


RESEARCH ARTICLE

Concretising the Legal Professional Community in Late Imperial China, c. 1700–1900

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Abstract

This article examines the empire-wide legal professional community that emerged for the first time in Chinese history during the Qing period (1644–1911). By analyzing a wide range of archival records and primary sources, this study provides valuable insights into the dynamic configurations of late imperial China's legal culture and juridical field, as well as the thousands of legal specialists who shaped them. The findings challenge much of the received wisdom about late imperial China, which has too often been assumed as a Confucian society that discouraged the use of law and legal expertise and was therefore unlikely to have witnessed so many Confucian literati becoming legal specialists, both within and outside the judicial system.

Keywords: Qing law; legal culture; juridical field; legal professionals; Chinese legal tradition

Introduction

Our understanding of late imperial China's law and culture has long been shaped by the enduring influence of Confucianism, which became the dominant school of political and moral philosophy in imperial China (221 BCE–1911 CE) after the Western Han dynasty (202–9 BCE). Besides patronage by the ruling elites of one dynasty after another, Confucianism was further perpetuated as the state ideology and intellectual orthodoxy after Confucian canons and their authoritative commentaries became the core texts of the imperial civil service examinations. The imperial examination system, introduced during the Tang dynasty (618–907 CE), was made the primary method of official recruitment from the Song dynasty (916–1279 CE) until its abolition in 1905.¹

In an *ideal* society, as preached by canonical Confucian texts, a benevolent and wise ruler (inspired by the legendary sage kings of ancient China) and an enlightened ruling class (*junzi* or *shi*) would lead people by exemplary virtue and behaviour and by educating them about social and moral norms. The people, presumed to have an innate potential for goodness, would conduct themselves in accordance with their talents and social standings, maintaining social order and harmony by resolving conflicts amicably without litigation. In this idealised Confucian society that hinged on the transformative power of moral cultivation and education, instead of the punitive power of law and punishment, legal experts and expertise were often seen as the last resort or a necessary evil.² Even though legal institutions and certain Legalist ideas about law enforcement and punishment had

¹ For recent studies of the examination system, see, e.g., De Weerd, 2007; Elman, 2000.

² For a recent translation of Confucius' *Analects* and major later commentaries, see Slingerland, 2003; Gardner, 2003. For some other Confucian classics, see *The Work of Mencius* 1970; *The Doctrine of the Mean* 2004.

been integral to imperial governance over two millennia, the tendency to trivialise the value of law and legal knowledge remained widespread among influential commentators well into late imperial China, which spanned the Ming dynasty (1368-1644) and the Qing dynasty (1644-1911).³

This deep-rooted tendency, informed by the dominant official ideology and discourse, exerted a profound influence on how government officials treated different types of legal cases, how people understood the judicial system and litigation, and, more importantly for us, how the official records and mainstream writing chose to represent or ignore legal specialists.⁴ As this article will show, only a small portion of legal specialists in imperial China were mentioned in the extant records, created mainly by Confucian literati or scholar-officials. Inadequate documentation and analysis of those who studied, practised, administered, or wrote about the law have long hindered our understanding of the nature and operational dynamics of the legal system and juridical field in late imperial China.

Thanks to the revisionist scholarship over the last three decades, as detailed below, we now know more about the widespread presence of litigation specialists, the indispensable role of private legal advisors in the Qing judicial system, the legal training of at least some officials in the Ming and Qing judicial agencies, and the production and circulation of code commentaries and other legal treatises in this period.⁵ Nevertheless, one of the crucial questions that require more research and analysis is what kind of community existed then for those who acquired, deployed, or developed legal knowledge and thus played a significant role in shaping judicial administration and legal culture. In other words, we still lack an overall picture of the different groups of legal specialists whose knowledge and practice effectively determined the operation and configuration of the judicial system and juridical field in late imperial China. As part of a larger project, this essay seeks to fill this lacuna by exploring new methods and underutilised sources to tackle the above-noted evidentiary challenges facing prior studies and provide at least a baseline assessment of the constitution and scale of the legal professional community in Qing China.⁶

My analysis will focus on that community's three primary occupational groups: litigation masters, trained judicial officials, and private legal advisors to local administrators. Without necessarily endorsing the normative assumptions of the modern or Western usages of such terms, this essay will use "legal specialists," "legal practitioners," and "legal professionals" interchangeably to refer to those who acquired legal expertise through relatively systematic study or training, regularly utilised such expertise for remuneration or employment, and viewed themselves or were viewed by their contemporaries as members of a specialised occupation. In imperial China, this area of specialised learning, as well as its practitioners, was often loosely called *fajia* (conventionally if somewhat inaccurately translated as the "School of Legalism"), *xingming* (literally meaning "performance and title" but used in imperial China to refer to law or judicial administration), or Shen-Han (the learning

³ About changes during the Song, see Gardner 2003. About the influence of Legalist ideas, see Ames, 1991, pp. 1-36. For a succinct survey of prior studies of leading early Legalist philosophers such as Guan Zhong, Li Kui, Shang Yang, Shen Buhai, Han Fei, etc. and their influence, see MacCormack, 2006, pp. 59-81.

⁴ For more analysis of the impact of such ideology on the study of Chinese legal history, see Chapter 12 of Chen, 2024.

⁵ About litigation masters and litigation culture, see, e.g., Fuma, 2007, pp. 79-111; Macauley, 1998; Gong, 2008; You, 2022. About the legal training and expertise of some judicial officials, see, e.g., Du and Xu, 2012, pp. 33-66; Zheng, 2016, pp. 103-110; Zheng, 2022; Wu, 2023. About the training, expertise, or influence of legal advisors, see, e.g., Ch'ü, 1962; Guo, 1996; Gao, 2000; Chen, 2012, pp. 1-54; Chen, 2015a, pp. 254-286. About legal publishing in the Ming and Qing, see, e.g., You, 2011; Chen, 2015b, pp. 13-32; Zhang, 2020; Wu, 2023.

⁶ This article is part of a book manuscript that I expect to complete in 2024, tentatively entitled *Invisible Power: Legal Specialists, Juridical Capital and Imperial Governance in Qing China, c. 1651-1911*.

of Shen Buhai (d. 337 BCE) and Han Fei (d. 233 BCE), two leading philosophers of the Legalist School).⁷

In Qing China, authors of legal treatises and judicial handbooks, along with their patrons, often took for granted the existence of a countrywide community of readers who appreciated the practical value of their expertise and shared their ideas or ideals about law and justice. They warmly addressed these readers or interlocutors as “like-minded fellows within the seas” (*hainei tongzhi*) or “fellows with a common interest/mission” (*tonghao/tongdao*).⁸ Modern readers have generally viewed these seemingly clichéd expressions as traditional literati stock phrases that lack substance or actual referents. In other words, those Qing authors or preface-writers must have referred to a fictive reading public or, at best, an imagined community. However, this article will show that an empire-wide community of tens of thousands of legal specialists or professionals, as defined above, had indeed taken shape by the early 1700s.

