) per Chinese mile (*li*; equivalent to approximately 500 meters). In keeping with the foregoing analysis of the police data on criminal activity, we can see that the Outside No. 1 and No. 2 Districts consistently had the highest concentration of PCs throughout the period. The spatiotemporal statistics on the incidence of crime maintained by the Republican police force guided the police in deploying their manpower and in linking market activities with the criminality of specific areas, as we shall see in the next section.

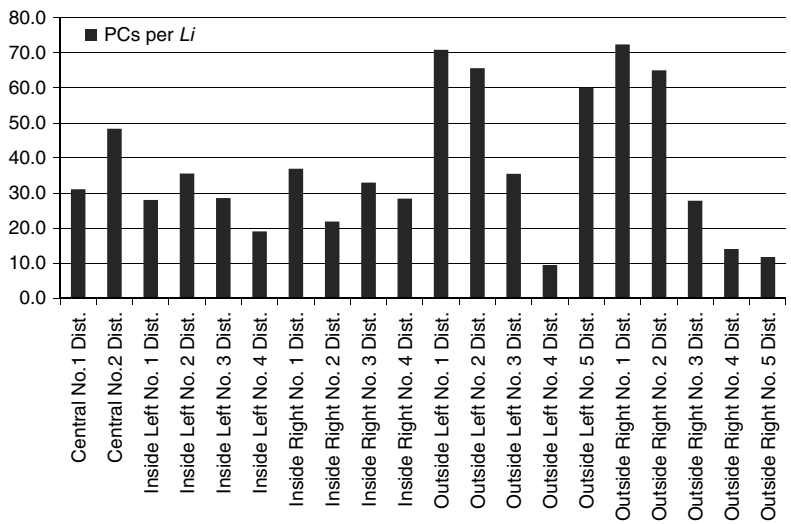


Figure 5.16 Number of police constables (PCs) per *li* in 1912.

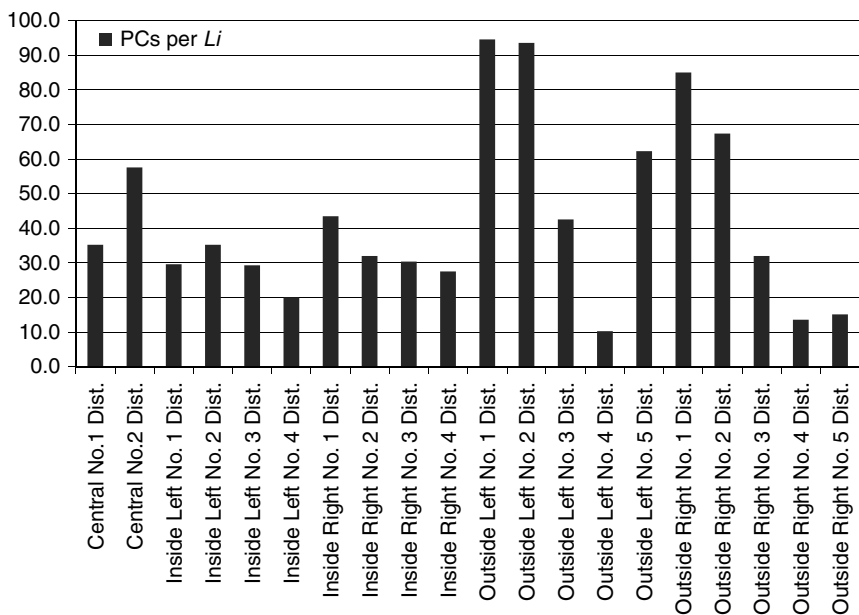


Figure 5.17 Number of police constables (PCs) per *li* in 1917.

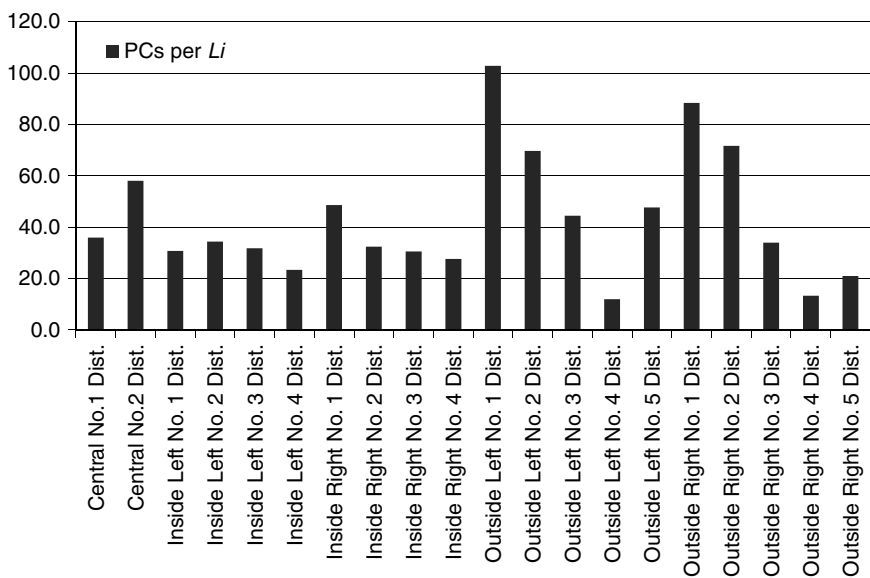


Figure 5.18 Number of police constables (PCs) per *li* in 1922.

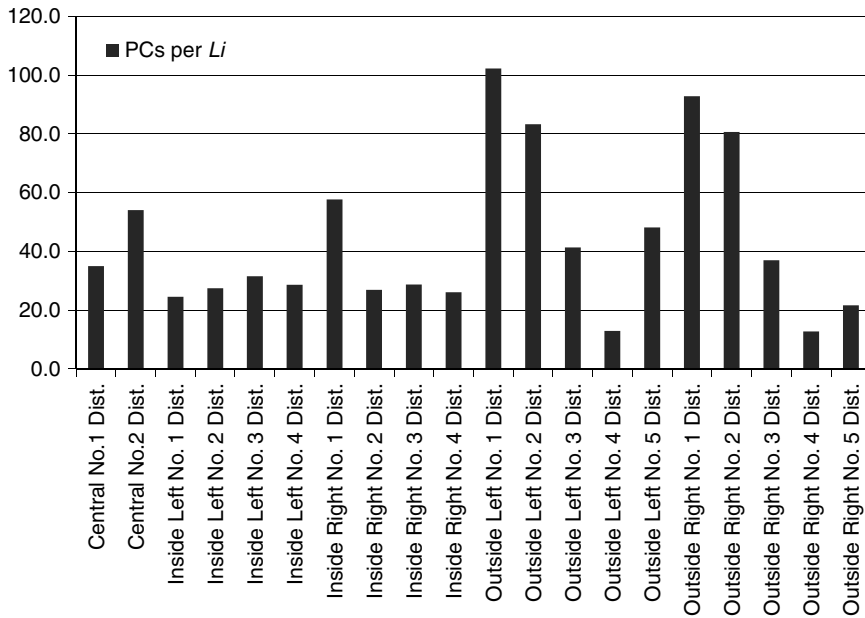


Figure 5.19 Number of police constables (PCs) per *li* in 1925.

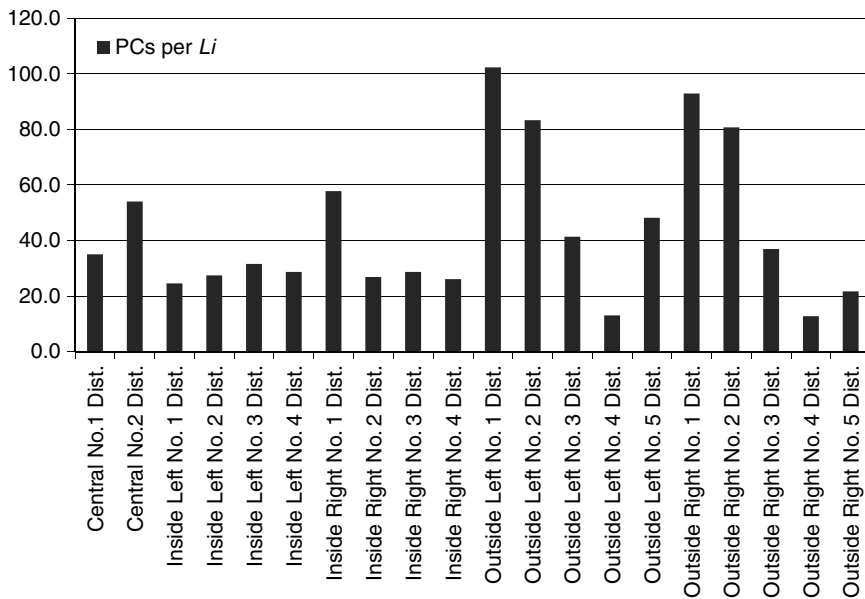


Figure 5.20 Number of police constables (PCs) per *li* in 1926.



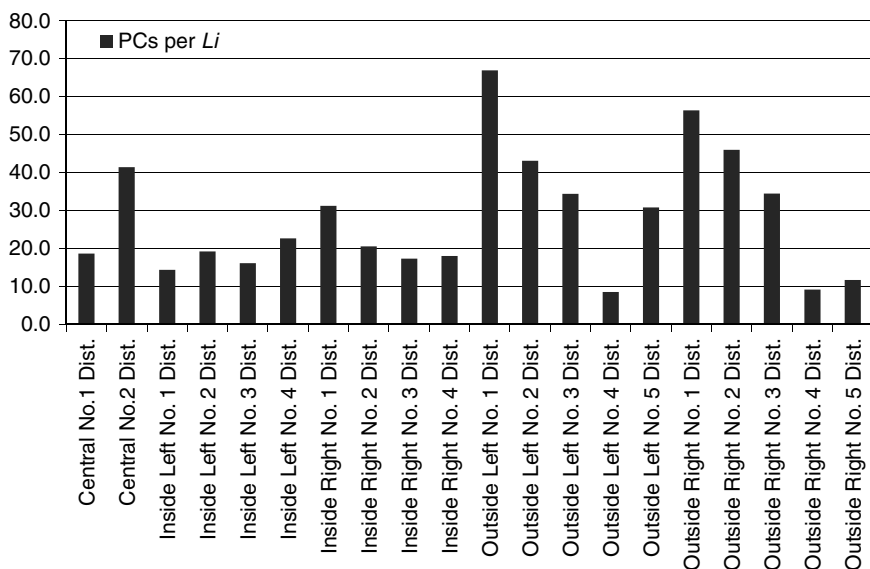


Figure 5.21 Number of police constables (PCs) per li in 1927.

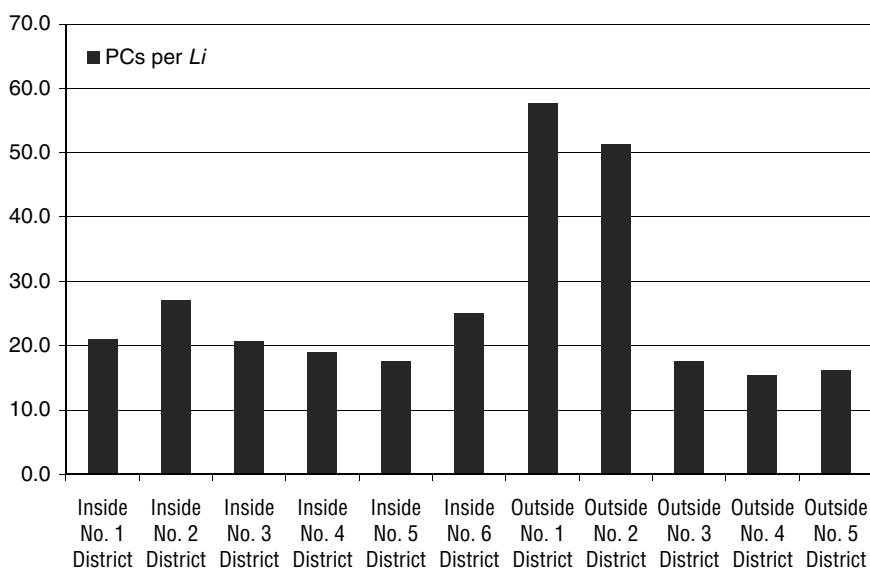


Figure 5.22 Number of police constables (PCs) per li in 1928.

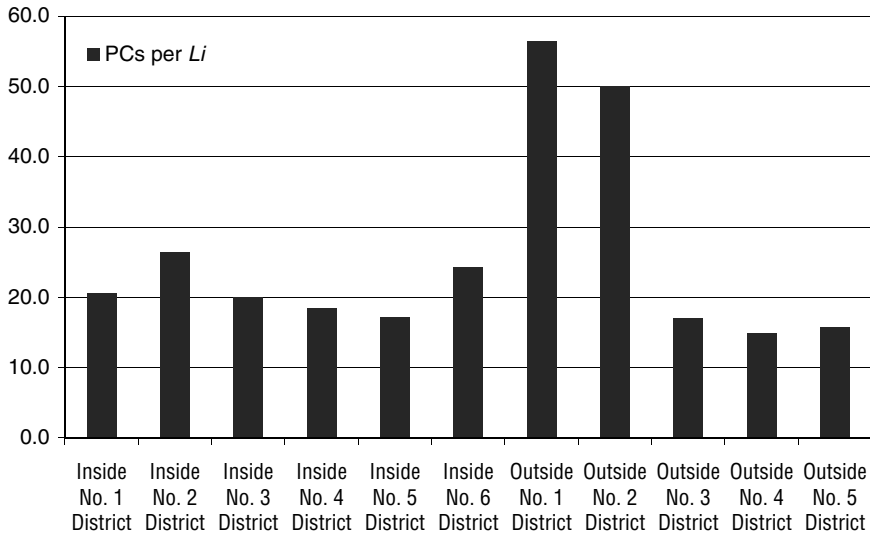


Figure 5.23 Number of police constables (PCs) per *li* in 1929.

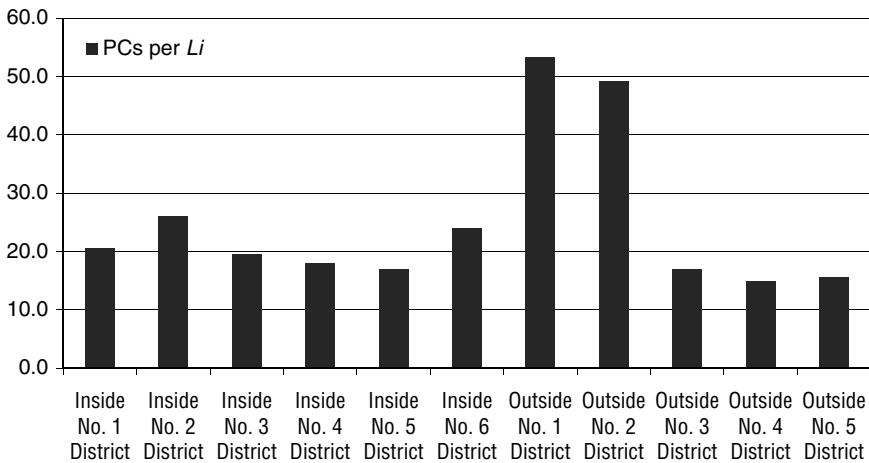


Figure 5.24 Number of police constables (PCs) per *li* in 1930.

### A perceived market for crime: the recycling business in Beijing

The statistical data recorded by the Police Bureau of Beijing provided useful spatial information by which the deployment of police resources among various districts could be managed. The Police Bureau also used these data to create a spatial order of crime, by which it then constructed an association of crime with other aspects of urban life in Beijing drawing on its traditional knowledge of these aspects. The

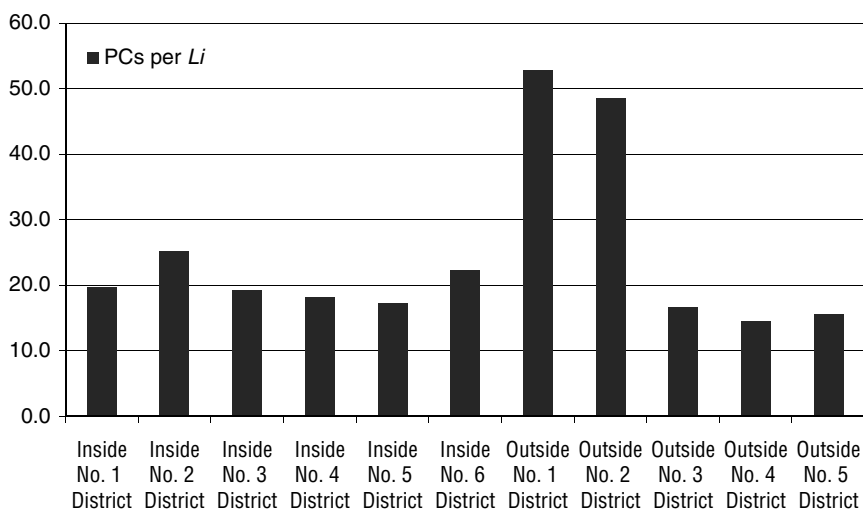


Figure 5.25 Number of police constables (PCs) per *li* in 1931.

previous section shows the concentration of the Beijing police force within the traditional marketplaces of Beijing. Of particular interest is the association made between the location of traditional recycling businesses and the distribution of crime. How was this association understood by those charged with law enforcement?

Beijing was traditionally renowned for its recycling businesses and markets selling secondhand goods such as clothing, housewares, and antiques. Shops and stalls selling secondhand goods could be found in many areas of the city, and there were hundreds in the Tianqiao area.<sup>23</sup> Shopkeepers and stallholders collected these goods from a number of sources in Beijing, including ordinary households and pawnshops. Another key source of supply was a group of specialized recyclers known as drum beaters (*daguren*), a traditional occupation peculiar to Beijing.<sup>24</sup> Drum beaters got their name from the way in which they touted for customers. Rather than operate from a fixed location, drum beaters roamed the city, weaving in and out of the streets and small alleyways, announcing their presence by beating on distinctive leather drums. When people heard the sound of the drums, they rushed from their homes to bring out goods they no longer needed to sell to these itinerants. Buyers and sellers concluded the resulting transactions in the open space in the middle of the alley (*hutong*) or in front of their homes.<sup>25</sup>

Drum beating was a relatively specialized business that thrived in the former imperial capital. There were two types of drum beaters, the hard drum beaters and the soft drum beaters. The former bought more expensive goods, such as antiques, jewelry, furniture, old books, and other products from better days when Beijing was home to China's political elite. Their business was based on the development of a good relationship with Beijing's many antique shops, and their routes were

limited to the areas of the city in which the imperial elites still struggled to live. Their main clientele were Manchus, particularly former members of the government elite residing in Beijing. After the fall of the Qing dynasty in 1911, the income of this formerly privileged group declined tremendously. Many were forced to support themselves by selling the expensive wares adorning their homes. The pressing financial need of these former elites allowed the hard drum beaters to buy low and sell high.<sup>26</sup>

The soft drum beaters, in contrast, wandered around the poorer areas of Beijing, collecting any used goods with a resale value, including shoes, jars, and clothes. These drum beaters, although very tough in negotiating a price, provided an important channel for poor families, who often had to sell clothing and other items from their homes to support themselves, particularly when they were out of work. After the drum beaters had bought these goods, they then sold them to the keepers of the shops and stalls in specialized markets, located primarily in the Tianqiao and Dongdan areas, Tudi Temple, and at the city gates of Deshengmen, Xuanwumen, and Andingmen.<sup>27</sup>

The drum beaters and recycling businesses obviously provided important distribution channels both for Beijing businessmen and for ordinary people who needed to sell their household goods to survive. However, in the eyes of the capital's police, the recycling business also posed challenges to law and order in the city. The mobile nature of the business made buyers and sellers difficult to identify. The drum beaters, in particular, were highly mobile, and were far more concerned with making a deal than with verifying the ownership and origin of goods. Beijing police records contain frequent reports on the activities of drum beaters, and carry the implication that these itinerant merchants were important channels for the sale of stolen goods. In the eyes of the police, their business facilitated theft, and the collection of information about drum beaters became a routine part of their job of assembling spatial statistics on the city. In the process of analyzing these spatial data, the drum beaters came to be linked with other conditions that facilitated crime, with the result that secondhand goods themselves became a marker of illicit and dangerous activities for Beijing law enforcement.

Figure 5.26 shows the number of drum beaters in 1917 based on information collected by the Beijing police force.<sup>28</sup> We can see that the Outside Left No. 5 District had the largest number of drum beaters. This district was a logical choice for these itinerant merchants for a number of reasons. First, it was one of the most densely populated areas of the city. Second, it was very close to the Tianqiao market, the final destination of many of the goods collected by the drum beaters. As mentioned earlier, Tianqiao is also notorious for crime and vice. In a police report on the spatial distribution of drum beaters, the high concentration found in this district is also linked to this traditional image of this section of the city: "the Outside Left No. 5 District contains many abandoned houses and small shops and is a habitat for thieves and robbers."<sup>29</sup> The spatial co-relationship between the location of crimes and concentration of drum beaters guided, rightly or wrongly, the police to conclude that certain transactions handled by the latter were criminal in nature. Accordingly, not only were these individuals monitored, but the

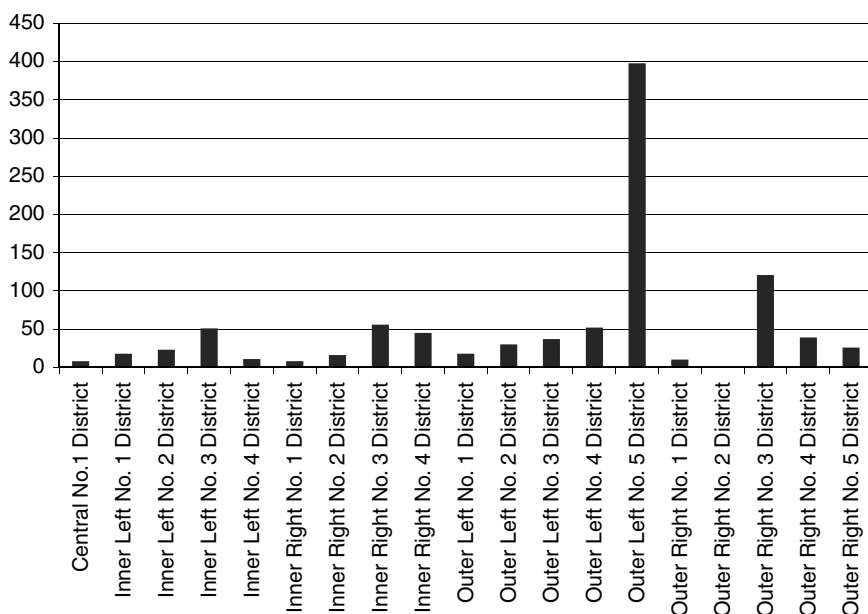


Figure 5.26 Number of drum beaters (1917).

shops for secondhand goods were closely watched too. In 1913, the Beijing government promulgated the Capital Police Bureau's Articles for Monitoring the Business of Used Goods (*jingshi jingchating qudi jiuhuo yingye zhangcheng*) to regulate the opening and operation of these businesses. The articles stipulated that any shop selling used clothes, antiques, jade items, calligraphic or painted artworks, clocks, and/or watches was required to submit the personal details of the shop owner and provide guarantees from three other shops to the Police Bureau before it could open for business. Shop owners were also required to record the details of every purchase transaction, including a description of the used good bought, the value of the transaction, and the names and addresses of the sellers (in accordance with the form shown in Figure 5.27) and to submit the information to the Police Bureau regularly.<sup>30</sup> If the shop dealt with itinerant sellers with no known address, the owner had to find a guarantor or request that the police check the seller's identity before the transaction could take place. The Police Bureau also occasionally circulated lists of stolen goods to shop owners, who were required to report to the police if they came across any items on the list.<sup>31</sup> These statutory requirements stemmed from the law enforcement agency's perception that secondhand goods dealers and shops were potential crime markers, a perception that resulted from a combination of the Westernized statistical methods used in collecting the city's spatiotemporal data and the traditional image of certain districts prevailing in the city.

										舊貨營業登記簿格式
										年月日
										貨物類別
										件數
										價
										值
										年物主 籍姓名 職業
										年保 籍設 職人 業姓 業名
										註或事 此交由 格換領 寄別 存或 存買 舊賣 均費
										備
										致

Figure 5.27 Form for the particulars of used goods for submission to the police.  
Source: Yinzhu Ju [Printing and Minting Bureau], *Faling jilan* [Complications of Law and Decree] (Beijing: Yinzhu Ju, 1917), 3:259.

Conceptualization of crime during legal transplantation

The analysis in this chapter reveals that the sweeping changes to China’s criminal justice system in the early twentieth century not only transformed the legal system, but also reconstructed knowledge systems of crimes and criminals. State agencies, social scientists, businessmen, and possibly other members of society participated in making sense, whether consciously or unconsciously, of what constituted and caused crime in modern China by applying both knowledge acquired from the West and traditional conceptions of crimes, criminals, and crime zones. The overhaul of the imperial Criminal Code and adoption of the new legislative division of crimes and police contraventions redefined what was deemed criminal under the law. Only legally defined “crimes” were handled through criminal trials in the new criminal justice system, with other offenses dealt with summarily by the Police Bureau. Similarly, only officially recognized crimes were recorded in the crime statistics, with other offenses relegated to the record of police contraventions. These

new institutional and bureaucratic frameworks possibly limited or even distorted criminologists' perceptions of the overall picture of criminal activities in Beijing. Despite the possible limitations of the data, however, Chinese and foreign sociologists of the early twentieth century used them to explain the country's crime problem, partly by reading the data through the lens of traditional Chinese values, and revealing conflicts between traditional practices and the transplanted laws.

At the same time, the Beijing police force kept detailed spatiotemporal records of crimes and criminals in the city. Despite the inevitable imperfections in the accuracy and completeness of these records, the police used them in forming their own perceptions and offering their own explanations of the crime order in Beijing. Sometimes, the spatial order of crimes and that of other elements of urban life in Beijing were connected by the traditional concepts the police drew upon in forming their view of the city order. That view, for example, led to police concern over, and close scrutiny of, the activities of the drum beaters and shops buying and selling used goods.

From the findings presented in this chapter, it is evident that Westernization brought about a change in institutional frameworks and knowledge systems for theorizing, categorizing, and explaining crime in China. However, traditional concepts of crimes, criminals, and crime zones survived and interacted with these imported systems to lead to a reordering of what were deemed crimes, what were perceived to be the causes of crime, and the way in which the new criminal justice system was expected to deal with the social problem of crime.

## Notes

- 1 This chapter is a modified version of my article: "The Ordering of Crime in Republican Beijing from the 1910s to the 1930s," in *New Narratives of Urban Space in Republican Chinese Cities: Emerging Social, Legal and Governance Orders*, eds. Billy K.L. So and Madeleine Zelin (Boston, Leiden: Brill, 2013), 113–134. I would like to thank its publisher for consenting to the publication of this chapter.
- 2 For example, Dikötter, *Crime*, Chapter 5, Dong, *Republican Beijing*, Chapter 7 and Jan Kiely, "Dangerous Cities: Judicial Authorities, Criminologists and Perception of Crime Zones in 1920s and 1930s China," in So and Zelin, *New Narratives*.
- 3 Dong, *Republican Beijing*, 211–212.
- 4 Gamble, *Peking*, vii.
- 5 Gamble, *Peking*, 25–28.
- 6 Yan Jingyue, born in 1905, was a graduate in and later Professor of Sociology at Yenching University in Beijing, specializing in criminology. He obtained his PhD in criminology from the University of Chicago in 1934. He is a well-known criminologist in China and had strong political links with the Communist Party. After the establishment of the People's Republic of China, Yan taught at both Yenching University and the Law School of Peking University. See Dikötter, *Crime*, 197–201; also Kiely, "Dangerous Cities".
- 7 Yan Jingyue, *Zhongguo de fazui wenti yu shehui bianqian de guanxi* [Crime Problem in China and its Relation to Social Changes], trans. Wu Zhen (Beijing: Beijing daxue chubanshe, 1986),
- 8 Yan, *Zhongguo*, 178–201.
- 9 Yan, *Zhongguo*, 144–145.
- 10 Yan, *Zhongguo*, 46–50.
- 11 Yan, *Zhongguo*, 160–166.

- 12 George Staunton, *Ta Tsing Leu Lee: Being the Fundamental Law, and a Selection from Supplementary Statues, of the Penal Code of China* (1810; reprint, Taipei: Chengwen chubanshe, 1966), 269–353.
- 13 Huang Yuansheng, *Minchu*, 285–286.
- 14 Police Contravention Punishment Law 1915, from Yinzhu ju [Printing and Minting Bureau], *Faling jilan* [Compilations of law and decree] (Beijing: Yinzhu ju, 1917) vol. 3:190–202.
- 15 Yan Jingyue, “Beijing fanzui zhi shehui fenxi” [Social analysis of crimes in Beijing], in *Yan Jingyue lunwenji* [Compilation of papers of Yan Jingyue], ed. Wen Zhang (1928; reprint, Beijing: Kaiming chubanshe, 1995), 3.
- 16 Yan, “Beijing fanzui,” 5.
- 17 Yan, “Beijing fanzui,” 4–5.
- 18 Republican police files stored in the BJMA data files no. ZQ12-2-268, ZQ12-2-307, J181-1-369, J181-1-369-370, J181-1-371, J181-4-34, J181-4-35, J181-4-36, J181-4-37.
- 19 Data of Beijing temples stored in the BJMA data files no. J2-8-1138, J181-15-131; data of guilds from *Beiping zhinan* [Beiping Guide] (Beijing: Beijing minshe, 1929); data of commerce and industry from *Beiping shi gongshangye gaikuang* [Overview of Industry and Commerce of Beiping] (Beijing: Beiping shi shehuiju, 1932).
- 20 Dong, *Republican Beijing*, 184–187.
- 21 In the Outside No. 1, No. 2 and No.5 Districts, according to Gamble’s survey, “in which a large part of the business, hotel and amusement life of the city is centred, the ‘very poor’ constitute less than 4.5 percent of the population ... In other police districts of the South City from 8 to 37.8 percent of the population are ‘very poor’” (Gamble, *Peking*, 271).
- 22 Republican police files stored in the BJMA data file no. J181-4-34, J181-4-35, J181-4-36, J181-4-37, J181-1-369, J181-1-371, ZQ12-2-261, ZQ12-2-268.
- 23 Dong, *Republican Beijing*, 184–185.
- 24 Liu Xiaohui, “Daxiaogude,” [Those Beating the Drums] in *Beiping yigu* [A Glance at Beiping], ed. Tao Kangde (Shanghai: Yuzhou fengshe, 1938), 167, 169.
- 25 For a photograph showing a drum beater transacting in the open space in Beijing, see Qi Fang and Qi Jiran, eds., *Old Peking: The City and Its People* (Hong Kong: Hai Feng Publishing, 1993), 90.
- 26 Goods collected by hard drum beaters were often sold through shops specializing in selling second-hand goods known as *guahuo pu* [hanging-goods stalls] or antique shops to the end customers, many of whom were foreigners. See Dong, *Republican Beijing*, 135–138.
- 27 Gao Qingxin, *Beiping huiyilu* [Memory of Beiping] (Taichung: Qingxin wenyishe, 1967), 62–63.
- 28 Republican police files stored at the BJMA data files no. J181-18-8679.
- 29 Republican police files stored at the BJMA data files no. J181-18-8679.
- 30 Yinzhu ju [Printing and Minting Bureau], *Faling jilan* [Compilations of Law and Decree] (Beijing: Yinzhu Ju, 1917) 3:259.
- 31 Yinzhu ju, *Faling jilan*, 3:258–259.



# Conclusion

## Exploring the dialogue between Chinese legal history and comparative law

System transplantation is a difficult process that takes time, effort, and pain to complete. However, China in the early twentieth century was not afforded the luxury of sufficient time to plan for the new system before overhauling the old. From the 1900s, the Qing government was under pressure to quickly put in place a legal reform package to please the Western powers and silence the domestic voices calling for revolution. Before the government had sufficient time for a full trial run of the reform policies, it was overturned. Nevertheless, most of its efforts were given a trial run by the succeeding Republican Beiyang government. The early twentieth century was an era of large-scale change for China. The country had so many new ideas to learn, and little more than a decade or so in which to do so, scant time to learn how to erase the old experiences that we normally call traditions. More importantly, as we have learnt from the findings presented in this book, the practitioners of the transplanted legal institutions, including lawyers, policemen, judges, and crime scholars, not only *chose* not to forget such traditions, they actively sought guidance from them in their daily practice.

Previous scholarship has examined how legal reform initiatives were put into practice in the Republic, with particular focus on civil cases and/or their implementation in Shanghai. However, the operation of the criminal justice system in Beijing, the country's political center and locale in which the legal reform originated, and a capital city with deeply rooted traditions, has attracted surprisingly little scholarly attention. In aiming to fill this gap, this book has portrayed those on the front lines of Beijing's implementation of the new transplanted criminal justice system, namely, lawyers, policemen, local judges and crime experts, showing how they perceived and reacted to the legal transplantation process, against the unique cultural and historical backdrop of this traditional capital city from the 1910s to the 1930s. We have also seen how the perceptions and pragmatism of these practitioners drove their assimilation of traditional legal practices into imported legal knowledge and routines, thereby shaping the outcome of legal transplantation in early Republican China.

The first generation of lawyers in Republican Beijing comprised overseas graduates and locally educated elites who set up practice immediately after the Republic's establishment. Despite the rapid growth of the legal community in the first decade, however, the legal profession in Beijing was faced with a number of challenges arising from the legacy of the litigation masters who preceded them

and the traditionally negative way in which they were perceived. These negative perceptions affected both the way in which legal professionals were treated by the government and regarded by potential clients. At the same time, however, the legacy of the litigation masters' business with the policing agencies was also useful in guiding the Beijing lawyers' business direction when commerce and industry were insufficient to feed the entire legal community.

In the decade following the founding of the Republic, the new rules on criminal procedures remained inadequate for judges to follow in running trials. They sometimes had to rely on guidelines from the Supreme Court, if any, and sometimes refer to the Draft Law of Criminal Procedures prepared for the Qing government by Shen Jiaben. Sometimes, they even had to resort to applying what they conceived to be applicable and equitable practices of the imperial era. The continuity of imperial practices can be seen in the format of criminal judgments, in the preparation and usage of autopsy reports, and in judges' consideration of the mitigation of sentences and representation of the standard of proof, although these practices took place alongside the quick adoption of the Western judicial principle of the free evaluation of evidence. More importantly, Republican judges sought justification for their application of this mix-and-match approach by upholding the claims of tradition. As legal specialists trained in the imperial era, they perceived themselves to have an obligation to blend the merits of traditional hearings with those of the Western trial system. For these judges, practicing imperial rules did not constitute a contradiction with their position as judges appointed under a Westernized legal system; rather, it was the sensible thing to do to improve the quality of justice in China. This view guided them in trying criminal cases, writing judgments, and shaping the development of the judicial culture of modern China.

The dual policing structure formed by the gendarmerie and new police force also distinguishes the Beijing police force from those of other cities in China in the early twentieth century. Policing in the capital city meant far more than merely providing a disciplinary force to maintain law and order, investigate crimes, and arrest criminals. Although the involvement of policemen in corruption and even criminal activities cannot be denied, policing in Republican Beijing was meant to, and undoubtedly did, include many additional responsibilities, such as managing municipal services, regulating people's behavior with regard to moral principles, and advancing social justice. Under such perceptions of its role and its delicate bureaucratic relationship with the gendarmerie, the Beijing police force was left with little choice but to pragmatically continue with as many of the gendarmerie's traditional responsibilities as possible. Further, to assert its authority in the city, the police force even took up additional social responsibilities. This unusually broad scope of duties guided the way in which the Beijing police force deployed resources and understood its authority, as well as the way in which the city was policed under the transplanted laws and institutions.

Last but not least, crimes were ascribed with new meanings in the course of legal transplantation. Crimes were re-categorized and studied from new perspectives. The first generation of Chinese criminologists studied sociology in the West and applied their new-found knowledge to understanding crimes, criminals, and criminality in Beijing, whereas the newly formed modern police force began collecting crime data

using Westernized statistical methods and formats. However, whether consciously or unconsciously, the Chinese criminologists doubted the actual criminality of many deemed to be criminals, such as opium smokers, bandits, and even murderers, based on their traditional sense of justice and their sympathy toward the suffering that the conflicts between the imported laws and Chinese traditions were causing. For their part, the Beijing police force relied on the traditional perception of crime zones to construct a spatial association between crime and business activities in the city. Traditional and modern perceptions continued to influence each other in the re-defining of what were deemed to be crimes, what were conceived to be their causes, and how the new criminal justice system should work in coping with the social problem of crime in twentieth century China.

So, what can we learn from these experiences?

Two groups of scholars interested in learning from China's experience of legal transplantation have emerged in the past four decades, and yet very rarely do they talk to each other. The first group comprises humanities scholars in the field of China studies and, more specifically, legal historians, whereas the other comprises legal scholars of comparative law.