Evidence of such an expansive legal community will further challenge the once dominant idea in traditional historiography that a Confucian society like Qing China was so culturally and institutionally averse to the use of law and legal knowledge for dispute resolution or social control that having thousands of trained legal specialists was neither necessary nor likely until China fundamentally restructured its legal education and judicial system after Western models during the early twentieth century. By concretising the actual membership of this early modern Chinese professional community and the institutional and social contexts of its rise, we may develop a better understanding of what the legal community was like and how its under-analysed formation and transformation might have influenced late imperial Chinese law, culture, society, and politics.

1. Litigation masters as the underground or outlawed specialists

In late imperial China, individuals who repeatedly offered paid legal advice to private litigants, including writing legal documents for them, were often called *zhuangshi* (plaint masters), *songshi* (litigation masters), or more pejoratively, *songgun* (litigation tricksters). However, only some of them might qualify as legal specialists, legal practitioners, or legal professionals as defined above. Scholars have traced the Chinese tradition of litigation mastery back to at least the Spring and Autumn period when someone named Deng Xi (d. 501 B.CE) of the State of Zheng charged litigants for legal advice and attracted many students to study law and litigation strategies with him (Ma and Han, 2003, pp. 128-9).⁹

Thanks to the confluence of multiple developments from the eleventh through the late nineteenth centuries—including the bureaucratic retrenchment despite a greatly expanded territory and population, increasing commercialisation of economy and urbanisation, privatisation of land property, a wider spread of literacy and cheaper printing technologies, and the growing number of surplus lower literati or official candidates—the use of litigation masters’ service became common as early as the Southern Song (1127-1279) and remained popular throughout the Ming and the Qing

⁷ For inaccuracy about the conventional usage of “Legalism” or “Legalists” for *fajia* and for recent scholarship on some leading *fajia* philosophers, see, e.g., Pines, 2014; also see Goldin, 2011, pp. 64-80; Goldin, 2013, pp. 1-21, esp. 8 (about the translation of *xingming*); Creel 1974.

⁸ For instances of using these terms, see Zhang Guangquan’s preface (“*tongzhi*”), in Zhang 1722; Min E’yuan’s preface (1763), in Min, 1763; Guilin Prefect Lang Jinqi’s preface (1829) (“*tongren*” and “*tonghao*”) and Zhou Jin’s preface (1835), in Zhou, 1835; Meng Qingyuan’s postface (1877), in Meng, 1877; prefaces by Xie Chengjun and Xu Shenwang, in Xie and Xu, 1880. About the legal professional community in Ming China, see Wu, 2015, pp. 207-225; Wu 2023.

⁹ About Deng Xi as recorded in *Lüshi Chunqiu*, see, e.g., Ma and Han, 2003, pp. 128-129.

dynasties (Macauley, 1998, pp. 1-58; Fuma, 2007, pp. 79-111; Gong, 2008; You, 2022).¹⁰ Nonetheless, litigiousness and litigation mastery were frowned upon by the Chinese ruling class and Confucian moralists early on and continued to be stigmatised throughout imperial China. False accusers and their instigators were made punishable in the Tang Code of 653 CE. When it came to the Ming-Qing period, even those who “incited” others to *legitimate* litigation or who wrote legitimate and truthful complaints for *unrelated* litigants were criminalised in the laws enacted in 1503, 1725, and 1764 (Macauley, 1998, pp. 19-42).¹¹

Such social stigmatisation, official hostility, and the unrelenting threat of legal persecution forced most litigation facilitators to operate underground, making it practically difficult, if not impossible, for them to receive high-quality legal training or develop a stable career in law. The so-called “secret pettifogger handbooks” (*songshi miben*) that were widely circulated in the Ming and the Qing periods were primarily designed to teach people basics about different kinds of lawsuits and strategies for winning them, accompanied by brief explanations of key terms, template legal documents and sample cases (fictive or real), and selected statutes.¹² Copies of such handbooks, which were banned by the Qing government in the 1740s, and some litigation documents from past lawsuits as models or templates were often mentioned as the primary toolkit (and evidence) of litigation masters prosecuted by the Qing authorities.¹³

Understanding basic terminology and how to write litigation papers, such as complaints or rebuttals, does not necessarily make someone a legal specialist. Unlike private legal advisors to Qing officials, litigation masters were not generally expected to undergo extensive legal training. For instance, Feng Huachao, a “habitual litigation master” who advised litigants in nearly one hundred cases across multiple counties in Hubei province from 1847 to 1849, relied on his literati education and writing skills as a former schoolteacher rather than on any legal training. Similarly, his partner-in-crime, Huang Daxing, was also a retired schoolteacher. Another litigation master, Feng Langzhai, who was caught in the same prosecution sweep for having written more than a hundred complaints within a few years, also lacked formal legal training and came from a teaching background.¹⁴

As Melissa Macauley has explained, many of those prosecuted for litigation abuses and thus recorded in the Qing judicial archives were just “incidental litigation masters” who helped other litigants on one or several occasions and were “not occupationally engaged as legal specialists” (Macauley, 1998, pp. 100, 106).¹⁵ In other words, only some of the otherwise almost ubiquitous so-called litigation masters had solid legal training and regularly worked in that trade for an extended period to meet our definition of legal specialists or professionals.

Ironically, despite all the official vitriol and threats, it does not seem difficult for Qing local authorities to find out and apprehend litigation specialists in their jurisdictions if

¹⁰ For the factors contributing to the rise of litigation masters, see Macauley 1998, pp. 1-58. Also see Fuma 2007, pp. 79-111. For more discussions, also see Gong, 2008; You, 2022.

¹¹ For more about the legislative history and changes, see Macauley, 1998, pp. 19-42.

¹² Among the several dozen litigation handbooks I have collected, see, e.g., Jianghu sanren 1595; Xianxianzi 1614; Buxiangzi, undated; *Xinzen fayu jinnang*, undated; Wu and Da 1825. For more details about some of these handbooks, see, e.g., Will 2020, pp. 845-870.

¹³ See, e.g., Taibei gugong qingdai gongzhongdang zouzhe ji junjichu dangzhejian (Archival Records of the Qing Court’s Memorials at the Palace Museum in Taibei) (hereinafter cited as “TGQGZJJJ”), No. 404013144 (from Henan Governor Qing’antai on arresting a gang of *songgun* and their toolkits, JQ14/1/27), No. 060637 (from Censor Sheng Siben impeaching Wujin county magistrate for colluding with local *songgun*, DG8/7/14), No. 075363 (from Censors Shujing’a and Liu Liangju on *songshi* Zhou Shuren in Beijing, DG25/9/5). Regarding the 1742 memorial that promoted the Qing prohibition of such litigation handbooks, see Beijing diyi lishi dang’anguan (The First Historical Archives) (hereinafter cited as “FHAC”), No. 04-01-01-0073-013 (QL7/7/10).

¹⁴ FHAC, No. 04-01-01-0838-030 (Huguang Governor-General Yutai’s memorial on Feng Huachao, Feng Langzhai and Huang Daxin, DG29/7/3).

¹⁵ Also see TGQGZJJJ, No. 403056054 (from Zhili Governor-General Liu E on the backgrounds of several prosecuted “*songgun*,” QL53/12/17).

they were determined to do so. Shortly after assuming his new post in 1763, Jiangsu provincial judge Qian Qi (1709–90) rounded up 20 or so “well-known” (*yuming*) litigation masters in that place.¹⁶ Likewise, in one sweeping search in 1834, the Shandong provincial officials captured 24 litigation masters from 17 counties, translated into 1.4 of them for each county (Macauley 1998, p. 107). Even for a sparsely populated and economically underdeveloped frontier region like Guizhou, the provincial authorities repeatedly complained about widespread local litigiousness and arrested at least 20 litigation masters (including nine in six prefectures/counties) in 1845 and 1846.¹⁷

Indeed, throughout the eighteenth and nineteenth centuries, there were numerous reports from local administrators across the Qing empire about litigation masters operating in their jurisdictions.¹⁸ The widely documented presence of litigation masters in Qing China has also been confirmed by earlier studies of scholars, including Fuma Susumu, Melissa Macauley, and You Chenjun (Macauley, 1998, pp. 103–5; Fuma 2007; You, 2022).¹⁹ Nevertheless, litigation masters’ unlawful and widely despised status made it hard for modern researchers to find detailed information about them, let alone ascertain their total number. As a result, it may be worth venturing an educated approximation or minimum estimate of how many of them might have operated in the Qing if we want to have a more concrete idea of the different constituent groups of the juridical field of late imperial China.

Based on our analysis above, it seems to be a rather conservative estimate, if not a serious underestimate, to assume that each local yamen, on average, had to deal with at least one litigation master by training and occupation. This average estimate has already taken into account the possibility that some local yamen might have multiple or even scores of litigation masters while some other local yamen might have fewer or none, often meaning that some litigation masters served clients from multiple jurisdictions.

If this hypothetical estimate were considered reasonable, in light of the total number of Qing local yamen listed in Table 6 later in this essay, there would have been an average of approximately 1700 to 2000 professional litigation masters available to coach litigants across the Qing empire at a given time during the eighteenth and nineteenth centuries. The total would double to at least 3400 to 4000 if the evidence supported an *average* of two (or more) trained litigation specialists operating around each local yamen. Of course, the total number should be adjusted if contrary evidence exists. Further assuming that they were active in this profession for 20 consecutive years on average—which would be near the high end of the spectrum for this occupational group, given the constant threats of government crackdown and the harsh punishments for the convicted “habitual litigation trickers” (*jiguan songgun*)—one could then expect Qing China to have 17,000 to 20,000, if not more, professional litigation masters during the two centuries from 1711 to 1911. Even such hypothetical estimates help illuminate the constitution and power dynamics of the

¹⁶ TGQGZJJD, No. 403018530 (from Jiangsu Provincial Judge Qian Qi, QL29/8/17).

¹⁷ TGQGZJJD, No. 076750 and 076752 (from Guizhou Governor Qiao Yongqian, DG25/11/15), No. 405009666 (from Governor Qiao Yongqian, DG26/11/11); No. 080221 and 080224 (from Governor Qiao Yongqian, DG27/11/13, red-cripted on DG27/12/12).

¹⁸ For examples of many of the Qing official reports about local litigiousness and prosecuting *songshi/songgun*, see TGQGZJJD, No. 402002272 and 402022083 (from Fujian official Liu Shishu, QL7/8/2); No. 001416 (from Shanxi Governor Zhuntai, QL12/10/28); No. 009864 (from Jiangsu Educational Commissioner Li Yinpei, QL24/2/13), No. 403019315 (from Hubei Governor Wang Jian, QL29/11/10); No. 014214 (from Shandong Educational Commissioner Wei Qianheng, QL36/6/2); No. 0114149 (JQ3); No. 404009731 (from Jiangxi Governor Jin Guangti, JQ13/1/17); No. 0561107 (from Jiangsu Governor Tao Shu, DG07/r5/19); No. 056161 (from Qiying, DG07/06/09); No. 060637 (from Censor Sheng Siben on a litigation master in Wujin county, DG8/7/14); No. 068775 (from Censor Liu Wancheng about Guangdong, DG14/7/29); No. 099204 (from Zhejiang circuit censor, TZ3/9/16). Also, see other relevant sources cited earlier in this article.

¹⁹ Macauley listed 104 cases about litigation masters in Qing archives.

legal community and juridical field in late imperial China when they are combined with our estimates of judicial officials and legal advisors discussed below.

2. Judicial officials with legal training

Aside from litigation specialists, another type of legal practitioners were government officials who had legal training in the Ministry of Justice (*Xingbu*) or elsewhere and continued to work on legal matters in a central government agency or local yamen. Despite the Confucian idealists' reservations about law and legal specialists, the governments of imperial China had a long tradition of encouraging legal expertise at least among the judicial officials, even though the efforts and results might be uneven and inconsistent over time. An official position of "law doctors" (*lü boshi*) was created to teach law among officials in the Wei dynasty (220-266 CE), and this position continued until the Yuan period (1279-1368).²⁰

Law was also made a subject (*mingfa ke*) in the imperial examinations for bureaucratic recruitment during the Tang and Song dynasties. While most of these initiatives had long been abandoned before the Qing, the ruling houses' recognition of the need for legal experts in governance never vanished. This recognition helped keep the tradition of legal education alive among some government officials. It allowed the imperial authorities to administer and continue developing a sophisticated legal system in a large country with relatively few judicial officials.