For specialists in China studies or Chinese legal history, the findings presented in this book advance understanding of the much-debated relationship between traditions and modernization in late nineteenth and early twentieth century China. Archival research in the past two decades shows us that the dichotomy between tradition and modernity posited by earlier work is misguided in explaining the legal transition from imperial to Republican China. As we have seen throughout this book, China's first legal transplantation in the early twentieth century involved not just the outright adoption of a Westernized model, but also the continuation of a considerable number of traditional practices in both the civil and criminal justice systems. There are a number of ways of explaining such dual appropriation of imported rules and traditional practices. For example, the lack of financial resources and manpower in remote regions may have forced magistrates to continue imperial procedures in criminal hearings, as Xu shows in his work on the county-level administration of justice in Jiangsu Province.<sup>1</sup> In some areas, continuing with traditional practices helped to ease the administrative burden, as Tan recently described in her book on the British administration of justice in Weihaiwei.<sup>2</sup> However, this book shows that even in a relatively resource-rich and politically important city such as Beijing, judges chose to assimilate traditional practices into the imported legal routines, not for the sake of ease and convenience, but because they believed doing so to be just and reasonable and the best way of adapting to local conditions and making the transplanted system work in China. Legal experts frequently sought guidance from legal traditions in applying transplanted laws and legal institutions when the imported rules were inapplicable to, incompatible with, or inadequate for resolving everyday legal issues. They perceived the mixing and matching of imported knowledge and traditional norms and practices as a sensible way of practicing legal modernization for China, as we have seen from our study of judges, policemen, lawyers, and criminologists in this book. At the same time, pragmatism also undoubtedly drove some of the assimilation efforts.

Assimilation helped lawyers to resist business pressure from litigation masters and survive the keen scrutiny of government officials, and helped the modern police force to assert its authority amid the ongoing competition for power with the gendarmerie. Whatever their motivation, these efforts by indigenous legal practitioners were crucial in, and an integral part of, the making of legal transplantation in early twentieth century China. This is particularly true given that the legal transplantation in question involved the overhaul in its entirety of the existing system and wholesale implantation of a Westernized system within a short period of time owing to political and military pressure.

Another important objective of this book is to distinguish the experiences of legal transplantation in Beijing from those in Shanghai, the focus of most previous scholarship. The experiences of Beijing inform us that differences in the interplay between traditional norms and practices and imported knowledge differentiated the development trajectory of Beijing lawyers from that of their Shanghai counterparts in the early twentieth century. The legacy of how policing was traditionally conceptualized in the two cities, with Beijing embracing much broader terms of reference, also affected the different ways in which Beijing and Shanghai citizens were policed under the modern police force. Legal reform during the Republican period, even though handed down by the central government as a unitary nationwide policy, took different shapes during its implementation in different areas depending on how the interactions of various factors played themselves out. In other words, the outcome of legal reform in any given region cannot be seen as representative of the outcome elsewhere, let alone the outcome nationwide. Considerable divergence can be expected between inland and/or less affluent cities and wealthier coastal cities, as well as between Beijing and Shanghai whose cultures and values developed with different degrees of mixture between East and West.

This book also provides a corrective narrative concerning the legal reform efforts undertaken in the Beiyang period. Contrary to the dismissive views expressed in previous scholarship about the period's general failure to accomplish anything significant in terms of legal modernization, the findings in this book show that legal change continued apace throughout the period. Despite the ongoing interruptions arising from sometimes violent changes in governments and governors, the transplanted legal rules and practices were implemented in resolving everyday legal issues in Beijing under Yuan Shikai's and other Beiyang governments. New legal professionals such as lawyers, police officers, and criminologists practiced their professions according to a by and large Westernized legal paradigm, mixing and matching it with traditional practices where and when they considered doing so to be just and reasonable.

Legal scholars from the discipline of comparative law constitute another important group interested in the experiences of legal transplantation. Different from their China studies counterparts, comparative law scholars, most of whom have legal training, are less interested in articulating legal modernity and more interested in theorizing the typologies of legal transplantation and debating the possible convergence and divergence of families of laws via such transplantation or, as it has more recently been called, legal globalization. Although scholars in this field

have long called for more nuanced studies that cross the divide between area studies scholarship and comparative legal studies, and generally employ historical methodologies to approach the study of legal transplants, significant dialogue remains lacking.<sup>3</sup> Although accessing archival materials is more painstaking than studying contemporary judicial decisions, historical study can nevertheless uncover circumstances that comparative law theories based on contemporary case studies may have overlooked. Recently raised theories by Gunther Teubner and Margit Cohn are useful examples to demonstrate how a dialogue between empirical legal history and comparative law can provide meaningful insight into concerns pertaining to legal transplantation in the latter field, as shown in the following section.

The borrowing of laws and even entire legal systems from foreign jurisdictions has been a subject of interest to comparative legal scholars for nearly four decades, with Alan Watson first proposing his theory of legal transplants in the 1970s.<sup>4</sup> Underlying much of this interest is the ongoing debate over whether and to what extent legal transplantation – and by implication legal convergence – is possible, as well as the way in which social conditions and cultural contexts affect the legal transfer process and the extent to which they do so. Watson's basic claim is that the law is an autonomous system whose development and growth is largely a process of legal borrowing implemented by such legal professionals as lawyers, law drafters, jurists, and judges. Accordingly, its development bears little relation to societal needs and the political economy of the recipient jurisdiction. Watson's theory of legal transplants also seems to imply that legal systems are converging into a single developmental trajectory, the endpoint of which is a universal legal model, which usually means the legal system of the industrialized West. Not surprisingly, this approach to explaining the development of legal systems has faced strong criticism, particularly from sociologists of law and other comparative legal scholars who contend that the meanings of legal rules change as they travel across cultures.<sup>5</sup> Over the past decade, the legal transfer debate has spread from Europe and North America to Asia, with examples of such transfers in contemporary Japan, Vietnam, and China being used to highlight the importance of local conditions in shaping the outcomes of legal borrowing.<sup>6</sup>

Other scholars have also tried to theorize legal transfers somewhere along the theoretical continuum between Watson's "law as autonomy" at one end and "law in context" at the other. One of them is Gunther Teubner, who has sought to complete Watson's theory through development of the theory of legal irritants.<sup>7</sup> Teubner contends that foreign rules irritate legal specialists' mindset and emotions, thereby unleashing an evolutionary dynamic that results in the meaning of alien legal concepts being reconstructed when transferred into a host country's autopoietic legal system.<sup>8</sup> He uses the introduction of the continental doctrine of good faith into the English common law system to illustrate such irritation. For Teubner, then, foreign legal rules are neither domesticated nor remain the same as they were in the home country after their transfer. However, his theory suffers three limitations, which have yet to be fully addressed. First, it says little about the process that follows the evolutionary dynamic unleashed by the legal irritation. Second, it provides no evidence concerning legal specialists' intellectual "mindset" (in Teubner's terminology)

and emotional responses to irritation or how they unleash the aforesaid evolutionary dynamic. Finally, by using the transfer of legal rules into the relatively well-developed English legal system as an example, Teubner neglects the fact that most Asian legal systems lack the autopoietic features (e.g., self-healing power) that the English system enjoys.<sup>9</sup> It is because in most Asian countries, including China, legal transplants have taken place not through the diffusion of individual rules into a well-developed system, but rather through the complete overhaul of the old system and wholesale implantation of a Western system. The first question in comparative legal studies that can be addressed from the historical findings in this book, taking the discussion of Republican judges in Chapter One as an example, is how well Teubner's theory, which is based on the Western experience, can explain the experience of legal transfers in Asia.

More recently, some scholars have begun to systemize these approaches into a typology of legal transplants to elucidate the complexities and diversities in transplantation processes.<sup>10</sup> One such consolidated framework is the legal transplant chronicles recently proposed by Margit Cohn.<sup>11</sup> She argues that modern legal transplants no longer constitute the adoption of an entire system of law in a top-down fashion initiated by colonial forces, but rather concern transfers of specific fields of law.<sup>12</sup> Such transplants, she argues, are products of multi-event, multi-player processes that are influenced serially by various external sources.<sup>13</sup> Cohn uses the example of how the British court has been influenced serially by the legal thinking of the European Union and of other Commonwealth jurisdictions in determining unreasonableness and proportionality as grounds for judicial review. The second comparative-law question on which this book sheds light, again with reference to the historical findings on Republican judges in Chapter One, is thus how early twentieth century China's experience of legal transplantation can meaningfully modify Cohn's recently proposed chronicles.

The findings presented in Chapter One show the complex process by which earlier imperial legal practices were assimilated into the routines of the borrowed criminal justice system during the early period of legal transplantation in Republican China. In accordance with Teubner's legal irritants metaphor, the borrowing of criminal procedural laws from the German and Japanese models unleashed ongoing controversy and debates among legal professionals, many of whom considered the new rules to be both inadequate and incompatible. The process did not stop with the unleashing of such dynamics, however; it naturally gave rise to a process of legal assimilation. Legal assimilation occurs, I argue, because it is nearly impossible for foreign laws, legal institutions, or legal systems to be completely fit for use in a recipient society, especially when the overhaul in its entirety of the old system and wholesale implantation of a Western system has to be implemented in a relatively short period of time due to military or political pressure. Leeway is bound to exist when borrowed rules are inapplicable to, incompatible with, or inadequate for local circumstances. Such leeway enables relevant interest groups such as judges, lawyers, and government officials to resort to legal assimilation to resolve the legal problems that confront them. Legal assimilation can take two directions. In Teubner's original example, that of England, alien legal

rules were assimilated into the context and meaning structure of a well-established legal system bearing strong self-healing power. In the Republican Chinese case, which perhaps mirrors that of other Asian countries, in contrast, traditional legal rules and practices were assimilated into a newly imported legal system as part of its routines. Both directions involve absorbing useful, and discarding useless, ingredients in such a way that the ingested materials become functional constituents of the post-transplant legal system, as the disputes settled in the local court cases of Republican Beijing discussed herein reveal.

Teubner informed us that foreign rules irritate legal specialists both intellectually and emotionally, thereby unleashing an evolutionary dynamic in the reconstruction of those rules. However, he did not discuss how these specialists' intellectual and emotional responses could possibly shape that dynamic and what would follow from it. This book's findings on the choices and experiences of Republican judges fill the gap in Teubner's theory of legal irritants by showing that legal specialists' needs and perceptions of their role in the new system are important influences shaping the legal assimilation process, a process that I argue follows naturally from legal irritation. Had the judges of early Republican China viewed themselves purely as radical advocates of the new system and of Western ideologies, then their written judgments would have differed in both form and substance. Republican judges perceived themselves to be both synthesizers of the best of the old and new and gatekeepers tasked with striking the right balance between effecting change and maintaining continuity. This perception is reflected in the way they conducted trials, reasoned evidence, and wrote judgments. Although in principle laws and institutions can be transplanted with remarkably similar features to their original form, in practice the outcomes of that transplantation are inevitably shaped by the dynamic and evolutionary negotiation among traditional values and practices concerning how a fair trial should be conducted, the pragmatic need to resolve daily legal issues, and transplanted knowledge. This assimilation process was particularly conspicuous in a city such as Republican Beijing, with its deeply rooted traditions.

The story told in this book modifies Teubner's theory of legal irritation by incorporating legal assimilation as a natural follow-on process, thereby offering a more complete analytical framework capable of explaining the legal transfer experience in the discipline of comparative law. It enhances scholarly understanding of China's reaction to its first wave of legal globalization and of the relationship between Chinese legal traditions and the process of legal transplantation in the Republican period and may, by referring to the development trajectory of Asian legal systems during the early twentieth century, also serve to refine Cohn's recent efforts to consolidate legal transplant typologies. The Republican China-era findings discussed herein give considerable food for thought for reflecting upon and modifying certain elements of Cohn's model. For example, her chronicles correctly point out that legal transplants are multi-event, multi-player processes that result from complex evolutionary interactions among several systems and cultures over the long term. However, Cohn's model seems to focus on the serial processes of importing and exporting individual rules among contemporary Western legal families. She plays down the relevance and importance of the adoption of an entire legal system as a type of legal transplantation,

which she views as an out-of-date colonial practice. However, top-down legal transplantation still exists and continues to evolve in many Asian countries. For instance, the legal reform that contemporary China embarked upon in the post-Mao era is a legal transplant based on the Western model, albeit this time within a socialist regime. Vietnam is possibly another case of an Asian country following this track.<sup>14</sup> If the system-overhaul type of legal transplant is still relevant, at least to Asian and developing countries, then Cohn's legal transplant chronicles should at least include traditional legal norms and practices, and the guidance sought from them by legal professionals, as major internal forces interacting in a legal transplant process in addition to the influence of external legal sources cited in her diagrammatic expression of legal transplant typologies.<sup>15</sup> These forces inform us of the diverging factors within a transplanted system that is largely a convergent system by design.

The above few paragraphs in this chapter represent perhaps one of the earliest attempts to place the legal history of modern China within the comparative legal studies framework of legal transplants. The early Republican era is particularly useful for such a dialogue because it is the period in which China experienced its first, and perhaps most significant, transplantation of a Westernized legal system owing to both external pressure from the colonial powers of the day and an internal desire for modernization. It is presumed that the impacts of and response to legal transplantation will be relatively more conspicuous in such a period. This story of Republican China is important to us today, not just because many of the legal codes drafted in the late-Qing and early Republican periods are still used in Taiwan today, but also because this complex process of legal change is also taking place in the contemporary People's Republic, where a legal system based on Soviet and Western notions has once again been imported since the 1980s. Although this attempt to start such a dialogue may appear crude and experimental, I hope the Chinese experience discussed herein can nevertheless serve as a useful case study of how a meaningful dialogue between comparative legal studies and Chinese historical studies can contribute to the empirical exploration of the legal transplantation in China and other Asian countries in the fields of Chinese law and history.

## Notes

- 1 Xu, *Trial of Modernity*.
- 2 Tan, *British Rule*.
- 3 For one of the calls for serious reflection on the divide between area studies and comparative legal studies, see Pip Nicholson, "Legal Culture 'Repacked': Drug Trials in Vietnam," in *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, eds. Penelope (Pip) Nicholson and Sarah Biddulph (Leiden, Boston: Martinus Nijhoff, 2008), 72; also see Andrew Harding, "The Eclipse of the Astrologers: King Mongkut, his Successors and the Development of Law in Thailand," in Nicholson and Biddulph, *Examining Practice*, 307 for his emphasis on the usefulness of legal-historical approach in comparative legal studies.
- 4 Alan Watson, *Legal Transplants: An Approach to Comparative Law* (Edinburgh: Scottish Academic Press, 1974).
- 5 John Gillespie, "Developing a Decentred Analysis of Legal Transfers," in Nicholson and Biddulph, *Examining Practice*, 31; Pierre Legrand, "The Impossibility of Legal Transplants," *Maastricht Journal of European Comparative Law*, 4 (1997): 111 and



- Pierre Legrand, "What 'Legal Transplants'," in *Adapting Legal Cultures*, ed. David Nelken and Johannes Feest (Oxford and Portland: Hart, 2001), 55.
- 6 For example, Takao Tanase, "The Empty Space of the Modern in Japanese Law Discourse," in Nelken and Feest, *Adapting Legal Cultures*, 187–198 for the case of Japan; see Pip Nicholson, "Legal Culture," 71–108 for the case of Vietnam; and for the case of China, see Michael Dowdle, "Completing Teubner: Foreign Irritants in Chin's Clinical Legal Education System and the "Convergence of Imaginations," in Nicholson and Biddulph, *Examining Practice*, 169–193.
  - 7 Gunther Teubner, "Legal Irritants: Good Faith in British Law or How Unifying Law Ends Up in New Divergences," *Modern Law Review*, 61 (1998): 11–32.
  - 8 Apart from the irritation made to legal experts' mindset and emotion, Teubner also discusses in the same paper the irritation made to the tie between the law and economic relationship, which is not the major focus of this book.
  - 9 The third view has also been raised by Dowdle, "Completing Teubner," 173.
  - 10 Recent efforts include Jonathan M. Miller, "A Typology of Legal Transplants: Using Sociology, Legal History and Argentine Examples to Explain the Transplant Process," *American Journal of Comparative Law*, 51 (2003): 839–886 and Margit Cohn, "Legal Transplant Chronicles: The Evolution of Unreasonableness and Proportionality Review of the Administration in the United Kingdom," *American Journal of Comparative Law*, 58 (2010): 583–630.
  - 11 Cohn, "Legal Transplant Chronicles."
  - 12 Cohn, "Legal Transplant Chronicles," 585.
  - 13 Cohn, "Legal Transplant Chronicles," 585, 601–602.
  - 14 For an in-depth study of legal transfer of Vietnam, see Pip Nicholson, *Borrowing Court System: The Experience of Socialist Vietnam* (Boston: Martinus Nijhoff, 2007), and John Gillespie, *Transplanting Commercial Law Reform: Developing a Rule of Law in Vietnam* (Aldershot: Ashgate, 2006). Comparative studies of China and Vietnam's legal reforms can be found in John Gillespie and Albert Chen, eds., *Legal Reforms in China and Vietnam: A Comparison of Asian Communist Regimes* (New York: Routledge, 2010).
  - 15 For the diagrammatic expression of legal transplant typologies she proposed, see Cohn, "Legal Transplant Chronicles," figure 5 at 602.

# Appendix

List of members of the Beijing Bar Association (1912–1931)

Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
李得春	澤普	32	直隸保定府祁州 縣人	北洋法律學堂畢業	23	19121009
陶潤波	芝田	33	浙江會稽	京師法律學堂畢業	16	19121009
朱鼎葵	丙一	25	直隸省大興縣	京師國立專門法律學堂畢業	14	19121009
徐際恒	久成	39	四川夔州府萬縣	京師國立專門法律學堂畢業	13	19121009
許國鳳	[?]定	37	江蘇無錫縣	京師國立專門法律學堂畢業	12	19121009
王錫鑾	鏡銘	33	廣西桂林府臨桂縣	京師國立專門法律學堂畢業	8	19121009
李御堃	典吾	30	湖南桂陽州	京師國立專門法律學堂畢業	9	19121009
李方	楠方	35	廣東嘉應州	英國甘畢里大學畢業	18	19121009
趙汝梅	雪村	27	直隸玉田縣	京師法律學堂畢業	48	19121009
胡家勤	幼鶴	34	順天宛平縣	京師國立專門法律學堂畢業	45	19121017
增鉞[?]	辛夫	30	廣西臨桂縣	京師法律學堂畢業	38	19121018
黎光晝	紹南	42	四川定遠縣	京師法律學堂畢業	24	19121023
張允同	子鄭	29	廣東番禺	京師法律學堂畢業	11	19121019
楊述傳	云澄	30	江蘇丹徒縣	京師法律學堂畢業	25	19121023
王鑫潤	庚山	34	甘肅	北京國立專門法律學堂畢業	7	19121114
李庶英	伯良	38	河南盧氏縣	北京國立專門法律學堂畢業	10	19121019
汪其砥	礪鋒	32	安徽省黟縣	日本大學法科畢業	21	19121105
江天鐸	競庵	33	廣東花縣	日本早稻田大學畢業	2	19121107
鄧爾班	超如	34	四川綿州	日本明治大學畢業	40	19121109
劉東漢	震濤	32	直隸省滄州	日本明治大學政科畢業	26	19121109
楊光湛	潤父	30	四川綏寧縣	日本中央大學畢業	4	19121110
曹汝霖	圻野	37	江蘇省上海縣	日本東京中央大學畢業	1	19121111
方震甲	圻野	31	安徽省定遠縣	日本明治大學法科畢業	29	19121110
鄧綏	守瑕	40	四川成都縣	日本明治大學畢業	20	19121112
王天木	天木	32	直隸省涿州	日本明治大學畢業	126	19121114
黃永驥	固培	30	四川省慶符縣	日本明治大學畢業	124	19121115
歐陽頰	[?]庵	41	江西彭澤縣	京師仕學官法政畢業	135	19121118
彭解	報暉	26	江西萍鄉縣	北京學治館法政專門畢業	70	19121119

關慶銘	紳卿	27	直隸省南和縣	直隸法律學校畢業	134	19121123
岳希華	蔭軒	31	河南蘭儀	日本早稻田大學	5	19121019
蕭樹榮	子軒	44	四川忠州	京師法律學堂	72	19121128
薛大可	問渠	31	湖南益陽	日本早稻田大學法律科畢業	80	19121123
金源	符五	24	浙江歸安	京師法律專門學堂畢業	67	19121129
刁名世	高榮	25	四川新都縣	直隸法律學校	30	19121130
劉高	仲瑛	30	四川華陽	日本明治大學法政專門畢業	50	19121205
王清渭	暢九	36	四川重慶府	北京學治館法政專門畢業	88	19121206
熊瑛	少山	30	江西瑞州府	東京大學堂畢業	213	19121217
蕭鑒章	高生	34	直隸衡水縣	北京法律學堂畢業	17	19121218
章佑	訪渠	36	福建閩縣	日本早稻田大學法律科畢業	89	19121222
劉崇佑	尚志	29	直隸易州	北京法律學堂	167	19120227
王義檢	星曹	23	直隸東鹿縣	直隸法律學堂畢業	216	19121228
熊略	璞璋	38	廣東潮陽縣	日本明治大學法政科	22	19130108
馬有略	惠風	21	四川豐都縣	北洋法律學堂	133	19130109
王維	春如	48	順天宛平縣	法律學堂畢業	232	19130109
廖儒宗	子因	25	四川重慶府	直隸法律學堂畢業	317	19130110
何榮	厚之	36	安徽旌德縣	日本明治大學法政專門畢業	266	19130111
江井杰	佩章	48	浙江山陰	進士館專門學校畢業	297	19130111; 19140702
劉敦謹	星權	25	順天大興縣	京師國立專門法律學堂畢業	305	19130112
曹蔭綬	滌琬	35	湖南寧遠縣	京師國立專門法律學堂畢業	35	19130116
楊紀宇	臣堯	41	江西宜春縣	北京學治館法政專門別科畢業	233	19130118
慶慶	復仲	23	四川崇慶縣	直隸法律學堂畢業	323	19130129
高延彥	紹儒	51	浙江紹興縣	直隸法律學堂畢業	434	19130201
許紹祖	靖青	26	直隸宛平縣	北京法律學堂畢業	341	19130201
李謙	仲和	38	直隸宛平縣	日本早稻田大學畢業	516	19130215
胡靖清	劍青	28	江蘇吳江	日本明治大學畢業	488	19130216
袁本貴	誠齋	33	浙江杭縣	日本大學法政專門畢業	121	19130224
張孝琳	體仁	25	直隸深州	山西大學法律專門畢業	153	19130215
石廣垣	湍誠	36	順天府大興縣	日本早稻田大學畢業	220	19130225
張務本	馨芝	32	貴州省黔西州	日本東京法政大學畢業	214	19130226
汪澤華		27	湖北江夏	北京學治館法政專門別科畢業	125	19130228

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
劉吉星	聚五	27	直隸唐山	日本明治大學政科專門學科畢業政治學士	43	19130301
黃紹維	中涵	30	四川資州	北京法政專門學校法律本科畢業	442	19130210
方鎮泉	德九	33	河南唐縣	北京學治館法政專門學校別科畢業	71	19130311
吳錫寶	至人	26	大興	日本早稻田大學政政科畢業法政大學研究科學士	662	19130325
左霽	霽剛	38	廣東南海	北京進士館畢業	483	19139326
黃晃庚	競存	29	廣東順德	廣東法政學堂別科畢業	194	19130329
凌步蟾	子云	32	廣東開建	廣東法政學堂別科畢業	223	19130329
楊宏業	煥旭	29	廣東新會	日本法政大學法政專門畢業	123	19130329
黃銳	海籌	34	廣西蒼梧	廣東法政學堂別科畢業	110	19130329
張伯烈	亞農	41	湖北隨縣	日本東京法政學畢業	334	19130329
黃國恩	澤卿	24	直隸武昌	直隸法律學校	751	19130407
郭廷楓	蔭南	26	直隸東鹿	直隸法律學堂畢業	766	19130408
陳發檀	海瀾	34	廣東瓊山	日本東京帝國大學法學士	131	19130409
尹耕莘	拙誠	35	湖北沔陽	日本法政大學法政專門畢業	651	19130410
周慶恩	次瑾	36	山東歷城縣	日本法政大學法律部畢業充法政教員3年以上	260	19130410
韓梁	仲耕	27	直隸翼縣	北京學治館法政專門學校別科畢業	645	19130413
何蔚	慎真	30	廣東興寧	日本日本大學法政學科及高等研究科法律學士畢業	278	19130416
李惟熙	緝庭	29	浙江會稽寄籍順天府大興縣	直隸法政學堂	873	19130528
姚立繩	矩修	26	四川西昌	湖北法政學堂	771	19130427
業多羅	鑫塵	28	順天宛平縣	京師國立專門法律學堂畢業	767	19130429
陳養恩	智若	34	四川江北廳	京師法律學堂畢業前漢口審判廳推事	300	19130501
劉昌吉	懷西	35	安徽廬州合肥	國立北京法政專門學校法律班畢業	1019	19130501
朱兆莘	鼎卿	34	廣州府花縣	美國紐約哥倫比亞大學商科學士法制科碩士	1020	19130508
李英銓	鏡衡	36	廣東韶州英德縣	廣東法政學堂別科畢業	196	19130508
廖治	用之	20	四川華陽	日本明治大學法政科畢業	736	19130509
楊葆銘	竹秋	30	福建連城	福建法政別科畢業庚戌法官前福州地方檢察官	1088	19130519

徐象光	慕初	34	浙江永嘉	京師大學堂仕學官畢業	366	19130521
孟錫年	百朋	31	直隸安平縣	直隸法律學堂畢業	1067	19130527
孫潤宇	子函	35	江蘇吳縣	日本法政大學學士	561	19130526
石潤金	奉聲	42	湖南益陽	日本法政大學專科畢業	1368	19130623
田玉振	金聲	34	直隸完縣	直隸法政學校畢業	722	19130605
江紹杰	漢珊	36	安徽旌德	日本法政大學畢業	629	19130606
張嘈	復元	35	浙江天臺	日本中央大學部畢業	1228	19130611
孫鏡清	性懔	38	四川江津	北京法律學堂	1360	19130616
方錫光	耀廷	39	順天涿縣原籍安徽歙縣	北京國立專門法律學校畢業	1215	19130617
胡鳴程	錫侯	25	順天府大興縣原籍四川璧山縣	北京國立專門法律學堂畢業	1209	19130619
張浚明	仲宣	39	直隸易縣	直隸法政學校畢業	753	19130625
王錫溫	運舫	31	四川富順	京師法律學堂	739	19130628
郭襄臣	邦彥	29	四川夔州	日本法政大學高等研究科畢業	1523	19130710
司徒宣	敦孟	36	廣東恩平	北京國立法政專門法律學校畢業	1556	19130731
歐宗濂	龍群	33	廣東番禺	北京國立大學校法科法律專門畢業	1553	19130226
劉士熊	新之	31	湖北竹溪	湖北法政學校畢業	1445	19130714
韓其銘	聘三	33	浙江山陰	直隸法政學校畢業	1086	19130715
傅紹儒	春廷	39	順天寧河縣	京師法律學堂本科畢業	1723	19130729
凌士鈞	聚之	35	浙江石門	日本法政大學畢業	761	19130804
鄺其光	秀豐	27	廣東新宇	北京法政專門學校	1560	19140812
王斌	慕三	30	浙江蕭山	北京國立法科大學法律門別法學士	1551	19130813
唐寶鏐	志恣	36	廣東香山	日本早稻田大學畢業	3	19130814
王之森	葵孫	34	直隸東鹿	直隸法政學堂畢業	339	19130816
曾澤霖	旭人	35	江蘇上海縣	日本早稻田大學畢業	597	19130820
姚潤仁	博航	32	湖南沅江	日本早稻田大學畢業	1811	19130901
蒯晉德	玉亭	25	江蘇上海縣	國立北京法政專門學校法律本科畢業	1835	19130901
彭濟民	次超	24	奉天鐵嶺縣	北洋法政專門學校別科畢業	1752	19130901
丁東鐸	灝然	34	直隸武邑	直隸發展專門畢業	1808	19130905
邊寶海	李裳	33	直隸保定滿城	直隸法律畢業	1361	19130922
邊文泉		26	直隸保定滿城	直隸法律畢業	1137	19130922
李清吉		42	直隸順德府沙河縣	直隸法律畢業	1748	19130923

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
黃汝瀛	仟舫	43	廣東惠州府龍川縣	廣東法律學堂別科畢業	1517	19130927
汪有齡	子鍵	36	浙江杭縣	法律政學堂充教習五年以上	1848	19130928
廖成廉	慎光	29	四川內江	國立北京法政專門學校法律本科畢業	1559	19131001
梁冠英	選卿	35	廣東梅縣	日本中央大學法學士	1799	19131002
郭德脩	子誠	32	山西	日本明治大學法學士	1951	19131005
李國銘	廉溪	25	江蘇武進	直隸法政學堂畢業	501	1913106
岑毓秀	篤生	31	安徽建平	京師法律學堂	1887	19131007
方采	友龍	31	順天大興縣	國立北京法政專門學校法律科	1056	19131009
李慶芳	芬龍	35	山西襄垣	日本明治大學法律科畢業	663	19131009
張玉崑	瑞峰	39	直隸滄縣	陝西法政高等專門學校教授三年以上	1850	19141013
恩華	詠春	36	蒙古	日本法政大學畢業	1524	19131013
魯永忠	行之	32	四川新都	直隸法律學堂畢業	1750	19131015
張國溶	海若	37	湖北蒲圻	日本法政大學畢業	1839	19131018
鄭維楨	躋楊	36	四川巴縣	日本明治大學法律部高等研究科畢業	1820	19131021
吳鳳翔	岐山	32	直隸任縣	保定法律學校畢業	680	19131021
余傑	彥成	38	浙江金華	直隸法律學校畢業	421	19131027
鄭耿光	鏡如	34	福建晉江	日本明治大學法律科畢業	1896	19131029
張坊	仲言	48	直隸香河	京師法政學堂	1539	19131101
鄒和翰	次彥	31	湖南平江	山西大學法學士	1975	19131106
辛楊藻	翼如	31	湖南安福	日本中央大學法律本科卒業	1982	19131106
畢世芳	旭瞻	30	直隸獻縣	直隸法政學堂畢業	1968	19131108
吳炳臣	連矩	34	四川樂至	四川法政學校畢業	1726	19131112
關勝績	承之	34	順天大興縣	北京國立法政專門學校畢業	1058	19131113
霍弼宣	彥卿	32	直隸任縣	直隸法律學校畢業	1869	19131116
張益芳	佩之	32	江西德化	日本日本大學法科專科卒業	2013	19131117
高權	子昉	33	福建閩侯	日本中央大學法科	2154	19131117
李澤民	紹林	32	湖南漢壽	日本明治大學政學士畢業	2063	19131117
鄧林	王林	39	廣東大埔	北京法政專門學校法律本科畢業	1554	19131124
趙炳綸	經甫	26	直隸深縣	直隸法政學校	1225	19131124
韓玉辰	達齋	31	湖北松滋	湖北法政學堂畢業	1906	19131201

陳鼎	伯銘	37	安徽巢縣	北京法政專門學校甲班畢業	1900	19131201
周雅圭	亞韓	33	四川銅梁	北洋法政專門學堂法律本科畢業	1826	19131202
高亮辰	璧廷	33	黑龍江巴彥縣	國立北京法政專門學校法律科畢業	1834	19131208
李載庚	竹亭	39	直隸武強	北洋法政專門學堂別科最優等畢業	545	19131209
段世垣	次珊	30	河南杞縣	日本早稻田大學法律科卒業	2159	19131210
金若泉	達父	30	河南澠池	日本早稻田大學畢業	2209	19131220
胡承喆	吉農	42	貴州畢節	日本法政學堂畢業	2292	19131211
鄧庚藻	浚百	38	四川成都	日本早稻田大學畢業	2305	19131212
姚鴻裔	秀亭	36	湖北江陵	日本法政大學專門部分畢業	2379	19131212
李毓棠	希亨	32	河南洛陽	北洋法政專門學校畢業	1985	19131217
張樹森	拓覺	40	順天宛平	日本中央大學高等法律研究科畢業	2006	19131220
方書鏡	伯榮	33	陝西安康	日本法政大學政治科專門部畢業	2572	19131223
夏傳生	子駿	24	浙江會稽	直隸法律學堂	1077	19131225
潘江	式尼	27	江蘇蕭縣	南京兩江法政學堂畢業	1458	19131227
徐鼎元	惠伯	30	四川涪陵	日本法政大學法科專門畢業	2157	19131229
姚成柱	式如	36	浙江會稽	日本早稻田大學畢業	599	19131229
曹玉德	樸材	26	直隸青縣	奉天法政專門別科畢業	2575	19140102
百嘉懿	運生	29	四川簡陽	直隸法律學校畢業	2218	19140103
程文謨	倫五	32	安徽靈璧	安慰法政別科畢業	2733	19140107
楊宗彩	烈光	27	直隸磁縣	直隸法律學校畢業	875	19140109
黃遠庸	松年	41	浙江杭縣	京師法律學堂畢業	2744	19140110
劉番	遠生	44	湖南寧遠	日本法政大學畢業	2291	19140113
鄧以謙	季衍	30	江西德化	日本中央大學法律專門科畢業	2208	19140114
王繼純	逸公	35	湖北陸縣	日本法政大學畢業	2549	19140114
趙從懿	子繩	23	四川古蘭	直隸官立法政學校畢業	2203	19140116
帥濟奎	岷東	30	直隸固安	直隸法政學校畢業	325	19140116
劉蔚生	巢叔	28	江西南豐	日本大學法律科畢業	2213	19140117
徐敬海	星繡	43	江西新縣	國立北京法政專門學校畢業	2211	19140119
王相邵	紹蘇	28	直隸任縣	國立保定法政學校畢業	2961	19140203
	譚生	33	直隸巨鹿	直隸法政學校畢業	1642	19140206
		35	湖南長沙		3142	19140216

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
劉益謙	古文；舜卿	27	直隸滿城	直隸法律學校畢業	1859	19140216
李炳垣	爽秋	26	直隸威縣	直隸法律學校畢業	886	19140218
章溪涵	劍泉	35	浙江山陰	日本明治大學法科畢業	2074	19140218
景志仲	詒初	24	陝西富平	直隸法律學校畢業	2958	19140220
傅柏山	淮森	36	廣州	俄京森比得堡帝國大學校法政科畢業	3257	19140227
唐宗愈	慕潮	37	江蘇無錫	京師大學堂仕學官法政畢業	3345	19140311
謝正權	孟衡	37	四川綿竹	日本早稻田大學畢業	2973	19140316
曾重翔	麟仙	34	江西尋鄔	日本早稻田大學法科畢業	2215	19140318
高重翔	驥程	26	四川重慶江北廳	直隸法政學堂別科畢業	2553	19140324
謝克楨	幹卿	27	浙江紹興	直隸法律學校畢業	2554	19140330
鴻志	印三	40	福建閩縣	國立進士館修業二年半；日本法政學堂畢業	3251	19140406
尹道龍	嵐琛	32	廣西臨桂	京師法律學堂乙班畢業	2176	19140512
唐演	易庵	39	江蘇武進	日本東京帝國大學法科大學畢業	69	19140525
王晔	武君	33	山西太原	日本日本大學法科專門部畢業	3351	19140602
趙仲宣	鏡如	29	直隸東鹿	直隸法律學校畢業	1836	19140614
張世鎔	雅軒	38	直隸雄縣	北京國立法政專門學校法律科畢業	2844	19140625
章灝	仲寅	29	浙江紹興	國立北京法政專門學校法律本科畢業	1733	19140627
鄧堦	陟崑	48	四川仁壽	北京法律學堂畢業	3190	19140720
孫可銘	德齋	34	直隸灤縣	北京學治館畢業	3517	19140727
戴彬	任一	37	江蘇桃源	日本早稻田大學法科畢業	1025	19140807
劉璽	問鼎	25	陝西朝邑	直隸法律學校畢業	1434	19140811
王雙樞	平階	31	四川富順	北京教育館直轄法政專門學校畢業	2143	19140814
姚懋	恨吾	42	安徽桐城	日本早稻田大學畢業	730	19140828
沈壽昌	佩言	38	浙江海鹽	日本明治大學高等研究科畢業	272	19130829
張知競	知競	40	四川云陽	日本法政大學畢業速成科	3081	19140903
陳樹楷	經珊	45	順天大興縣	日本法政大學畢業	3332	19140909
程瑩度	百高	38	四川云陽	日本明治大學法政科不畢業	3334	19140910
劉雙	偉臣	36	雲南東川	京師法律學堂畢業	191310	19140911
金萬兆	希均	26	奉天錦縣	北京法政專門學校畢業	3273	19140913
張端	崇本	44	山西平隆縣	日本明治大學法學士	632	19140925

蘇銘	心甫	38	直隸寧河	北京學治館法政別科畢業	648	19141002
惲鴻	寬仲	33	江蘇武進	京師法律學堂畢業	44	19141002
李犀	蔚如	31	河南泌源縣	京師法律學堂畢業	67	19141009
李慶	來章	36	山東在平縣	山東濟南法政學校畢業	1499	19141019
曾警	次參	33	直隸東鹿	直隸法律學堂畢業	668	19141024
李希	翰卿	42	四川綿竹	京師法政專門學校畢業	1363	19141028
成安	哲文	35	江蘇句容	日本早稻田大學政治經濟科卒業	68	19141105
艾善	旭明	31	浙江寧海	日本明治大學法政科	3002	19141116
徐臣	偉磊	28	直隸平谷	直隸公立法政專門法律科畢業	2965	19141123
明起	曉峰	32	山東濟陽	山東第一法政學校	814	19141126
王旭	梓皋	38	河南項城	北洋法政別科畢業	2129	19141128
王衡	俊卿	35	湖南衡陽	京師法政學堂二級別科最優等畢業	2210	19141128
杜藻	懋軒	25	四川合州	京師法政學堂二級法律別科畢業	3421	19141203
高德	懋軒	30	山西夏縣	直隸法律學校畢業	489	19141211
胡藻	谷生	28	河南光山	直隸公立法政學校法律科畢業	3270	19141207
趙同	和聲	23	河南堰城	直隸法律學校	2131	19141216
王鼎	丹九	34	四川奉節	日本明治大學法政科畢業	2199	19150113
劉寶	廓寬	34	四川云陽	北京法律學堂畢業	2192	19150122
米堂	樾玄	40	直隸定縣	直隸省公立法政專門學校法律科畢業	3269	19150127
雷寶	仲公	25	四川璧山	國立北京法政學堂法律科畢業	3329	19150211
黃翼	翼增	32	四川奉節	日本法政大學法律科畢業	3320	19150301
潘詠	殷其	29	江蘇吳縣	國立北京法政學堂法律科畢業	1832	19150304
雷仁	神湖	33	福建龍溪	國立北京法政大學卒業	1109	19150524
李文	敏學	39	直隸東鹿	直隸法律學校畢業	504	19150525
王廷	紀臣	32	山東滕縣	山東第一法政學堂畢業	812	19150628
朱耀	德門	31	江西余干	國立法政專門學校法律專科畢業	1982	19150713
李琪	紫印	43	山東安丘	山東法政畢業	2590	19150725
魏春	濟川	33	熱河平泉	直隸法律畢業	2232	19150810
胡祥	錫如	34	四川合江	日本東京法政大學專門部法律科畢業	347	19150911
曹潤	學淵	32	四川銅梁	京師法律學堂乙班畢業	1587	19151029
張懋	官清	33	山東禹城	山東法政學堂	3513	19160113