The Song government, for instance, was recognised by Xu Daolin and other modern scholars for emphasising legal expertise among its officials and for instituting what the Song historian Chen Jingliang has described as "professionalization" (*zhiyehua*) of its local judicial administration. This included the appointment of two judicial officials to assist each prefect (*zhizhou*) in law-finding and fact-finding as technically two separate steps of the adjudication process in each case (Xu, 1975; Chen, 2014, pp. 111-25; Dai, 2002, pp. 3-20).²¹

Nevertheless, the number of law doctors or law examination candidates remained very small before the former position and the law examinations were abolished, and relatively few officials were considered worth mentioning for their legal expertise (Zhao 2011, pp. 64-76).²² From their scattered biographies in the dynastic histories, researchers in the late Qing and Republican periods identified approximately 150 noteworthy official-jurists over eight hundred years from the Han (206 BCE-220 CE) through the Sui dynasty (581-619 CE), including some of the most prolific and learned Chinese jurists and several families with multiple generations of legal specialists.²³ The total number would appear almost negligible compared to the thousands of ranking officials that managed imperial China at a given time (*Juezhi quanlan*, Autumn 1900; Campbell et al. 2019).²⁴

²⁰ During the Sui dynasty (581-618), eight law doctors were typically appointed, with about two dozen law students. In the Song dynasty, the National Academy (*guozijian*) had two law doctors in charge of legal education and examinations. For the history of Chinese law doctors, see Shen, 2004, pp. 84-86. During the Tang, about 50 students were studying law at the National Academy. He, 2004, p. 29.

²¹ Xu, 1975 (discussing *inter alia* key features of the Song criminal justice at different levels and Tang-Song legal education); Chen, 2014, pp. 111-125. For more recent scholarship on Song legal culture and institutions, see works discussed in Dai, 2002, pp. 13-20.

²² For the small number of degree holders of the law examinations, see Zhao, 2011, pp. 64-76.

²³ For the Western and Eastern Han periods of about four hundred years, Zhang Pengyi listed 94 jurists while Cheng Shude listed about 70 jurists. See Zhang, 2004, pp. 59-75 (listing 94 judicial officials); Cheng, 2006, pp. 178-190, 221-223, 273-276. On legal study and official-jurists in the Han, Wei, and Jin dynasties, see chapters by Jiang Jiyao, Liu Ducai, Liu Ducai, Gao Heng, Mu Yu, in He, 2004, pp. 86-154.

²⁴ For instance, *Juezhi quanlan* of autumn 1900 listed 13,181 ranking civil officials who managed the Qing empire. See *Juezhi quanlan*, autumn 1900. This number is based on the names entered by the research team of Cameron D. Campbell, et al., "China Government Employee Database-Qin Jinshenlu 1900-1912."

By studying those involved in the production of 36 commentaries on the Ming law code and regulations, Wu Yanhong has argued that a collaborative community of legal experts, consisting almost exclusively of judicial officials, emerged in Ming China during the sixteenth and seventeenth centuries (Wu 2015, pp. 207-30; Wu 2023).²⁵ Likewise, Jerome Bourgon has drawn our attention to the activities of several late Qing judicial officials such as Gangyi (1837-1900), Xue Yunsheng (1820-1901), and Shen Jiaben (1840-1913) to suggest “the emergence of a community of jurists” during the Tongzhi period (1862-1874) through the end of the Qing (Bourgon 2012, pp. 198-210).²⁶ Different conceptualisations might partly explain their differences in dating the emergence of a community of jurists. However, what is more relevant to our discussion here is that these and other prior studies have been limited by the lack of documentation. As a result, they often discussed only a small number of better-known jurists while leaving unaddressed the question of how large the community of legal specialists or practitioners was in late imperial China.

Although it becomes impossible to determine precisely how many Qing officials qualified as legal specialists or practitioners, as defined herein, due to incomplete information, we can still fruitfully study the Ministry of Justice (*Xingbu*, hereinafter the “Ministry”) for a rough estimate of how many officials could have received legal training. Responsible for adjudicating cases from Beijing, reviewing all criminal cases from other provinces that were subject to exile (*liu*) or harsher punishments, and leading legislative revisions, the Ministry saw its power significantly increase during the Qing. It became the most crucial agency for both judicial and legislative matters. In comparison, as the late legal historian Zheng Qin observed, the Court of Judicial Review (*Dali si*) and the Censorate (*Ducha yuan*) became much less important than before and had little “real power” in Qing judicial matters (Zheng, 2000, pp. 106-7; Hu, 2023, pp. 142-4).²⁷ Their participation in the joint review of capital cases in the Autumn Assizes and legislative deliberations was now more symbolic than substantive, primarily for honouring the tradition of inter-agency checks and balances. Consequently, there was less incentive or pressure for officials of these two agencies to acquire legal expertise, and whatever lingering need they had for legal knowledge would be met by occasionally appointing one or two former Ministry of Justice officials to their offices.

Several scholars have recently argued that given its central role in the Qing Court’s legal matters and the necessity of legal experts for its daily operation and for the annual review of thousands of serious criminal cases, the Ministry put a lot of emphasis on legal training and expertise when evaluating candidates for appointment and promotion. Particularly noticeable after the early 1730s, this line of policies helped foster a strong culture of legal study among the Ministry officials and produced some of the most learned jurists in the eighteenth and nineteenth centuries (Du and Xu, 2012, p. 63; Zheng, 2016, pp. 103-10; Zheng, 2022).²⁸ It was further claimed that the Ministry became the centre or “headquarters” (*dabenyng*) of legal study in the late Qing (Zheng, 2015b, p. 52). Their arguments seem to be partly corroborated by the fact that Ministry officials published some of the extant Qing legal treaties and had the expertise and incentive for so doing (Li, 1763; Hong, 1767; Zeng 1883 [c.1780]; Quan 1781p; Shen, 1808; Song, 1811; Hu, 1833; Li, 1838p; Zhu and Bao,

²⁵ For her more recent study of the legal knowledge of Ming judicial officials, see Wu, 2023.

²⁶ Bourgon suggested that several factors including the promulgation of the revised Qing Code in 1740 and its legislative and judicial implications as well as increasing standardisation and retrenchment of Qing bureaucracy led to the emergence of the community in the 1860s to 1911.

²⁷ Qin also states that *Dalisi* “had almost no real power (*shiquan*)” during the Qing. We know for sure that some censors were former Justice Ministry officials.