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
韓殿琦	云翔	40	直隸新河	日本早稻田大學法科畢業	2339	19160304
李錫琛	孟啟	30	湖北襄陽	京師法律學堂	3205	19160308
陳光	萊士	42	福建閩侯	日本法政大學卒業	1990	19160815
黎炳文	雅亭	36	直隸深澤	日本明治大學專業	154	19160911
包世傑	志拯	26	江蘇奉賢	日本中央大學法學士	6	19161021
藍定國	知三	36	四川仁壽	國立北京法政專門法律本科四年畢業	1	19161027
黎煥齡	耆年	33	京兆通縣	青島中德國立特別高等專門學堂法政專科畢業	349	19161103
申炳炎	留錫	35	直隸清苑	國立北京法政專門法律本科畢業	45	19161110
王文鈞	仲樓	30	河南安陽	國立北京法政專門法律本科畢業	32	19161111
王育隆	樾樓	29	京兆大興	國立北京法政專門法律本科畢業	94	19161115
王征善	紹良	32	江蘇上海	國立北洋大學法政專門學門畢業	3493	19161120
隨步廷	培一	33	安徽毫縣	國立北京法政專門法律本科畢業	2	19161121
李景光	鐵民	26	福建福州	日本東京法政大學政科畢業	55	19161120
唐寶鐘	乃秋	42	廣東香山	日本早稻田大學專門政治經濟科畢業	44	19161122
樂挺志	詞宗	36	江西上饒	日本東京法政大學專門法科	90	19161130
韋如霖	潤珊	50	江蘇鹽城	國立北京法政專門法律科畢業	2866	19161202
李靜湖	問渠	38	直隸東鹿	日本明治大學法政專門部正科畢業	54	19161202
周醇	荊先	36	湖南祁陽	日本大學政治專門部正科畢業	14	19161208
朱念典	型叔	26	京兆永清	國立北京法政專門法律本科畢業	129	19161211
劉謙	仍叔	41	江西永都	日本早稻田法律專門部畢業	2195	19161212
錢俊	衍叙	36	直隸奉天	國立北洋大學法政專門科畢業	84	19161212
黃汝璧	筱衡	32	四川榮經	日本東京帝國大學法科畢業	3352	19161214
姚鳴楷	壽亭	33	直隸深縣	北京國立法政專門學校法律本科畢業	273	19161216
包振	逸[?]	26	京兆大興	日本日本大學法政專門學校法律本科畢業	58	19161220
紀春潮	月波	34	熱河承德	北京國立法政專門學校法律別科畢業	190	19161221
林行規	斐成	33	浙江[?]縣	英國法院律師大學畢業	265	19161227
張韶	子聞	29	安徽廬江	國立北京法政專門法律畢業	2901	19161228
王侃	輔宜	33	江西東鄉	日本東京帝國大學法政專門學門畢業	1809	19161128
劉世長	永康	40	江西上饒	日本明治大學政治經濟科畢業	2926	19161229
李兼善	達叔	38	廣東番禺	廣東官立法政學堂法律別科加班最優等畢業	555	19161231

吳志幸	伯寅	35	安徽宿縣	日本明治大學法律科卒業	2337	19161231
杜之堂	顯閻	49	直隸廣宗	日本法政大學畢業	3357	19170105
劉名山	仲仙	27	直隸深縣	北京國立法政專門學校法律本科	358	19170109
馬汝銘	越坡	33	廣東臺山	北京國立法政專門學校法律別科畢業	185	19170112
林喬枏	俊三	33	廣東瓊山	北京國立法政專門學校法律別科畢業	187	19170112
潘鴻勳	逸民	23	浙江紹興	北京國立法政專門學校法律別科畢業	232	19170113
時經潤	敏行	34	河南通許	日本日本大學法政科卒業	352	19170115
蕭國安	梁材	34	四川合川	北京國立法政專門學校法律本科	142	19170120
李漢	云孫	39	山東濟寧	日本大學法律科畢業	330	19170127
駱騰麟	止齋	41	四川資中	京師法律學堂畢業	208	19170131
周笠	雪漁	31	江蘇丹徒	北洋法政專門學校畢業	1545	19170131
周琳	鑒青	42	湖北監利	日本私立日本大學專門法政三年畢業	96	19170202
郭定森	實書	34	江蘇句容	日本明治大學畢業	389	19170206
張濟之	相丞	31	直隸武強	北洋法政專門學校法律本科	2022	19170210
辛漢	濯之	38	江蘇江寧	日本東京帝國大學法政科畢業	2060	19170203
陳繼善	孝周	36	浙江嵊縣	法國巴黎大學法政科畢業	30	19170205
張善與	戒之	30	京兆宛平	直隸公立法政專門學校別科畢業	552	19170211
徐均	天放	36	河南新鄉	日本早稻田大學大學部政治經濟科畢業	209	19170213
趙瀾聲	持平	22	江蘇吳江	國立北京法政專門學校法律本科畢業	89	19170213
范重麟	惠庭	42	河南方城	北京學治館法政專門學校畢業	745	19170215
徐偉功	春如	36	直隸東鹿	直隸法政學堂別科畢業	269	19170127
張偉	竹銘	29	京兆宛平	國立北京法政專門學校法律別科畢業	422	19170227
徐仲民	超銘	32	安徽歙縣	日本明治大學法政專門學校畢業	398	19170302
崔龍文	桂權	32	直隸灤縣	北京私立中國公學大學部法政政別科畢業	967	191703005
高朔	孟虬	30	廣東南海	廣東公立法政專門學校別科畢業	668	19170306
章鴻	養志	34	江蘇武進	日本東京帝國大學畢業	1061	19170312
李奎文	奉儔	44	浙江紹興	廣東公立法政專門學校別科畢業	670	19170317
崔銘法	孟星	45	河南滎嘉	河南公立法律專門學校畢業	1525	19170319
范倬漢	晉勳	32	山東莊平	私立北京中華大學法律別科畢業	1342	19170320
業宗儒	襄庭	36	河南內鄉	河南公立法政專門學校別科畢業	583	19170320
	楷庭	29	京兆宛平	私立北京中華大學法律別科三年畢業	978	19170326

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
曹福蔭	綬之	33	京兆大興	私立北京中華大學法律別科三年畢業	999	19170326
何鍾奇	希之	29	四川銅梁	北京私立中國公學大學部法政別科畢業	136	19170327
鄭象山	陟夫	32	安徽英山	私立北京中華大學法律別科畢業	1876	19170327
余鍾秀	訓生	27	湖北武昌	日本法政大學專門部法律科又高等研究科	285	19170328
翁廣心	精一	20	奉天蓋平	國立北京法政專門學校法律本科畢業	645	19170229
陳起森	肇階	29	四川安縣	日本國日本大學法律正科畢業法律學士	627	19170402
李邦楨	士周	40	京兆宛平	中華大學法律別科畢業；曾充京師地方審判庭推事	1440	19170404
王宗訓	式二	24	京兆宛平	北京私立朝陽大學法律別科畢業	1611	19170404
黃武	干城	29	江西都昌	日本明治大學法律別科畢業	325	19170407
吳蘊藻	旭章	32	湖北房縣	中華大學法律別科畢業	1773	191700409
任鳳閣	蘭亭	34	直隸河間	私立北京中華大學法律別科畢業	1535	19170411
李炳棻	芳孫	33	江西臨川	國立北京法政專門學校別科畢業	412	19170411
陳彰壽	仲文	38	浙江崇德	日本私立法政大學畢業曾任大理院推事；甘肅、山東湖南等省高等審長	1505	19170413
蘇蘊恭	敬齋	33	京兆房山	私立北京中華大學法律別科畢業	1738	19170416
李境坡	鑑明	33	直隸襄強	直隸私立法政學校法律別科畢業	2082	19170417
何[?]鑫	礪巖	37	山東平原	湖北公立法政專門學校畢業	2428	19170419
屈亮工	澄清	32	安徽太和	國立北京法政專門學校本科畢業	204	19170431
謝廷實	夢樓	35	浙江余姚	私立北京中華大學法律別科畢業	1533	19170423
徐其澄	志清	34	山東招遠	北京私立中國公學大學部法律別科畢業	2090	19170425
顏澤祺	子惟	34	廣東連平	日本明治大學政學士東京帝大選科畢業	59	19170426
魏化均	皋如	33	直隸獻縣	直隸私立法政學校法律別科畢業	238	19170426
張振鐸	金聲	30	河南澠池	北京豫人私立法政專門學校法律別科畢業	1610	19170428
王鴻[?]	峻屏	39	河南光山	河南公立法政專門學校法律別科畢業	239	19170430
楊春熙	奉儕	42	直隸高陽	直隸私立法政專門學校法律別科畢業	2008	19170430
李希明	耀翔	40	山東臨清	中國公學大學部法政別科法律科畢業	1486	19170430
譚建屏	鐸如	37	京兆三河	北京中華大學法律別科畢業	3190	19170501
董清廉	牧卿	43	湖北巴東	北京中國公學大學部法政別科法律科畢業	2598	19170502
	曉溪	27	直隸磁縣	北京中國公學大學部法政別科法律科畢業	1476	19170502

謝作孚	達齋	37	江西廣昌	日本中央大學法律本科	7	19170503
張雄華	魯卿	44	京兆三河	北京私立中國公學大學部法律別科畢業	1489	19170507
柳津	實齋	35	浙江臨海	北京中國公學大學部法律別科畢業	1880	19170508
張維賢	竹齋	31	直隸天津	直隸私立法政專門學校法律別科畢業	3399	19170510
王大焜	拱辰	30	直隸天津	直隸私立法政專門學校法律別科畢業	3393	19170510
游桂聲	一山	36	直隸唐縣	直隸法政專門學校法律別科畢業	767	19170512
胡季昌	昭然	39	江蘇宿遷	吳淞中國公學專門部法律科畢業	4794	19170514
張印鑾	鳴珂	25	山東泰安	北京政法專門學校畢業	4597	19170514
劉恩格	黔門	30	奉天遼陽	日本私立日本大學專門部法律科畢業	4479	191705117
郭章浚	聞平	40	福建閩侯	日本私立明治大學法律科畢業	709	19170517
袁超	犀然	34	湖南長沙	湖南私立達材法政專門學校法律別科畢業	2081	19170518
陳鴻璧	虹泛	30	湖北隨縣	私立中央政法專門學校法律別科畢業	3460	19170525
王廷弼	湛塵	31	河南武陟	直隸官立法律學堂畢業	1942	19170528
王德鈞	純修	25	直隸邢臺	私立中央法政專門學校本科畢業	3449	19170530
趙立勳	炳坤	34	直隸寧津	私立中國公學大學部法政別科法律科畢業	1741	19170604
周玉山	象德	34	京兆通縣	私立北京中華大學法政別科畢業	976	19170611
蕭桂榮	華庭	36	京兆香河	北洋法政專門學校發展別科畢業	1871	19170615
葉汾齡	煥亭	38	京兆武清	北京中國公學大學部法政別科法律科畢業	2050	19170626
王寶恕	鐵心	26	江蘇無錫	國立北洋大學法政科畢業	331	19170626
曾崇高	龍乾	43	湖北隨縣	湖北公立法律專門學校法律別科畢業	3482	19170801
閻茂達	叔聘	32	山東泗水	國立北京法政專門學校法律別科畢業	815	19170811
黃士杰	盛齋	42	山東黃縣	中國公學法律別科畢業	1520	19170815
李學謙	灌群	30	浙江松陽	國立北京法政專門學校法律別科畢業	127	19170816
周澤	為之	31	直隸固安	直隸法政專門學校	3172	19170818
趙從隨	續卓	29	浙江山陰	北京中華大學法律別科畢業	1398	19170901
傅詩	庚虞	42	江西南豐	北京中華大學法律別科畢業	981	19170908
向楚卿	湘泉	39	四川忠縣	私立北京中華大學法律別科畢業	1449	19180904
沈坦	守仁	30	湖南黔陽	國立北京法政專門學校別科畢業	4766	19180828
張廣揚	砥平	28	京兆順義縣	國立北京法政專門學校法律本科畢業	4429	19180822
沈祖彝	子中	42	安徽桐城	國立北京法政專門學校法律本科畢業	126	19180821
朱邁	敘倫	35	京兆大興	中國公學大學部法律別科畢業	8816	19180820
	倬亭	28	京兆霸縣	北京市私立中國公學大學部法律科畢業	1979	19180817

continued

Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
李錫爵	季侯	35	安徽合肥	北京私立中國公學大學部法律科畢業	3385	19180816
孔慶凱	濟美	42	直隸東鹿	北京中國公學法律科畢業	5914	19180815
黃雲鵬	美涵	37	四川雲川縣	日本早稻田大學畢業	2600	19180803
朱常倫	紀五	27	奉天省遼陽縣	吳淞私立法政專門學校別科畢業	10012	19180801
黃象樸	迺斌	40	奉天鳳凰縣	國立北京法政專門學校別科畢業	9655	19180715
李雲臺	象圖	34	直隸文安縣	北京中華大學法律科畢業	980	19180709
饒嘉穀	弗兮	42	河南固始縣	北京豫人私立法政專門學校別科畢業	2566	19180709
郭潤民	雲章	31	湖北鍾祥縣	湖北私立武昌中華大學法律科畢業	10715	19180708
饒湓	雲章	29	直隸文安縣	國立北京法政專門學校本科畢業	7626	19180701
薛英	民生	33	京兆大興縣	北京中國公學大學部法政別科法律科畢業	1981	19180619
湯克剛	伯潛	37	江西萬載	國立北京法政專門學校法律別科畢業	125	19180619
盧朝恩	錫鴻	30	京兆薊縣	直隸法政學校畢業法律別科	1023	19180612
劉光祿	竹庵	42	四川宜賓縣	私立北京中華大學法律別科畢業	3959	19180612
崔玉峯	後三	31	熱河朝陽縣	北京私立中央政專門學校法律本科畢業	3455	19180603
蔡仙峰	洞雲	40	高陽縣	直隸私立法政專門學校法律別科	3464	19180525
王守衡	子佩	24	京兆大興	直隸法政正科畢業	8638	19180529
袁勵翼	鳳聲	32	京兆宛平	北京中華大學法律別科三年畢業	8462	19180528
宋生桂	馨吾	31	山西浮山縣	北京私立中國公學大學部法律別科畢業	1978	19180527
朱天休	子乘	40	京兆密雲	北京私立中華大學法律別科畢業	972	19180525
聶登期	雙夫	37	浙江常山縣	日本明治大學法科專門部正科畢業	6453	19180523
周鴻鈞	羽參	26	安徽天長	日本大學專門部法律科畢業	641	19180517
岳朝山	星如	35	京兆安次縣	北京私立中華大學法律別科畢業	1448	19180517
王恩潭	錫綸	28	奉天西安縣	北京私立中國大學專門部法科畢業	6604	19180513
王永章	錦堂	36	河南澠池縣人	北京豫人私立法政專門學校法律別科	1564	19180510
張滌銘	慮齋	30	直隸高陽縣	北京化石橋私立法政專門學校	6790	19180509
張俊武	孟儒	31	奉天瀋陽縣	奉天法政專門學校畢業	2833	19180509
梅欽光	佛航	36	安徽太和縣	直隸法律專門學校	5620	19180506
段希文	崧高	34	四川武勝縣	北京國立法政專門學校法律本科一班畢業	817	19180506
朱振章	餐[?]	24	京兆大興	北京中央政法專門學校	3450	19180504
王麟洪	訥源	30	直隸深縣	北京中國大學別科畢業	7083	19180504

曹敬修	43	四川合川縣	北京中華大學畢業別科	1461	19180503
王育	27	直隸河向縣	京師私立朝陽大學畢業別科	7526	19180503
徐偉	34	河南臨汝縣	京師法律學堂畢業	2587	19180502
李繼楨	40	湖北隨縣	日本法政大學專門部法律科畢業	9706	19180502
徽五					
器之					
子重					
希愚					
別號					
馬廠					
銘橋	37	奉天遼陽縣	日本大學專門部法律科畢業	269	19180501
路齋	29	奉天昌圖縣人	國立北京法政專門學校法律本科畢業	7628	19180501
星緣	25	江西南豐縣人	國立北京法政專門學校法律本科畢業	9317	19180429
海禪	37	湖北天門縣	京師法政學堂別科畢業	4431	19180429
唐甫	36	湖北漢門縣	日本日本大學專門部法律科畢業	8894	19180423
林小琳	33	奉天鐵嶺縣	北京私立中國公學法律別科畢業	7010	19180419
郭松齡	26	廣東番禺	北京化石橋法政專門學校法律本科畢業	7550	19170912
子執	34	山東福山	中華大學法律別科	1910	19170912
左臣	27	奉天興京	國立北京法政專門學校法律別科畢業	2594	19170918
耀宗	30	河南鄭縣	京師豫人私立法政專門學校畢業	2486	19170918
瀛琛	30	湖北黃陂	湖北公立法政專門學校別科畢業	5688	19170919
孟如	31	直隸定縣	直隸私立法政專門學校別科畢業	1819	19170926
建民	38	江蘇常熟	日本私立日本大學專門部法律科畢業	626	19170927
鶴防	24	浙江吳興	化石橋法政專門學校法律本科畢業	7639	19171002
遠重	25	廣東番禺	化石橋法政專門學校法律本科畢業	7551	19171002
子威	36	奉天鐵嶺	中央政法專門學校畢業	1442	19171005
慶三	45	湖南衡山	北京中華大學法律科畢業	19171013	
琴友	34	四川敘永	四川成都公立法政專門學校畢業	3166	19171015
仕奇	30	直隸威縣	直隸法政專門學校畢業	2078	19171018
擢春	29	直隸東鹿	直隸公立法政專門學校畢業	8230	19171019
鵬程	36	直隸東安 (現改安次)	北京中國公學法政專門學校畢業	1397	19171019
竹坡	36	安徽含山	上海神州法政專門學校法律別科畢業	2538	19171027
茂青	33	察哈爾豐鎮	北洋法律專門學校畢業	672	19171031
瑞生	43	直隸元氏	直隸私立法政專門學校畢業	2256	19171031
贊卿	30	黑龍江呼蘭	北京化石橋法政專門學校法律本科畢業	8212	19171101
禹疏	22	京兆涿縣	國立北京法政專門學校畢業	5937	19171102
荷勳					

continued



Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
宋翰彬	梅庵	40	直隸祁縣	私立北京中華大學法律別科畢業	1463	19171103
王禮恭	一舟	49	稍等聊城	直隸法政學法律別科畢業	864	19171108
胡霖	政之	29	四川成都	日本大學法律本科畢業	2105	19171110
白鈞	繡章	38	京兆昌平	北京私立化石橋法政專門學校別科畢業	7542	19171115
陳維藩	屏周	37	熱河平泉	北京中國公學大學部法政別科法律科畢業	4472	19171119
畢奎	輔庭	37	天津	直隸私立法政專門學校畢業	2253	19171119
李潤新	日宣	25	奉天開源	北京中國大學專門部法律本科畢業	6739	19171119
張繼先	子承	36	京兆安次	直隸私立法政專門部法律別科畢業	2390	19171126
張豐泰	儉之	34	直隸易縣	北京私立中國公學大學部法政別科畢業	4974	19171128
李範	子儀	27	山東安丘	北京私立朝陽大學法律本科畢業	7496	19171129
張公壽	鶴年	30	京兆安次	直隸私立法政專門學校法律本科	5708	19171204
李錦	綱如	29	湖北漢川	日本私立法政大學專門部政治科畢業	2403	19171205
廖漢賢	禾丞	39	湖南郴縣	北京私立中央政法法律別科畢業	1484	19171206
朱天章	用平	34	四川西昌	成都公立法政專科學校別科畢業	2581	19171208
王達時	葉[?]	33	湖北襄陽	湖北法政專科學校畢業	3439	19171212
蕭簋	竹勳	37	湖南長沙	日本法政大學專門部法律科畢業	33	19171217
陳炳堃	錫鵬	34	安徽涇縣	私立北京中華大學法律別科畢業	2034	19171219
江旭東	建屏	37	四川江津	國立北京法政專門學校法律別科畢業	3272	19171222
張浚明	仲宣	33	直隸易縣	直隸官立法政專門學校別科戊辰補習民刑訴訟畢業	8740	19171227
沈培	厚田	31	京兆順義	私立中央法政專門學校法律別科畢業	1481	19171228
張鼎乾	健伯	25	陝西鄠縣	曾充北京私立中央政法專門學校教員三年以上	7640	19171228
潘清芳	晉良	27	安徽婺源	安徽公立法政學校法律別科	961	19180104
劉文奎	伯武	26	京兆宛平	私立中央法政專門學校法律本科	3183	19180105
毛勳	孝堅	28	湖北麻城	日本東京法政大學大學部法律科畢業	631	19180106
李育萼	香亭	36	山西猗氏	山西法政專門學校法律本科畢業	101	19180114
姜同濱	品清	30	熱河朝陽	北京私立中國大學法律別科畢業	7867	19180117
張煥濱	春華	32	直隸涿河	北京私立中央政法專門學校法律別科畢業	1526	19180120
李兆庚	知白	31	奉天北鎮	奉天法政專門學校法律別科畢業	2875	19180122
吳修源	信三	35	江蘇金山	北京中國公學大學部法律別科畢業	1428	19180129

王槐市	概吾	39	湖南郴州	中華大學法律別科畢業	1381	19180129
張廷獻	家修	40	四川雙流	中華大學法律別科畢業	2722	19180209
崔釀泉	攸甫	27	直隸大成	私立中央政法專門學校畢業法律本科	4972	19180221
陸紹祁	冥甫	32	廣西桂林	私立中國公學專門學校法律別科畢業	1918	19180223
金魁綮	占甫	32	浙江蕭山	國立北京政法專門學校法律別科畢業	3302	19180227
孫祖[?]	慕周	35	浙江紹興	北京私立中國公學大學部法政別科法律科畢業	1919	19180301
黃國英	震陽	33	湖南衡陽	日本早稻田大學正科卒業法政大學研究科卒業	601	19180302
皮寶銘	仰西	26	直隸高陽	北京私立朝陽大學畢業法律本科	7521	19180305
吳宗藻	文欽	39	安徽績溪	私立民國法政大學法律本科畢業	2374	19180305
程秉鈞	星階	44	河南商城	北京私立法政專門學校法律別科畢業	9350	19180305
索清修	廉明	36	直隸磁縣	北京私立中國公學大學部法律別科畢業	1867	19180305
王恒山	仲岳	28	山東清平	北京私立中國大學專門部法律科畢業	6437	19180305
張耀泉	少泉	32	奉天遼原	北京私立朝陽大學法律別科畢業	7528	19180306
韓國棟	拯民	36	直隸深縣	私立北京中華大學法律別科畢業	1379	19180309
趙鳳岡	樓桐	29	直隸故城	私立北京中央政法專門學校法律本科畢業	7369	19180309
崔秀巖	秀巖	35	直隸盧龍	私立北京法政專門學校法律本科畢業	1532	19180309
陸索梁	最初	28	京兆大興	國立北京法政專門學校法律本科畢業	426	19180314
佟崇兆	子明	29	京兆宛平	日本明治大學校政治經濟科本科畢業	7850	19180319
徐永祿	靜之	29	京兆宛平	日本早稻田大學法科畢業	7851	19180319
陳彰五	通齊	37	河南伊陽	北京豫人私立法政專門學校法律別科畢業	2565	19180328
劉世勳	毅忱	30	奉天蓋平	奉天公立法政專門學校法律別科畢業	2652	19180328
沈叔秀	克仁	32	直隸蠡縣	直隸私立法政專門學校法律本科畢業	9642	19180329
冀良秀	書升	45	直隸曲周	私立中國公學專門學校法政別科法律科畢業	1413	19180409
謝振翽	鵬張	33	四川銅梁	北京中華大學法律別科畢業	977	19180415
周國瑞	定文	37	四川江北	私立北京中華大學法律別科畢業	1530	19180416
陳世昌	子京	36	吉林伊通	司法講習所	11239	19230106
秦維祺	燭桑	30	安徽南陵	安徽法政學堂畢業甄拔律師委員會審議面 試合格	11166	19221209
葉少英		28	江蘇吳縣	英國愛汀伯大學畢業司法官再試典試委員會 審議准免初再各試	11027	19221204
吳葵	雨香	34	京兆良鄉縣	北京私立中國大學專門部法律科畢業	7003	19221118

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
鄧政楷	琴父	39	浙江紹興	直隸官立政法學校別科畢業	8619	19122111
史錫永	子廉	65	四川萬縣	京師進士館法律科畢業	11215	19221928
張寶棠	陸村	37	京兆房山	江西官立政法學堂別科畢業；曾經派署安徽 德寧地檢庭檢察官；黑龍江呼蘭地檢官特 別地審廳推事	10983	19221026
宗兆升	旭齋	39	直隸安國	京師政法畢業	481	19221020
范闊	伯華	36	廣西桂林	直隸私立政法畢業	2559	19221018
金鍊	暫傭	33	江蘇常熟	國立北京大學法科畢業	11178	19221014
謝越石	辛允	43	江西萍鄉	國立北京政法專門學校法律別科畢業	7443	19221003
李大誥	少甫	35	京兆宛平	北京私立中華大學畢業	1399	19220928
武伊績	竹蓀	39	直隸永年	甄拔律師委員會審議免試合格；京師政法學 堂二級別科畢業	11163	19220909
李實懷	謹亭	35	京兆香河	甄拔律師委員會審議面試合格；化石橋政法 專門學校畢業	11162	19220902
張紹鵬	少泉	43	山東臨清	甄拔律師委員會審議面試合格；中央政法 學校畢業	11101	19220830
董福田	心齋	31	直隸定縣	甄拔律師委員會審議面試合格；中央政法 學校畢業	11168	19220829
郝俊	傑民	30	京兆涿縣	甄拔律師委員會審議面試合格；北京大學法 科法律系	11137	19220819
王運孚	鐵公	47	湖北松滋	日本法政大學法律專科畢業	3193	19220726
郭定保	山民	34	江蘇句容	司法講習所畢業	11073	19220710
何謙	益聯	24	湖南郴縣	甄拔律師委員會審議面試合格；北京大學法 科法律系畢業	11104	19220605
楊德元	奕溪	30	山東歷城	私立北京中央政法學校法律本科畢業	11102	19220601
蔣澄宇	韻方	35	直隸蠡縣	天津直隸私立政法學校畢業	6084	19220410
商鼎臣	勳九	39	奉天昌圖	奉天政法政別科畢業	7123	19229328
桂步驥	健？	32	安徽石埭	國立北洋大學法政法律專門畢業	9736	19220318
王善昌	益皆	35	京兆永清	國立法專暨司法講習所畢業	11078	19220301
王維堃	啟軒	33	京兆房山	中國大學法律科畢業	2146	19220220

劉冕執	50	湖南湘潭	日本東京帝國大學畢業	3250	19220211
莊景珂	37	福建閩侯	日本早稻田大學法律科畢業	323	19211220
堂紀翔	41	京兆大興	京師大學堂仕學官畢業	1068	19211206
黃蘄衡	49	湖南湘潭	日本法政大學	497	19211116
趙之騷	38	浙江吳興	日本明治大學法政科畢業	248	19211008
吳煥樅	39	湖北房縣	日本法政大學畢業	216	19211008
許維藩	30	京兆固安	北京私立中央法政專門學校畢業	3451	19210919
羅耀樞	32	河南禹縣	河南法政專門學校別科畢業	896	19219826
趙曰俊	36	山東博山	山東公立法政專門學校法律別科畢業	1586	19210817
王國梁	43	廣東梅縣	日本早稻田大學政經科畢業	335	19210808
崔殿林	33	直隸天津縣	北京中華大學	6117	19210701
湯永澄	30	直隸通縣	私立中央法政專門學校法律本科畢業	5002	19210613
崔希瑗	37	四川威遠	北京國立法政專門學校法律科畢業	225	19210523
劉仲深	35	直隸天津	北洋法政專門學校法律本科	1875	19210330
吳大業	36	江蘇泗陽	北洋大學畢業前山西第二高級分廳監督	83	19210315
呂世芳	41	安徽旌德	日本法政大學法律科畢業；曾任奉天高等審判廳廳長	10977	19210114
徐光模	52	湖南湘陰	日本法政大學畢業；前湖南公立法政學校校長	1605	19210105
王可亭	30	直隸大名	北京私立中國大學專門部本科畢業	6766	19180918
吳榮萃	40	江蘇六合	日本明治大學法政專門部畢業	775	19180924
孫紹敬	29	河間	中國大學專門部法律科	9309	19181014
王懌河	30	京兆昌平	私立中央法政專門學校法律別科畢業	1743	19181017
尹式昌	31	山東肥城	山東公立法政專門學校法律別科	636	19181017
張陰棠	42	湖北黃陂	湖北江漢學校法律科畢業	5661	19181023
傅慶祥	30	東鹿	直隸法律學校畢業	1213	19181028
馮祥霖	35	直隸東鹿	北京私立中國大學專門部法律科	7380	19181112
蘇毓芳	42	奉天義縣	私立北京中華大學專門部法律科畢業	1904	19181118
孫耀高	42	京兆懷柔	天津私立法政專門學校別科畢業	3272	19181118
王庭蘭	33	京兆大興	直隸法政專門學校法律本科畢業	4781	19181126
楊潤	33	直隸定縣	直隸法政專門學校法律別科畢業	1808	19181126
李慶春	28	奉天錦西	國立北京法政專門學校法律本科丙班畢業	4591	19181126

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
吳曾揆	習元	38	直隸崇德	日本法政大學專門學校法律科畢業	9748	19181204
張鳳林	桐坡	31	直隸衡水	直隸法政專門學校別科畢業	6755	19181204
張謇	一山	37	山東棲霞	山東公立法政專門學校法律別科畢業	5553	19181205
黃耀青		31	山西曲沃	中華大學法律別科三班畢業	1511	19190106
朱鴻儒		31	安徽婺源	直隸法政專門學校法律本科畢業	3679	19190210
陸冲鵬		32	江蘇海門	江蘇私立法政專門學校法律別科畢業	1780	19190220
陳步東		42	浙江東陽	浙江公立法政專門學校法律別科畢業	8957	19190222
舒偉元	茹葵	38	江西德興	日本私立法政大學專門部法律科畢業	891	19190327
劉雲奇	德齋	29	直隸清苑	北京私立中國公學大學部法政別科法律科畢業	5677	19190327
戴錫衡	庚虞	38	京兆宛平	北京學治館法政專門別科畢業	7093	19190411
馬宗援	可奄	33	直隸南宮	直隸法政專門學校別科卒業	547	19190415
姜德森	尚文	44	安徽潁上	北京中華大學法律別科畢業	971	19190507
劉嶢桐	蔭庭	32	浙江杭縣	私立中央政法專門學校法律別科	1433	19190507
程世模	巖生	34	四川云陽	俄國皇家大彼得法政大學畢業	9252	19190510
程文錦	華園	39	直隸高陽	中國公學法政別科法律科畢業	1982	19190514
趙福濤	浚川	40	浙江會稽	日本私立法政大學養成班畢業曾充任京師地方審判廳推事一年半以上	8842	19190515
甘士楷	模山	38	四川云陽	四川成都公立法政專門學校補習法政別科畢業	10853	19190520
陳樂汶	竹溪	34	京兆房山	直隸法政專門學校畢業別科	545	19190528
張燧培	浚明	43	直隸定興	北京中華大學法律別科畢業	1539	19190603
夏恩濤	雨田	34	直隸榮城	直隸法政專門學校別科畢業	1845	19190609
黃琰年	子超	55	河南高城	直隸法政專門學校畢業	2023	19190613
翁瑞徵	玉書	28	廣東臺山	廣東公立法政專門學校別科畢業	8632	19190617
丘昭文	少海	34	廣東清遠	廣東公立專門法政學校政治正科畢業	1395	19190617
李建德	懋修	30	浙江紹興	直隸法政專門學校法律本科畢業	10013	19190621
李[?]	勤補	34	湖南臨湖	湖南公立法政專門學校法律別科	998	19190628
曹祖蕃	實卿	45	江西新建	簡任大理院推事	9902	19190802
劉鍾祐	鍾辰	30	京兆安次	北京私立化石橋法政專門學校法律本科畢業	8237	19190829
姜繼善	益三	27	直隸天津	法政專門學校法律本科畢業	8995	19190920
沈觀舒	展如	31	湖北安隆	直隸公立法政學校法律科乙班畢業	248	19191002

藍景山	九峰	熱河平泉	直隸法律專門學校畢業	8989	19191018
熊焜	楊滋	四川禹縣	京師法律學堂畢業	10950	19191101
劉國霖	家瑞	四川敘永	北京中華大學學業別科	8520	19191112
王鈞卓	力武	山西稷山	私立中央政法專門學校法律別科畢業	1747	19191121
楊啟輝	子明	直隸大名	直隸法政專門學校法律本科畢業	5919	19191122
和倬	振中	直隸定興	北京中華大學法律專科	1547	19191122
黃裕培	魯一	直隸藁城	畢業法政專門學校法律本科	9411	19191128
侯嘉峰	子青	山東泰安	國立北京法政專門學校法律本科畢業	8421	19191212
許卓然	修直	江蘇無錫	日本中央大學法律本科大理院簡任推事	1567	19191212
張務筠	務農	江蘇上海	北洋中央大學法律專科畢業	85	19191217
黃寶筠	光亞	直隸鹽山	山東法律學校法律別科畢業	7022	19200112
周鴻文	瓚卿	安徽天長	日本私立日本大學專門部法律科畢業	300	19200115
劉鍾芳	健如	直隸定縣	直隸公立法政專門學校法律別科畢業	770	19200116
張文壇	瑞符	江蘇連水	安徽公立法政專門學校法律本科畢業	10462	19200117
紀麟祥	哲文	京兆固安	直隸法政專門學校別科畢業	9109	19200204
艾善浚	子明	江蘇沭水	日本早稻田大學學校政科畢業	638	19200225
吳哲奎	璧辰	直隸武強	中央政法專門學校畢業	4589	19200315
李志奎	貫一	京兆大興	直隸公立法政學校法律本科畢業	5022	19200316
趙毅	平軒	山西芮城	中國大學法律別科畢業	1894	19200323
張守鈞	潤村	京兆通縣	北京法政專門學校畢業	7855	19200410
毛培恩	升階	直隸定興	京師法律學堂	2066	19200426
張庭珍	仰橋	京兆密雲	私立北京中華大學法律別科畢業	1901	19200427
甯梓	從周	京兆安次	直隸私立法政專門學校別科畢業	3398	19200429
武郁文	寬生	浙江慈溪	直隸私立法政專門學校別科畢業	2110	19200601
葉夏聲	止靜	直隸撫寧	日本私立法政大學速成科畢業曾充廣東法政專門學堂教員年半以上	541	19200612
聶銳書	翼成	浙江吳興	私立北京中華大學法律別科畢業	2045	19200629
張宗儒	步雲	湖南新化	日本法政大學畢業前任京師地方審判廳推事	10968	19200701
馬是[?]	蔭齡	山東歷城	北京私立中國公學大學部法政別科法律科畢業	1613	19200717
趙永延			直隸法律學校畢業	64	19200914

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
鍾鼎	立山	32	直隸保定	直隸官立法律學堂畢業	1754	19200918
王勁聞	勁卿	39	安徽望山	北京私立中華大學法律科畢業	9752	19200229
童益咸	鑑卿	44	安徽望江	北京私立中華大學法律科畢業	2535	19201006
熊才	養三	39	直隸杭縣	浙江法政專門學校畢業	204	19201015
馮學顏	郁文	45	京兆寶坻	北京中華大學法律科畢業	1331	19201215
何基鴻	海秋	33	直隸藁城	日本帝國大學法科畢業	25	19210105
徐光模	慎初	52	湖南湘陰	日本法政大學畢業	1605	19210105
白景桐	琴堂	38	直隸趙縣	直隸私立法政專門學校畢業		19251024
董槐蔭	午亭	29	京兆固安	北京朝陽大學法律本科	12060	19251023
相福廣		41	吉林洮南	京師法律學堂畢業	392	19251015
李溥	靜波	41	直隸磁縣	北洋大學法政專門學校畢業	11120	19251014
葉于佑	仲膺	31	福建閩侯	福建法政專門學校	1157	19251009
鍾啟瑞	季超	40	浙江紹興	北京中央政法大學法律本科畢業	12225	19250916
樊守忠	信初	33	直隸晉縣	北京中華大學	12248	19250915
韓樹人	哲生	28	直隸深縣	國立北京大學畢業	11223	19250914
閻振傑	懷西	28	直隸任縣	國立北京大學畢業	12228	19250909
張維周	彝軒	25	京兆涿縣	北京朝陽大學畢業	12203	19250904
王祖訓	劭恩	48	四川資陽	北京法政專門學校畢業	1773	19250827
劉道輔	翊臣	27	京兆平谷	直隸法政專門學校畢業	11579	19250825
張國藩	之園	37	直隸靜海	奉天法政專門學校畢業	172	19250822
趙世賢	竹川	26	安徽桐城	京師法律學堂畢業	12141	19250813
鮑忠淇	肥思	31	河南澠池	鄭別律師委員會審議免試合格	1564	19250804
光秉嘜		33	山西永濟	北京豫人私立法政專門學校	12151	19250731
王永章		39	直隸新鎮	日本明治大學法政專門部畢業		19250604
郭靈如		50	江蘇	北京中國大學法政專門學校畢業	4988	19250716
楊靈峰	漢卿	50	山東萊陽	中國公學法律科畢業	12162	19250527
徐鵬志	倬卿	50	直隸天津	北京中國大學法政專門學校畢業	6158	19250623
邱仁輔	贊虞	48	直隸深縣	直隸私立法政專門學校畢業	12012	19250603
李駿光	益亭			國立北京法政專門學校畢業		
姚謙						