²⁸ Du and Xu, 2012, p. 63 (Du and Xu conclude that Qing Justice Ministry officials had “plenty” (*fengfu*) of legal knowledge and a very strong and conducive tradition of legal study); Zheng, 2016, pp. 103-110; Zheng, 2015a, pp. 60-68 (Zheng argues that the clerks in the Ministry were less powerful than those in other ministries because of the greater emphasis on legal expertise among the ranking officials in the former, and that the legal expertise of Ministry officials improved significantly after the 1720s).

1834; Huang, 1846; Pan, 1847; Jiang, 1878 [1866]; Gangyi, 1884; Yan, 1888; Zhao, 1893; Wu, 1900).²⁹

Without excluding the possibility that some of the clerical staff members, such as the department secretaries (*siwu*) and copists/translators (*bitie shi*), and officials in the Department of Criminal Apprehension (*Dubu si*), and the Office of Prison Management (*Nan/Bei Siyu si*) might also obtain some legal training when working in the Ministry, we will limit our discussions here and in Table 1 to the ranking judicial officials who mostly handled legal and judicial matters. They include the two ministers (*shangshu*, grade 1b), four vice ministers (*zuo shilang /you shilang*, grade 2a), and six assistant Ministry directors (*tang zhushi*, grade 6a), plus the directors (*langzhong*, grade 5a), vice directors (*yuanwai lang*, grade 5b) and assistant directors (*zhushi*, grade 6a) of the initially 14 and after 1741, 17 departments that were set up to handle legal cases from one or two provinces each. Although the 1899 edition of the *Qing huidian shili* listed a total of 120 regular or “in-quota” (*zheng’e*) appointments of ranking officials for the 18 departments (including the *Dubu si*, which generally had four or five officials), it would be a mistake to treat this formal and nearly unchanged quota as an accurate headcount of the Ministry officials because the nineteenth century saw a significant increase in the so-called “extra-quota” officials (*e’wai siyuan*), as shown in Table 1. Drawing from the growing number of surplus metropolitan degree holders (*jinshi*) as well as other provincial (*juren*) and lower degree candidates (by purchase or otherwise), these extra-quota ranking positions—consisting of department directors, vice directors, assistant directors and grade-seven capital officials (*qipin xiao jingguan*)—were created starting around 1700. Their purpose was to provide practical training for newly appointed officials while they waited for the increasingly scarce vacancies in the Qing government.³⁰

Under the relevant personnel regulations of the Qing government, except for the four vice ministers and two ministers (divided equally into Manchus and Han Chinese) (who were often veteran officials of the Ministry), new regular appointees for the different departments of the Ministry were usually required to complete a term of at least three years of service or “practical training” (*xuexi*) before they became eligible for a higher level position and typically another few years before they might be transferred to another government office. Those extra-quota grade-seven officials without a *jinshi degree* usually would spend at least six years studying law and adjudication before they could even be evaluated for a potential regular position of assistant director. The scarcity of actual vacancies in the Ministry and other government agencies in relation to the far more numerous candidates also means a much longer waiting and training period for the new appointees than mandated by the personnel regulations. In other words, most Ministry officials would have received two or more years of legal training before they were promoted or reassigned to another post (*Qing huidian shili*, 1991, vol. 1, pp. 946-8).³¹

A substantial number of them worked in the Ministry for one or more decades. For instance, at least 18 of the Ministry officials in autumn 1805 had already been working there since winter 1796, and 16 officials in summer 1851 could be found in the Ministry at

²⁹ Also, see the well-known works by Xue Yunsheng and Shen Jiaben.

³⁰ The Ministry had 97 such ranking judicial officials in the fourteen departments in 1644 and added another 18 Manchu department directors and vice directors in 1647 for a combined total of 115 (including 73 Manchu or Han Banner officials and 42 Han Chinese officials). See *Qing huidian shili* 1991, vol. 1, pp. 258-259. For comparison with the Ming period, according to the earliest extant register of government officials (*jinshen lu*), dated 1566, the Ming central government then had 71 officials in *Xingbu*, 22 in *Dalisi* (excluding two *siwu* or department secretaries), 5 in *Duchayuan* (excluding 2 clerical staff), and 21 *xun’an*. See *Ming Jiaping jinshen lu*, unpaginated m.s. (dated based on appointment information therein). As noted above, the judicial importance of the latter two agencies was considerably diluted during the Qing.

³¹ For the Ministry’s appointment and promotion criteria and policies, see Zheng, 2015b, pp. 40-42 (noting that after 1730, most of the Ministry officials stayed over a decade before they were promoted and transferred). For more about this, see also Zheng 2022.

Table 1. Relevant ranking judicial officials in the Ministry of Justice³²

Year & season of printing: sp(ring), a(utumn), s(ummer), w(inter), x(unknown)	Number of relevant ranking judicial officials as defined herein (regular + extra-quota)	Changes from the previous/next year (regular + extra-quota officials)
Official ed. (jzql)		
1655/56	74	
1679x	93	
1680s	104	
1724w	122+2	
1747x	125+30	24+5 left by 1748s
1748s	119+22	23+5 added to 1747x
1757sp	120+10	
1760w	127+9	20+0 left by 1761w
1761w	126+14	20+5 added to 1760w
1768a jzql	129+15	
1777s	125+31	
1788s	123+30	
1796sp	125+32	23+4 left by 1797w
1797w	123+33	26+5 left by 1796w
1798w	124+37	25+4 added to 1797w
1800w	125+56	46+5 added to 1798w over two years
1801w	124+71	21+31 added to 1800w
1804s	125+102	
1805a	126+105	24+13 added to 1804s
1840a jzql	125+111	
1851s jzql	127+106	31+32 left by 1852w
1852w jzql	121+124	27+74 added to 1851s over about 1.5 years
1871w jzql	124+198	
1893a jzql	126+185	16+37 left by 1894a
1894a jzql	126+218	16+61 added to 1893a
1900a jzql	126+175	
1901w jzql	126+175	