趙璽	王章	34	安徽懷寧	安徽法政學堂別科畢業	19250522
柯士密	漸濤	38	德國	德國法官	19250520
趙榮甲		38	奉天莊河	甄拔律師委員會審議免試合格	19250421
曾志皓			湖南衡陽	甄拔律師委員會審議免試合格；國立法政專門學校畢業	19250501
王桂照	叔申	41	京兆宛平	北京中華大學法律別科畢業	19250414
沙顏楷	元輔	51	江蘇武進	京師法律學堂畢業	19250413
甘圻道	偉仰	33	江西泰新	國立北京法政大學法律本科畢業	19250403
萬兆之	亮辰	37	江西豐城	美國哈佛大學法學博士	19250402
張紹堪	惠芝	37	直隸滿城	北京私立中國公學法政別科法律科	19250331
閻采亭	海饒	53	山東濟寧	山東私立學堂畢業	19250317
徐谷蘭	仰山	44	安徽	北京中華大學法律科卒業	19250317
馬德潤	伯英	43	湖北	德國柏林大學法學博士	19250307
任景亭	尹民	61	山東昌邑	奉天法政專門學校法律別科畢業	19250303
吳鍾喆	健秋	42	奉天新民縣	日本法政大學速成科畢業；進士館三年畢業	19250223
劉遠駒	云青	54	湖北	中國大學法政別科法律班畢業	19250212
張書勛	瀟塵	32	湖北廣濟	日本私立明治大學豫科畢業	19250204
呂復	民巖	46	直隸涿鹿	日本私立明治大學豫科畢業	19250130
管成彩	玉圃	40	安徽和縣	北京中國大學法律本科畢業	19250129
王裕泉	平甫	32	奉天綏中	北京中央政法專門學校畢業	19250106
何振權	卓如	35	雲南保山縣	日本私立法政大學專門部畢業	19241223
孫百田		31	奉天本溪	國立北京法政專門學校畢業	19241219
殷治		25	京兆宛平	中國大學畢業	19241219
秦丕怡		39	山東東阿	國立北京法政專門學校畢業	19241205
張雨蒼		42	直隸安新	國立法政專門學校畢業	19280405
楊廣晉		36	直隸滌縣	直隸私立法政專門學校畢業	19280405
宋勛		38	安徽懷寧	安徽公立法政專門學校畢業	19280505
李廷斌		42	直隸寧晉	日本早稻田大學畢業	19280310
周玉山	象德	45	京兆通縣	私立北京中華大學畢業	19280317
李燾愚	曉	48	四川內江	北京中國大學畢業	19280317
崔嗣功	紀勛	36	直隸滌縣	直隸公立法政專門學校畢業	19280316

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
劉炳珍	乙方	25	京兆武清	北京朝陽大學法政專門學校畢業	12843	19280314
李永楨	介庵	26	熱河凌源	北京朝陽大學法政專門學校畢業	12827	19280313
張宗耀		28	京兆涿縣	中國大學法律系畢業	12726	19280310
曹淳		30	京兆安次	北京朝陽大學法政專門學校畢業	12841	19280302
邢福頤	健侯	52	京兆房山	江西官立法政專門學校別科畢業	10505	19280218
楊文明	潤生	40	山東歷城	中央政法學校畢業	11164	19280218
彭淵恂	希明	46	湖南長沙	日本明治大學政治專門部正科畢業	419	19280201
蔡應昌	佛鏡	36	湖南舞陽	朝陽大學法律專門學校畢業	11788	19280118
李卓茂	白中	39	湖北漢陽	湖北私立法政專門學校法律科畢業	2067	19280105
于宗瀛	步仙	39	河南汝水	北京中央大學畢業	12832	19271105
鄭其毅	汝彬	51	直隸衡水	北京私立中國大學法政別科法律科畢業	1980	19271012
劉輝船	銘之	29	四川涪陵	北京朝陽大學法政專門學校畢業	12812	19271008
老遇春	序東	39	直隸蠡縣	直隸私立法政專門學校法律本科畢業	9383	19271001
汪灝	月江	42	江蘇阜寧	司法講習所畢業	11074	19270927
馮毓梅	學嶺	29	直隸房山	直隸公立法政專門學校畢業	12692	19270923
朱超翰	雲藻	34	京兆良鄉	北京中國大學法政專門學校畢業	12338	19270916
陳文鐸	天一	24	直隸益陽	北京朝陽大學法政專門學校畢業	12813	19270913
田春恩	蘊潔	27	直隸巨鹿		11932	19270912
任緒洛	季泉	36	山東平陰	山東法政專門學校畢業	12184	19280901
林廷琛	子獻	40	福建閩侯	日本法政大學畢業	9531	19270901
羅文干	鈞任	39	廣東番禺	英國牛津大學法學畢業	93	19270822
孫啟濂	吉臣	38	湖北漢陽	美國蘇瑞克司法學畢業	12153	19270818
唐寶鈞	秀豐	51	廣東香山	日本早稻田大學法學士	12138	19270810
程謙	伯遜	40	江蘇宜興	日本東洋大學高等法政專門學校畢業	987	19270808
羅從權	秉衡	36	福建長汀	福建私立法政專門學校法政科、日本大學法政專門學校畢業；甄拔律師委員會審議免試合格	11224	19230108
劉益謙	古林	35	直隸滿城	直隸公立法政專門學校法律本科畢業	844	19230108
王鳳翰	紫林	36	京兆香河	朝陽大學法政專門學校畢業	11270	19230207
袁其惠	栗南	34	貴州修文	日本大學法政專門學校法律科畢業；甄拔律師委員會審議免試合格	11257	19230207

張揚烈	明軒	53	山東平原	北京私立中國大學法政別科法律科畢業	8960	19230222
林毓棠	召禮	47	四川南充	私立北京中華大學法律別科畢業	2048	19230330
姜慈	錦齋	40	京兆密云	北京中國大學專法畢業	9102	19230410
鄭安	子鳩	32	直隸遷安	朝陽大學法律本科畢業	11352	19230517
呂唐第	訟峯	31	京兆固安	私立中央政法專門學校法律本科畢業	4598	19230610
葛長華	紹虞	43	京兆順義	北京中華大學法律別科畢業	1534	19230707
周衡	鑒澄	38	江蘇宜興	日本明治大學法科畢業	10966	19230710
陳應榮	嗣宗	31	廣東南海	甄拔律師委員會審議免試合格（免試合格證書號324號）	11398	19230720
穆端芬	靜蘭	27	京兆密云	北京朝陽大學法科畢業，甄拔律師委員會免試合格	11348	19230801
陳則民	惠麓	44	江蘇吳縣	日本大學大學部法律科卒業	356	19230808
葉夏聲	竟生	35	浙江慈溪	日本法政大學畢業	357	1923
楊永清	惠慶	30	浙江鎮海	美國華盛頓大學公法碩士，法律學士	11183	19230822
高承蔭	衍卿	35	京兆宛平	北京中華大學法律別科畢業	1132	19230823
鄭誦芬	味蘭	40	浙江慈溪	浙江四明法政專門學校法律專修科畢業	6069	19230901
靳作樞	子濟	32	陝西藍田	北京中國大學大學部法政別科法律科畢業	1604	19230901
江元亮	悟源	44	湖北鄂城	北京國立法政專門學校畢業	391	19230904
孫樹	旨霖	34	四川瀘縣	甄拔律師委員會審議免試合格；北京大學法律科畢業	11382	19230905
唐作寶	治照	39	四川蓬安	法政學校畢業	2552	19230910
錢匯源	海樓	26	京兆宛平	中央法政專門學校畢業	11420	19230912
張國華	祉宜	38	江蘇鹽城	北京中華大學畢業		19230914
楊頤齡	觀九	34	吉林	日本法律大學專門部法律科畢業	309	19230927
林榮	少旭	40	福建閩侯	日本早稻田大學畢業	11432	19231001
林炳炎	秉業	48	河北漢川	河北公立法政專科畢業	2997	19231007
業爾衡	彝臣	42	浙江余杭	日本早稻田大學政治經濟科畢業	9314	19231014
姚鳴衡	壽亭	38	直隸深縣	北京國立法政專門學校法律科畢業	273	19231016
江庸（介紹林行規）	翊云	46	福建長汀	日本早稻田大學政治經濟科畢業	11031	19231102
周詒銑（介紹江庸）	澤光	35	湖南湘潭	湖南公立法政專門學校畢業	983	19231120
王揚濱	筱侯	43	湖北江夏	甄拔律師委員會免試合格	11457	19231201

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
余天休 (葉夏聲介紹)	天休	28	廣東臺山	甄拔律師委員會審議免試合格; 美國哲學博士, 法律學士, 教育學士, 文學碩士, 藝術學士	11458	19231219
戴景槐	棟淮	38	浙江寧波	國立北京大學法科畢業	7412	19231229
王維翰	藻軒	47	滿洲	京師法政學堂畢業	935	19240104
范熙琮	玉芳	42	湖北黃陂	北京私立中國公學大學部法政政別科法律科畢業	5693	19240104
尹福寶	季上	33	江蘇儀征	吳淞中國公學法律專門部畢業	11450	19240104; 19241231
李璋	玉章	30	武清	甄拔律師委員會免試合格	11506	1924012
何相韓	子奎	29	湖北	甄拔律師委員會免試合格	11516	19240203
吳昆吾	昆吾	37	四川銅梁	巴黎法科大學法學士	10988	19240204
石志泉	友儒	38	湖北孝感	日本早稻田大學政治經濟科畢業	11043	19240211
胡存忠	癡石	41	湖北武昌	中國公學大學部法政政別科畢業	1422	19240211
張士駿 (郝俊介紹)	子騰	34	直隸豐潤	直隸公立法政專門學校法律本科畢業	9466	19240220
鄭天錫 (劉崇佑介紹)	蒹庭	40	廣東香山	英國倫敦大學法科畢業	11497	19240223
饒孟任 (林會長介紹)		43	江西南昌	眾議院議員	11509	19240312
李毓藻 (王禮恭介紹)	鐘如	42	天津	直隸法政專門學校畢業	2247	19240312
朱煥彬	子斑	30	江蘇如皋	審查律師合格	11071	19230317
黃右昌	黼馨	40	湖南臨澧	日本法政大學畢業	2136	19240324
沈江 (金鎮, 朱煥彬介紹)	海石	30	浙江東陽	甄拔律師委員會審議免試合格	11559	19240329
葉在均	乃崇	39	福建閩侯	京師法政學堂正科法律班畢業	486	19240402
劉義順	華民	27	直隸任丘	甄拔律師委員會審議免試合格	11576	19240404
何耀光	孟庚	52	四川江北	京師法律學校畢業	102	19250409
朱學曾 (介紹)	文伯	39	貴州平越	司法部審查合格	9774	19240418
趙毓藻	仲孫	27	宛平	甄拔律師委員會審議免試合格	11557	19240503

張德欽	若仲	33	江蘇寶山	美國法學士；甄拔律師委員會審議免試合格	11524	19240524
何有典	慎之	26	山東平原	甄拔律師委員會審議免試合格	11614	19240609
唐有烈	九如	29	江蘇吳江	甄拔律師委員會審議免試合格	11452	19240609
董謨	燕孫	26	京兆三河	甄拔律師委員會審議免試合格	11656	19240818
律師王禮恭，姜繼善）						
楊文翰	西園	38	天津	直隸私立法政專門學校畢業	1817	19240617
楊長秀	禮耕	37	直隸定興	北京中國大學法政專門學校畢業	2372	19240619
王鼎新	欲平	38	湖北孝感	日本大學法政專門學校畢業	2585	19240705
王豫（葉夏聲介紹）	桐軒	34	湖南寶慶	廣西法政專門學校別科畢業	3906	19240708
高文祚	伯銓	39	奉天海龍	甄拔律師委員會審議免試合格	11462	19240704
李思遜	庸民	37	安徽石埭	北洋法政專門學校畢業		19240731
劉萬清	子美	26	京兆順義	中央大學畢業	11716	19240818
胡右卿	允欽	31	京兆安次	直隸私立法政專門學校畢業	2021	19240818
王文琳	崑璞	30	直隸東光	甄拔律師委員會審議免試合格	11749	19240901
呂世芳		44	安徽旌德	日本法政大學法律科畢業	10977	19240903
周士俊	鐘秀	29	安次	甄拔律師委員會審議免試合格	11706	19240904
沈垣	植基	31	順義	國立北京法政專門學校法律本科畢業	4430	19240923
李愷義	意塵	44	直隸冀縣	國立北京法政專門學校法律本科畢業	31	19241017
李渠	訪漁	54	直隸東鹿	日本法政大學畢業	11940	19241114
秦丕怡（介紹人楊春熙）	倬如	39	收到東阿	國立北京法政專門學校畢業	11901	19241205
朱吉蘭	芷泉	40	京兆大興	考試及格	11340	19251030
梁咨	函銘	49	廣東南海	日本明治大學明法學士	11048	19251120
馮美學	友甫	30	浙江	浙江公立法政專門學校畢業	12334	19251127
陳金蘭	香久	26	京兆寶坻	免試合格；國立法政專門	12313	19251128
曹之棟	國幹	39	京兆涿縣	免試合格	8122	19251226
李樹滋	潤生	28	京兆香河	免試合格	11830	19260104
劉震	亨齋	31	浙江杭縣	北京國立法大日本明大畢業	11128	19260113

Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
吳福基	安仁	29	浙江嘉善	甄拔律師委員會審議免試合格；國立法政專門	12361	19260115
潘大道	行修	37	四川開縣	日本早稻田大學畢業	11484	19260121
梁正身		27	河南林縣	中央政法大學畢業	12247	19260219
潘健卿	鎬秋	35	江蘇吳縣	甄拔律師委員會審議免試合格	12005	19260220
杜泓		28	山西新絳	北京政法大學畢業	12333	19260308
王郁聰	步青	38	京兆通縣	北京朝陽大學專門部法律本科畢業	11251	19260310
徐世勛	夢[?]	33	奉天恒仁	北京民國大學法科畢業	12315	19260317
劉明陽	靜遠	34	天津	直隸私立法政專門學校法律科畢業	2242	19260318
任維屏	維城	29	京兆涿縣	北京政法大學畢業	12338	19260325
張維城		30	江蘇上海	免試合格；北京大學法律門畢業	11487	19260327
張寶文	碩孫	31	湖南	免試合格	11584	19260414
宋庚蔭	筱牧	45	河南	豫人私立法政專門學校教授法律之學三年以上		19260520
魏先根	殘宇	44	湖南長沙	民國三年二月六日領得證書并經司法部覆驗合格	3167	19260529
張光煥	映南	34	湖南江陵	河南公立法政專門學校畢業日本早稻田大學畢業	797	19260605
王詒謀	蕙侯	45	江蘇吳縣	河南公立法政專門學校別科畢業	1037	19260605
許肇銘	雲舫	43	直隸安國	北京中國大學法律本科畢業	7085	19260623
王振遠	利卿	33	武清	直隸法政專門學校畢業	8799	19260629
石毓松	鶴年	30	京兆武清	國立北京大學畢業	12377	19270629
劉立泉	卓人	46	京兆霸縣	北京中華大學畢業	12300	19260629
溫志賢	鑄山	38	直隸遵化	直隸公立法政專門學校法律別科畢業	765	19260630
趙建中	衡哉	39	直隸深澤	直隸法政專門學校畢業	851	19260630
李云翹	上青	36	山西永濟	日本明治大學法科畢業	12456	19260803
周翼	瑞麟	41	直隸榮亭	北京朝陽大學法本科畢業	8321	19260830
章杭時	萱甫	45	浙江瑤縣	日本法政大學部法律科畢業	124	19260906
陳履森	步鵞	30	浙江義烏	北京大學法律系畢業	12408	19260916
汪武維	乃揚	34	安徽懷寧	中國大學法本科畢業	12431	19260923
周寶華	劍秋	34	京兆涿縣	司法講習所畢業	10969	19260925

李成章	致道	46	直隸深澤	北洋大學畢業	652	19261021
劉達瀛	鶴汀	35	京兆大興	國立北京法政專門學校法律科畢業司法講習所畢業	12552	19261026
蔡辰	宿長	25	江蘇上海	國立北京法政大學法律科畢業	12394	19261023
梁繼祖	仲華	30	河南孟縣	北京民國大學法律科畢業	11554	19261101
袁集蘭	紉庵	30	直隸雄縣	國立北京法政專門學校畢業	11977	19261109
李寶緯	少蓮	29	天津	北洋法政專校法科畢業北京中國大學法科畢業	12531	19261216
楊世芬	幼龍	38	安徽蕪湖	北京私立中華大學政治經濟科畢業	11414	19261227
廖成廉	慎先	43	四川內江	國立北京法政專門學校法律本科畢業；歷任陝西各級法院推事庭長廳長	12608	19270102
佟炯章	硯莊	27	直隸豐潤	北京法政專門學校畢業	12047	19270121
吳濤	若虛	30	京兆良鄉	國立北京大學法科畢業	12325	19270201
金殿選		38	安徽婺源	安徽省立法政專門學校畢業；曾充合肥審判廳廳長奉天瀋口推事京師地方審判廳庭長	289	19270208
劉雲階	秉衡	36	直隸深縣	中央政法專門學校畢業	12645	19270301
高權	潤濃	27	京兆大興	國立北京法政大學畢業	12586	19270303
周恩濤	紫林	37	京兆懷柔	北京中國大學專門部法律科畢業	8991	19270323
夏來恩	四震	31	京兆密云	北京朝陽大學法律本科畢業	12685	19270401
陳名振	相如	29	京兆大興	中央大學法科畢業	12491	19270405
石殿斌	健民	35	京兆大興	北洋法政專門學校畢業	12611	19270405
韓學乾	冠五	34	京兆大興	國立北京法政專門學校法律別科畢業	432	19270407
張士魁	雁卿	35	直隸龍觀	朝陽大學法律科卒業	12618	19270418
盧天衡	阮伯	38	湖北襄陽	中央政府專門學校畢業	12503	19270420
彭昌楨	樞軒	38	安徽蕪湖	北洋公立法政專門學校法政別科畢業	9922	19270422
馬仙源	紹韓	32	直隸文安	民國大學法科畢業	12533	19270426
張國士	執符	28	京兆三河	直隸法政專門學校畢業	12679	19270505
張席貞		28	直隸定縣	北京朝陽大學學校畢業	12716	19270514
			寄籍京兆三河縣			
周慶文	琴舫	50	京兆涿縣	京師法政學堂一級別科畢業	491	19270525
彭望群	望群	41	江蘇吳縣	日本大學法科專門部畢業	12777	19270602
李肇甫	伯申	42	四川巴縣	日本私立明治大學法科畢業	447	19270607

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
王顯奎	璧垣	55	浙江義烏	浙江公立法政學校法律別科畢業	10586	19270616
印源	月潭	40	直隸延慶	北京中華大學畢業	12766	19270620
郭杰	子輝	39	山西介休	中國大學法律科畢業	12798	19270627
樓邁	敍田	47	浙江杭縣	北京私立中國大學部法政別科法律科畢業	4788	19270702
張揆肅	秀蓀	50	江蘇江寧	京師法政學堂別科畢業	10982	19270708
王志新	振庭	49	京兆通縣	直隸法政專門學校畢業	1022	19270713
劉秉鈞	子陶	25	直隸完縣	北京朝陽大學畢業	12764	19270725
李懷亮	特成	44	湖南湘鄉	簡任大理院推事	9901	19270804
程鐸	振之	47	江西鄱陽	日本早稻田大學畢業	529	19301005
李萬福	厚齋	45	河北通縣	北京中央政法專門學校畢業	3159	19301228
畢培真	皜岑	45	河北深縣		901	19301224
王乃普	惠均	44	河北寶坻	直隸私立法政專門學校畢業	1684	19301221
周紹鏡	紹鏡	24	天津	河北省立法商學院畢業	1091	19301223
劉榮詒	茲興	49	山東德縣	私立化石橋法政學校畢業	1547	19301215
高云鳳	桐齋	26	河北大興	北平朝陽大學畢業	1043	19301211
高善謙		41	四川成都	四川法政學校別科畢業	268	19301207
祁維詩	韻清	32	山東牟平	北京朝陽大學畢業	768	19301125
胡傳鼎	梅翹	40	安徽涇縣	國立北京法政專門學校畢業	3200	19301126
張慎翼	次謙	49	湖北襄陽	國立北京法政專門學校畢業	3119	19301123
張伯烈	亞農	59	湖北隨縣	日本法政大學畢業	1701	19301122
錢承志	念慈	56	浙江杭縣	日本東京帝國大學畢業	203	19301121
劉大魁	紹卿	45	湖北襄陽	日本法政大學專門部法律科畢業	3127	19301106
張鸞祥	午橋	28	江蘇鎮江	北平民國大學法政科畢業	1464	19301027
林秉奇	仲易	45	福建閩侯縣	日本早稻田大學畢業	2326	19301017
李景圻	仲奮	47	福建閩侯	日本早稻田大學畢業	202	19301020
騰驥	倭侯					19301025
戴仁	百賢	52	貴州息峰	日本法政大學畢業	2579	19301018
胡端正	伯雨		河北通縣	北平私立中國大學畢業	716	19300930
王道霖		52	河北靜海	奉天法政學堂畢業	891	19300930
李瑞呈	秉符	40	河北大興	北平民國大學畢業	1667	19300929

賴錕	28	福建	美國芝加哥西北大學畢業	120	19300921
陶湘	26	京兆順義	國立法政專門學校畢業	12589	19280410
薛松長	26	京兆宛平	中央法政專門學校畢業	12409	19280412
李寶珍	34	湖南寧鄉	北京中央大學畢業	12848	19280505
向哲濤	42	京兆安次	美國華盛頓大學畢業	12765	19280520
趙廣仁	42	四川	直隸私立法政專門學校畢業	1502	19280604
王德懿	35	江蘇丹徒	國立北京法政專門學校畢業	7583	19280620
劉煌	51	福建侯岡	司法講習所畢業	11072	19280723
陳宗番	34	湖南瀏陽	日本私立法政大學	64	19280901
劉簾詒	35	廣東順德	國立北京大學法政科畢業	12093	19280901
胡寶麟	28	河北香河	國立法政大學法政科畢業	1683	19280902
韓立瀛	43	福建閩侯	福建公立法政專門學校畢業	12856	19280930
謝道仁	48	湖北隨縣	日本法政大學法政科畢業	10401	19281012
李繼膺	41	河北蠡縣	中央法政專門學校畢業	2045	19281126
陳潤田	41	浙江臨海	國立北京法政專門學校畢業	19281127	19281127
何宗堯	50	安徽懷寧	私立北京中華大學畢業	2858	19281208
潘孝堯	40	河北沙河	國立北京法政專門學校畢業	1060	19281228
張瑛	25	河北豐潤	國立北洋大學畢業	11806	192901
李增祺	42	天津	國立北京法政大學畢業	12842	192901
劉士元	31	浙江吳興	日本大學專門部法政科畢業	328	19290109
徐望之	32	山東歷城	國立北京大學法政科畢業	12035	19290111
高崇煥	39	福建閩侯	國立北京大學法政科畢業	12033	19290111
潘啟清	41	河北藁縣	福建私立法政專門學校畢業	3275	19290201
何基鴻	39	安徽合肥	日本東京帝國大學畢業	3197	19290220
吳育謙	43	河北蠡縣	北京中國大學畢業	3430	19290225
沈叔木	53	河北河間	直隸私立法政專門學校法政本科畢業	9642	19290301
李屬官	43	湖南常德	直隸公立法政專門別科畢業	2	1929
陳瑾昆	32	河北三河	日本東京帝國大學畢業	1	19290419
馮景先	51	江蘇吳縣	國立北京法政大學政治經濟科畢業	1089	19290607
孫潤宇	51	江蘇江寧	日本法政大學畢業	801	19290706
辛漢	51	江蘇江寧	日本東京帝國大學學校畢業	803	19290706

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
楊壽怡	樂彭	29	河北宛平	北京民國大學專門部法本科畢業	145	19290801
張紹曾	省三	40	河北蠡縣	直隸法政專門學校畢業	3342	19290803
牛葆瑜	敬卿	39	河南汴源	京師法律學堂畢業	1815	19280822
汪贊煥	贊瑛	44	安徽旌德	國立北京法政專門學校法律別科畢業	733	19290822
鄧啟		50	四川長壽	日本東京私立法政大學速成科畢業	195	19290901
張書箴	紉閣	35	河北武強	國立北京大學法律系畢業	910	19290904
韓紹琦	芴辰	42	河北武強	直隸法政專門法律別科畢業	905	19290904
李洪岳		39	河北獻縣	直隸私立法政專門法律別科畢業	3325	19290916
王登瀛	仙洲	29	河北香河	直隸法政專門法本科畢業	173	19290916
陸守經	遠權	45	江蘇青浦	美國惠斯康新大學畢業	981	19290925
陳銘璧	子衡	53	河南西平	私立比較中華大學畢業	1660	19290930
孫觀圻	補笙	44	江蘇蕪錫	日本私立中央大學法科畢業	592	19291003
凌啟鴻	楫民	41	浙江吳興	日本大學法科畢業	1808	19291003
丁樹勳	質彬	42	直隸紹興	中央政法大學畢業	35	19291011
陳繼奎	挹靈	51	四川巴縣	國立法政專門學校法律別科畢業	3290	19290727
張汝霖	晏人	52	江蘇如皋	日本法政大學專門部法律科畢業	44	19291108
趙泉	鑒唐	53	北平	瑞士日來弗法學院畢業	220	19291116
李震[?]	伯威	30	湖南長沙	日本早稻田大學專門部政治經濟科畢業	3319	19291201
徐同鄭	仲侯	54	江蘇武進	國立北京法政大學畢業	2865	19291003
朱應中	伯孚	59	安徽休寧	日本法政大學畢業	1113	19291003
張家駿	洽洹	36	河南林縣	前清進士館三年畢業	751	19291207
徐旭通	山寄	58	天津	直隸法政專門學校政經本科畢業	1249	19291218
翁鳴璵		49	福建閩侯	前清仕學官畢業	2301	19300301
左鴻文		39	河南潢川	河南法政專門學校畢業	3161	19300304
鄧曰瓏	振之	38	山東海陽	北京私立朝陽大學畢業	2944	19300319
林章	振璧	39	福建閩侯	國立北京大學法科畢業	1043	19300405
王漢	墨林	39	浙江山陰	中央大學專門部法本科畢業	3189	19300412
高敏學	豫勤					19300414
張寶元	善齋					19300414

何福麟	玉書	50	湖北鄂城	日本法政大學畢業	3269	19300509
朱尚瑞	雲五	36	遼寧沈陽	國立北京大學法科畢業	2494	19300510
張文進	堉生	55	河北			19300510
劉鐵麟	伯英	28	河北安次	河北省法商學院畢業	401	19300522
張廣元	品珍	29	河北定興	直隸公立法政專門學校畢業	121	19300602
溫錫琛	子泉	46	湖南城步	私立日本大學專門部畢業	415	19300608
劉慶溥	民輔	31	河北大興	北京朝陽大學法科畢業	882	19300614
戴國璋	集英	27	河北永清	河北省立法商學院畢業	678	19300715
袁集英	述堪				462	19300720
張連仲	價人					19300701
趙維藩	鑑冰					19300722
何鶴	仲翔	38	河北蠡縣	北平私立中國大學畢業	974	19300728
崔志平	隔翹	25	江蘇江陰	直隸北洋法政專門學校畢業	333	19300810
夏孫榆	卓群	43	河北安次	北平私立朝陽大學畢業	723	19300817
谷振河	鳳五	41	江蘇江寧	私立北京中華大學畢業	486	19300820
梅謙益	彥忠	40	河北安平	私立中央法政專門學校畢業	660	19300821
喬毓周		26	直隸雄縣	國立北平大學法學院政治系畢業	12780	19280407
時得霖		28	河北定縣	河北大學法律學系畢業	4321	19320201
孫世英		30	河北安國	北京平民大學法律科畢業	2116	19320127
謝松濤		34	河北安次	北平民國大學法律科畢業	4171	19320127
李書春	蔚章	43	河北寧晉	奉天法政學校法律別科畢業	2612	19320121
王廷珍		42	河北臨榆		3423	19320114
李炳陽	寅實	44	吉林吉林縣	直隸法政學堂畢業	2942	19320107
張春軒	銘清	33	浙江山陰	國立北京法政大學法律科畢業	3329	19320104
姚禮成	欣生	23	河北昌平	北平朝陽學院法律科畢業	877	19320104
王志榮	仁伯	29	河北阜平	北平朝陽學院法律科畢業	3725	19321220
袁慶剛	叔明	30	山東年平	北平朝陽大學法律科畢業	3801	19311220
王遠程	懷[?]	23	察哈爾宣化縣	北平民國學院法律科畢業	3050	19311216
吳有惠	靜之	29	河北安次	直隸公立法政專門學校畢業	3205	19311204
李之澄	藝舟	35	河北寶坻	美國米索里大學法學士畢業	3079	19311201
李毓才	宣猷		吉林寶縣		2295	19311201
董其政						

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
馮介	子明		河北	國立北京大學法律學系畢業	2719	19311201
陶富春	厚齋	29	河北三河	北京朝陽大學法律本科畢業	1682	19311120
楊紹蘇		41	河北武清	直隸法政學校法律科畢業	4129	19311120
紀世昌	樞輿	50	遼寧賓州	北平中國大學法律科畢業		19311110
樊龍章	體安	49	四川資中	國立法政學校法律科畢業	688	19311104
田淇清	竹坡	43	河北蠡縣	直隸私立法政學校畢業	807	19310110
鹿閔世	騰九	44	河北定興縣	日本早稻田大學	2065	19310117
陳德本	鹿軒	31	河北通縣	北京朝陽大學校畢業	1947	19310123
樊海林	幼軒	30	河北大城縣	中央大學專門部畢業	3188	19310126
蔡霖	沛齋	42	江蘇上海	北平私立中國大學畢業	1092	19310128
陳應榮	嗣雲	39	廣東南海	美國京都大學畢業	2315	19310130
安錫縉	繼五	32	河北武清	中央大學法律本科畢業	665	19310130
韓立瀛	卓如	31	河北寶坻	國立北平法政大學畢業	329	19310201
趙布倫	敘五	38	河北武清	北平私立朝陽大學畢業	1391	19310205
凌昌炎	溥伸	43	安徽懷遠	國立北京法政專門學校畢業	2051	19310211
關兆鳳		42	河北東明	國立北京大學畢業	166	19310214
劉光鉞		32	河北饒陽	國立北京法政專門學校畢業	2885	19310225
郭生元	澤田	35	河北武清	北京私立中國大學畢業	2783	19310226
王潤		29	河北武清	北平私立朝陽大學畢業	2582	19310228
盧益美	默軒	41	安徽廬江	安徽公立法政專門學校畢業	191	19310307
王雨泉	軒	35	河北新城	北平朝陽大學校畢業	2393	19310312
李漢民	華生		天津	北京私立中國大學畢業	1876	19310315
王雄圖	鵬南	30	河北交河	北平私立朝陽大學畢業	2387	19310315
趙潤淇	志瞻	28	河北承德	北京朝陽大學	373	19310320
李華	祝唐	42	河北安次	熱河法政專門學校畢業	205	19310322
靳麟	又陵	23	河北安次	北平私立朝陽大學畢業	1729	19310325
趙綸	裕誠	23	河北安次	直隸法政專門學校畢業	1757	19310327
徐葆田		38	河北玉田	直隸公立法政專門學校畢業	1246	19310401
楊庭顯	耀堂	34	河北撫寧	直隸公立法政專門學校畢業	3536	19310405
李樹勛	鐘銘	37	河北宛平	北京法政專門學校畢業	2873	19310410

米廷瑜	34	河北寧晉	北平私立朝陽大學畢業	2115	19310410
李祺	29	河北寧晉	北平私立朝陽大學畢業	1960	19310410
谷瑞甲	33	河北豐潤	國立北京政法大學畢業	2317	19310417
王充宇	55	浙江紹興	北平私立民國大學校畢業	13007	19310421
趙錫敏	27	河北宛平	山西大學法科法律學門畢業	1551	19310426
陳實傑	41	湖北安陸	直隸法政學校畢業	3225	19310429
李實琛	45	河北高陽	國立北大畢業	1217	19310501
梁洪睿					19310501
王國華	41	河北滄縣	北平私立中央大學畢業	2964	19310501
王業	29	浙江杭縣	國立東南大學文科政治系畢業	2492	19310509
濮舜卿	26	河北永清	北平朝陽學院大學部畢業	3562	19310514
王振華	25	河北涿縣	國立北京大學校畢業	817	19310518
周寶鈞					19310530
丁書田	47	浙江紹興	北京私立中國公學大學部法政政別科畢業	65	19310530
余輔昌					19310601
萬宗周	50	山西廣靈	山西法政專門學校畢業	2110	19310601
王孝先	33	遼寧遼陽	北京私立中國大學法本科畢業	2760	19310608
陳京緒	44	吉林榆樹	私立北京中華大學畢業	510	19310615
于澤世	40	湖北漢川	中央大學畢業	1574	19310615
劉敬修	27	河北宛平	私立北平民國學院畢業	3367	19310623
杜尚中	30	河北順義	北平朝陽大學校畢業	1806	19310627
劉景榮	51	河北武清	直隸法政專門學校畢業	2578	19310630
朱毓成	47	蒙古卓盟	北平中國大學法政政別科畢業	1185	19310701
白瑞	47	浙江東陽	京師法律學堂法政科畢業	45	19310703
邵勳	47	福建閩侯	廣東法官學校高等研究部畢業	1542	19310711
莫子頤	51	河北故城	京師法律學堂畢業	697	19310716
林尊鼎	41	河北涿縣	國立法政專門學校法律本科畢業	3273	19310717
李承瑞	29	河北涿縣	朝陽大學專門部本科畢業	1505	19310721
曹之傑	28	河北涿縣	中國大學專門部本科畢業	2400	19310724
鄧桂林	30	河北行唐	朝陽大學大學部法科畢業	2527	19310802
李玉江					19310805

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Name	Alias	Age	Place of birth	Education	Certificate no.	Enrollment date
劉柏林	秋江	33	山東德縣	朝陽大學專門部法律科畢業	3847	19310812
賈煜廷	悉軒	29	河北三河	朝陽大學專門部法律科畢業	980	19310816
高書禾		32	河北遷安		677	19310820
解茂成		35	天津		657	19310826
何運衡	陸權	41	河北昌平	北京法政學校法律本科畢業	3281	19310829
裴尚志		31	河北懷來	北平民國學院大學部法律系畢業	3204	19310830
劉繼先	續華	43	遼寧鐵嶺	日本大學法律科畢業	733	19310901
紀鉅統	文伯	47	河北獻縣	質量法政學校別科畢業	3134	19310910
韓德恒	雲漢	29	河北昌平	北平朝陽大學法律科畢業	3890	19310912
陳廷俊		31	河北固安	朝陽大學專門部法律科畢業	1869	19310914
詹耿	誠吾	48	河北固始	北京私立法政專門學校畢業	1802	19310915
李照	子炎		河南	北平朝陽大學校畢業		19310922
鄧經順		29	山東掖縣	北平中國學院法律科畢業	3973	19310928
虞克梁		38	安徽合肥	日本明治大學法律科畢業	3894	19310928
丁壽昌	應南	31	察哈爾懷來縣	北平朝陽大學法律科畢業	1297	19311002
趙修五	慎之	37	江蘇銅山	北平中國學院法律科畢業	3831	19311003
錢光謨	裕卿	50	浙江上虞	直隸法律學堂法律別科畢業	599	19311006
楊占鰲	金波	50	河北宛平	京師法政學校法律科畢業	286	19311015
王尊素	爾純	47	浙江安吉	浙江法政專門學校法律別科畢業	3480	19311016
陳天錫	子擇	34	福建同安	日本大學專門部法律科畢業	3006	19311019
王振麟	心竹	33	河北武強	北平大學法律學系畢業	2109	19311020
陳煊			福建閩侯	日本大學法律科畢業	1748	19311025
商秀琮		27	山東廣饒	北平中國學院法律科畢業	3399	19311028
王維垣	紫宸	26	河北寶坻	北平民國學院法律科畢業	3679	19311101
周鍾策	運生	31	河北涿縣	北平中國大學法律科畢業	2290	19311104
樊龍章	體安	49	四川資中	國立法政學校法律科畢業	688	19311104
紀世昌	樞輿	50	遼寧寬甸	北平中國大學法律科畢業		19311110

Source: BIMA data files no. J65-3-539 to J65-3-547. (The author would like to thank Jiang Zhaoxin for his assistance in compiling this table.)

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- Drum beaters: data files no. J181-18-8679.
- Membership Register of Beijing Bar Association: data files no. J65-3-539 to J65-3-547.
- Police budget and team size: data files no. J181-4-34, J181-4-35, J181-4-36, J181-4-37; J181-1-369, J181-1-371; ZQ12-2-261, ZQ12-2-268.
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