³² *Jinshen bianlan* 1655-1656, date inferred from the titles of the justice ministers and rites minister Feng Quan, unknown publisher, unpaginated; *Fensheng dufu jinshen bianlan*, spring 1679, date inferred from the overlapping time of the justice ministers, unpaginated; *Fensheng dufu jinshen bianlan*, spring 1680, pp. 24b-27a; *Wensheng ge jinshen quanshu*, winter 1724, pp. 26b-31a; *Manhan juezhi quanshu* 1747; *Jinshen xinshu*, spring 1748, in *Qingdai jinshen lu jicheng* (hereinafter cited as "QJSLJC") 2008, 1:132-134; *Da Qing zhiguan qianchu quanshu*, summer 1757, 1:28a-33a; *Manhan jinshen quanben*, winter 1760, in QJSLJC, 1:288-290; *Manhan jinshen quanben* (autumn 1761), in QJSLJC, 1:447-449; *Juezhi quanben*, autumn 1768, in QJSLJC, 2:482-484; *Da Qing zhiguan qianchu quanshu*, summer 1777, 1:28b-34a; *Da Qing jinshen quanshu*, spring 1788, 3:275-277; *Da Qing jinshen quanshu*, spring 1796, in QJSLJC, 4:29-32; *Da Qing jinshen quanshu*, winter 1797, in QJSLJC, 4:223-226; *Da Qing jinshen quanshu*, winter 1798, in QJSLJC, 5:28-31; *Da Qing jinshen*

least as early as summer 1840. Some of them eventually became Ministers of Justice, such as Wu Shaoshi (1699-1776), Hu Jitang (1729-1800), Chen Ruolin (1759-1832), Zhang Ruochun (c. 1725-1800), Xiong Mei (1734-1808), Jin Guangti (1747-1832), Dai Dunyuan (1767-1834), Xue Yunsheng, and Shen Jiaben.³³ Ministry-trained veteran jurists like them often played a very influential role in judicial administration, and some of them also published influential legal treatises as noted before.

By tracking the number of Ministry officials, we may get closer to knowing how many Qing officials could have received legal training there. However, it is neither practicable nor technically feasible to identify every one of them over some 260 years and ascertain their work experience at the Ministry. Before a more accurate and efficient method has been developed, I propose a preliminary solution here to offer at least some useful, if imperfect, estimates to work with for the moment. For that purpose, I draw upon the hitherto underutilised data from some of the two hundred or so copies in my collection of the *Complete Roster of Government Personnel of the Great Qing* (popularly known as *jinshen quanshu*) (the “Complete Roster” hereinafter).

By sampling copies of the *Complete Rosters* and comparing ministry officials across certain consecutive years, we learn who worked there and how many likely departed with legal training or began their legal training in a given year. I have examined the data for about thirty years and summarised the tallies in Table 1.

From the yearly counts and changes shown in the table, one can infer that the Qing Ministry of Justice produced an average of 20 to 30 newly trained judicial officials per year during the eighteenth century, about 30 to 40 per year from 1800 to 1850, and about 50 to 80 per year in the latter half of the nineteenth century due to an increased number of extra-quota officials. The official editions of the *Complete Rosters*, entitled (*Da Qing*) *Juezhi quanlan*, listed significantly fewer extra-quota officials than the commercially printed copies, often entitled *Da Qing jinshen quanshu*, for some years in the late nineteenth century. Nevertheless, their annual counts of departing and entering officials generally fell within the above-mentioned range, thus supporting our overall analysis. For instance, among the 452 extra-quota judicial officials listed in the commercially printed *Da Qing jinshen quanshu* of summer 1892, about 41 were new compared to those listed in a commercial edition of summer 1891.³⁴

Imperfect as they might be for more precise calculation, if these counts of official transfers or replacements were considered sufficient for our purposes, they would suggest a total of 2000-3000 Qing officials trained at the Ministry in 1701-1800, 1500 to 2000 trained in 1801-1850, and another 2500 to 4000 trained in 1851-1900. In other words, an estimated 6000 to 9000 Qing officials may have received legal training at the Ministry of Justice during the eighteenth and nineteenth centuries.

It is worth remembering that only some Ministry officials became local administrators, and their numbers were still far from adequate for the nearly two thousand Qing local yamen. More importantly, even those with many years or decades of legal training and

quanshu, winter 1800, in *QJSLJC*, 3:210-213; *Da Qing jinshen quanshu*, winter 1801, 32b-38b; *Da Qing jinshen quanshu*, spring 1804, in *QJSLJC*, 5:411-415; *Da Qing jinshen quanshu*, autumn 1805, 1:39a-46a; *Juezhi quanlan*, autumn 1840, 1:30b-37b; summer 1851, 2:30a-36a; winter 1852, in *QJSLJC*, 20:179-182; winter 1871, 30a-36a; autumn 1893, in *QJSLJC*, 54:20-24; autumn 1894, in *QJSLJC*, 56:21-25; autumn 1900, in *QJSLJC*, 68:252-255; winter 1901, in *QJSLJC*, 69:255-259. Due to the poor print quality or legibility of some extant copies and their occasional double-listings, accidental omission, or incomplete information of some officials, the tallies in the table should be treated as approximate counts. Some minor discrepancies might still exist despite painstaking counting and double-checking and may be corrected later.

³³ Compare *Da Qing jinshen quanshu*, spring 1796 and *Da Qing jinshen quanshu*, autumn 1805, and compare *Juezhi quanlan*, summer 1840 and *Juezhi quanlan*, summer 1851.

³⁴ Compare *Da Qing jinshen quanshu*, spring 1891, and *Da Qing jinshen quanshu*, summer 1892. There were 579 extra-quota Ministry officials plus 127 regular ones listed in the commercial edition of winter 1905. See *Da Qing jinshen quanshu*, winter 1905.

practice in the Ministry also found it essential to hire private legal advisors to help them handle legal matters. Notable examples in this regard include Zhili Provincial Judge Hua Jie (1779-1859), who had served as a department director in the Ministry for eight years; Jiangsu Provincial Judge Hu Jitang (1729-1800), who had been a vice director from 1758 to 1766 and later became a vice minister from 1774 to 1777 and minister from 1779 to 1798; and Zhejiang Provincial Judge Qigong (1777-1844) who served in the Ministry from 1801 to 1821 and later also became a minister from 1838 to 1841 (Chen, 2015a, pp. 273-274; Chen, 2015b, pp. 19-20; Yao, 1826; Ceng, undated).³⁵

Likewise, Wu Tingdong (1793-1873) earned a stellar reputation for his legal expertise and adjudication skills at the Ministry from 1826 to 1852 before he was appointed prefect and then provincial judge. Nevertheless, he still considered a legal advisor indispensable throughout his career as a local administrator, even when the salaries for legal advisors sometimes consumed nearly all of his limited savings (Fang, 1999, pp. 316-444).³⁶ This now leads us to the third and arguably the most important group in the Qing legal professional community.

3. Private legal advisors as the majority of lawful legal specialists

At least starting in the late Ming dynasty, more and more local government officials hired trained specialists to handle the judicial and administrative work in their yamen. This practice continued into the Qing and spread even more widely than before. By the early 1700s, it had already become a taken-for-granted understanding among Qing commentators that local administrators would hire such specialists or what was then known as *muyou* for their offices, especially those who could handle the two most important lines of work at a local yamen: *xingming* (judicial matters) and *qianqu* (fiscal matters). With few exceptions, these Qing administrative specialists—excluding those who did not need specialised training other than their literati education—were often trained for, frequently switched between, or simultaneously worked as *xingming* and *qianqu muyou*.³⁷ For the sake of convenience, as I have explained elsewhere, I will include both types of *muyou* in our discussion of judicial or legal advisors unless there is evidence that a particular *qianqu muyou* neither received legal training nor worked on judicial matters in his career (Chen, 2012, pp. 1-54).³⁸

In contrast with the outlawed litigation masters, legal advisors were valued by the Qing court, albeit grudgingly, for providing the much-needed expertise and help for the often untrained and almost universally understaffed and overburdened local administrators, even when the misconduct of their wayward members was subjected to growing criticism and occasional prosecution by the Qing Court after the 1730s (Chen, 2015a).³⁹ Therefore, they

³⁵ About Hua Jie's legal advisor Xie Chengjun during his Zhili tenure in 1829-1831, See Chen, 2015a, pp. 273-274; Chen, 2015b, pp. 19-20; about Qigong's legal advisor Yao Run when he was Zhejiang provincial judge in 1825-1826, see his preface to Yao, 1826; about Hu Jitang's legal advisor Ceng Ding in 1771-1774, see Ceng, at 50-57 (my own pagination).

³⁶ He started off his training as an extra-quota grade-seven capital official in the Ministry in 1826 and did not become an extra-quota assistant director (*zhushi xingzou*) until ten years later (with three years of leave to mourn parental deaths in between) and finally obtained a regular position of assistant director in the Jiangxi department in 1847. See Fang, 1999, pp. 316-444. See *ibid.*, pp. 316-337 (for his legal training and outstanding mastery of law and adjudication and his service in the Office of Autumn Assizes (*Qushen chu*) and the Office of Law and Regulations (*Lüli guan*)). About his legal advisors, see *ibid.*, 363, 369, 382, and 423-424 (also on his financial difficulty). He was promoted to right vice minister in 1866, see *ibid.*, 444.

³⁷ See Table 2. For instance, six out of twelve legal advisors in the above-prefecture yamen of Zhili were in charge of both (FHAC, No. 03-0135-069 (Zhili, QL38 or 1773)). Four circuit yamen had one legal advisor in charge of both kinds of work in Zhejiang in 1773 (FHAC, No. 03-0134-048 (Zhejiang, QL38/11/22)). Even some lieutenant governors' yamen had both *xingming* and *qianqu* advisors (FHAC, No. 03-0134-048 (Zhejiang, QL38/11/22)).

³⁸ For more discussion about the background, see, e.g., Chen, 2012, pp. 1-54. It is both inaccurate and misleading to use "legal secretaries" to refer to these specialists as many prior studies tended to do.

³⁹ For the Qing court's policies in this regard, see Chen, 2015a.

had the opportunity and institutional approval to obtain proper legal training that would average two to three years but could last for almost ten years, often through apprenticeship with veteran legal advisors. With years of legal training and practice, they could play a highly influential and socially respectable role in the Qing juridical field as *de facto* local administrators and learned jurists who authored widely read legal treatises (Chen, 2015b).⁴⁰

Importantly, unlike local officials and litigation masters, Qing legal advisors were generally expected to have extensive legal training before entering the profession of advising local officials (Chen, 2012, pp. 14-17).⁴¹ Applying the definition noted earlier, one could argue that private legal advisors accounted for the majority of adequately *trained* Qing legal specialists or professionals. Given their essential role in shaping Qing judicial administration and legal publishing, it will be helpful to know approximately how many were active in the Qing juridical field. Fortunately, we have more information about them than about litigation masters and trained official-jurists.

In the eighteenth century, the Yongzheng and Qianlong emperors became increasingly alarmed by a series of cases reportedly mishandled by local judges and their legal advisors. As the number of legal advisors grew over time and as local officials became even more dependent upon them, Qing rulers felt threatened by the excessive influence of legal advisors over local judicial administration and governance. In 1772, the Qianlong emperor expanded a set of regulations, based on earlier ministerial rules and scattered imperial edicts, to further tighten the central government's control over legal advisors (*xingming* and *qiangu muyou*). Among other things, these regulations limited legal advisors' term of employment in a local yamen to five years, prohibited them from working for officials in their home province or within 500 *li* (about 250 kilometres) thereof, and required provincial officials to submit annual reports to Beijing about all legal advisors in the local yamen within their jurisdictions starting from 1773.

As seen in Tables 2-6, each of these reports typically enclosed a summary memorial and a "detailed list" (*qingdan* or *qingce*) with information on the hiring official or yamen and the legal advisor's name, native place, starting date of employment, and sometimes also their age, examination degree, and job responsibilities. Noncompliant officials could be demoted two grades and their private advisors would be expelled. These regulations were enforced only for the three years from 1773 to 1775 before the Qing Court abolished them, and most detailed lists are no longer available. Incomplete as they might be, the extant reports and detailed lists are still a treasure trove for historians as they contain extraordinarily rich information about nearly nine hundred legal advisors in Qing local governments. Most of those legal advisors would otherwise remain unknown to us since their names and careers were not recorded in other extant sources.

Take one of the reports for example. In a 1774 memorial to the Qianlong emperor, Jiangsu Governor Sazai (?-1786) reported that he and his subordinate officials had faithfully complied with the regulations and that all their advisors were hired within five years, from more than 500 *li* away, and did not collude with one another. As Table 2 illustrates, Sazai's report also unequivocally confirms what we can only infer from other anecdotal accounts and second-hand observations: the ubiquity of legal advisors in Qing local yamen. According to the detailed list enclosed in his report, 17 legal advisors, as defined above, had been hired at the ten provincial or circuit yamen in Jiangsu, averaging 1.7 advisors per office—which will be referred to as the advisor-official ratio hereinafter. Some of the advisors managed *xingming* or *qiangu* matters, while others were responsible for both kinds of work.⁴² No official claimed that they or their yamen had not hired legal advisors before this.

⁴⁰ For their publications, see, e.g., Chen, 2015b.

⁴¹ Regarding their training process and expectations, see, e.g., Chen, 2012, pp. 14-17.

⁴² Officials in different provinces or reports sometimes described the duties of their advisors slightly differently.

Table 2. Legal advisors to Jiangsu provincial and circuit officials in 1774⁴³

Hiring official	Advisor	Advisor's home county, prefecture, province	Advisor's job responsibility
Jiangsu Governor	Yang Jingshui	Kuaiji, Shaoxing, Zhejiang	<i>xingming</i> matters
	Hu Lingyi	Shanyin, Shaoxing, Zhejiang	<i>qiangu</i> matters
Jiangning Lieutenant Governor	Zhang Jiazhi	Renhe, Hangzhou, Zhejiang	<i>qiangu</i> matters
	Zhang Dashou	Qiantang, Hangzhou, Zhejiang	<i>qiangu</i> matters
Suzhou Lieutenant Governor	Jiang Xiang	Xuancheng, Ningguo, Anhui	<i>qiangu</i> matters
	Qiu Guangsi	Shanyin, Shaoxing, Zhejiang	<i>qiangu</i> matters
	Liu Xichun	Tongcheng, Anqing, Anhui	<i>qiangu</i> matters
Jiangsu Provincial Judge	Zhu Yiyuan	Shanyin, Shaoxing, Zhejiang	<i>xingming</i> matters
	Wang Qisan	Kuaiji, Shaoxing, Zhejiang	<i>xingming</i> matters
	Cai Jieshan	Jinhua, Jinhua, Zhejiang	<i>xingming</i> matters
Song Tai Circuit Intendant	Li Gengyang	Qingyuan, Baoding, Zhili	<i>xingming</i> matters
	Zhu Ruiwu	Fuyang, Hangzhou, Zhejiang	<i>qiangu</i> matters
Jiang'an Grain Circuit Intendant	Jiang Cuidiao	Jiangxing, Jiaxing, Zhejiang	<i>qiangu</i> matters
Jiangning Postal and Salt Circuit Intendant	Fan Wen	Changting, Tingzhou, Fujian	<i>xingming</i> and <i>qiangu</i> matters
Su Grain Circuit Intendant	Shi Xiaohe	Shanyin, Shaoxing, Zhejiang	<i>xingming</i> and <i>qiangu</i> matters
Chang Zhen Circuit Intendant	Jing Shushi	Renhe, Hangzhou, Zhejiang	<i>xingming</i> and <i>qiangu</i> matters
Huai Yang Circuit Intendant	Lu Li	Renqiu, Hejian, Zhili	<i>xingming</i> and <i>qiangu</i> matters

Potential concerns about the representativeness of Jiangsu, one of the most economically and culturally developed regions in Qing China, might be alleviated by reports from other provinces. For instance, Gansu province, a northwestern frontier of the Qing empire and far from the lower Yangtze delta where Jiangsu was located, was the Qing empire's economic and cultural backwater in contrast with the latter (Liang, 2008, pp. 352, 354; Ho, 1959).⁴⁴ All the provincial and circuit yamen in Gansu had at least one legal advisor. Most of them had recently hired private advisors, apparently because their former advisors had worked for the same office for five years or the hiring official might have recently arrived.

Likewise, at the southwestern corner of the empire, Yunnan province reported 13 legal advisors in seven provincial and circuit yamen in 1773, as seen in Table 3, while noting that only one of the officials "reportedly handled the work by himself and had not [yet] hired an

⁴³ For the related memorial, see FHAC, No. 03-0142-002 (Sazai, QL39/12/4, QL39/12/18 redscripted), and the detailed list at FHAC, No. 03-0142-062 (QL39/12/4).

⁴⁴ According to one estimate, Gansu had a total population of about 7.5 million (3.7% of the Qing population) versus Jiangsu's 23 million (11.6%) in 1762, and about 11.5 million (5.5%) versus Jiangsu's 23.8 million (11.3%) in 1767. See Liang, 2008, p. 352 (citing *Qingchao wenxian tongkao, juan 19 (hukou)*), 354. In the same period, Yunnan had 2.08 million in 1762 and 2.15 million in 1767; Guizhou had 3.4 million in 1762 and 3.44 million in 1767; Guangdong had 6.8 million in 1762 and 6.93 million in 1767; and Guangxi had 3.97 million in 1762 and 4.7 million in 1767. Shandong had 24.7 million in 1757, 25.2 million in 1762, and 25.6 million in 1767, while Fujian had 7.97 million in 1753 and 8.09 million in 1767. Zhejiang had 14.6 million in 1753, 15.6 million in 1767, and 16.5 million in 1767. *Ibid.*, p. 352. Also, see Ho, 1959.

Table 3. Legal advisors to Gansu provincial and circuit officials in 1775⁴⁵

Hiring official	Advisor	Advisor's home county, prefecture, province	Time of arrival (Qianlong reign: year/month/day)	Previous advisor(s)
Provincial Judge	Zhu Taisu	Chang'an, Xi'an, Shaanxi	QL40/2/4	Shen Zunsu
Postal and Transport Circuit Intendant	Yu Zhen	XX, XX (unclear in original), Jiangxi	QL40/05	N/A (no information)
Gong Qin Jie Circuit Intendant	Wang Yaozu	Kuaiji, Shaoxing, Zhejiang	QL40/04	Chen Gong, Li Benbo
Pingqing Circuit Intendant	Gong Lun	Yanghu, Changzhou, Jiangsu	QL39/1/11	N/A
Gan Liang Circuit Intendant and Lanzhou Prefect	Qin Changyu	XX, Shaoxing, Zhejiang	QL40/4	N/A
Ningxia Circuit Intendant	Fang Xishan	Qiantang, Hangzhou, Zhejiang	QL39/11	N/A
Xi'ning Circuit Intendant	Wu Furen	XX, Huzhou, Zhejiang	QL40/2/21	Liu Bosheng
Ansu Circuit Intendant	Xiang Dong	XX, Shuntian, Zhili	QL37/5/6	N/A
	Quan Shijiang	Shanyin, Shaoxing, Zhejiang	QL37/5/6	N/A
Bali Kun Circuit and Dihua Department (Zhou)	Chen Shuzi	XX, Shaoxing, Zhejiang	QL40/r10/21	N/A

advisor.”⁴⁶ Guangxi province, east of Yunnan and bordering today's Vietnam, hired nine advisors for five provincial and circuit yamen in the same year. Although one should expect variations from province to province or year to year, Jiangsu was not that different from these far less populous or developed frontier provinces in their heavy reliance on legal advisors.

The other extant reports, detailed lists, and many more summary memorials from provincial officials during this period confirm the almost universal practice of hiring legal advisors to handle local judicial and other administrative matters across the Qing empire. As summarised in Table 4, the *average* advisor-official ratio at the provincial and circuit levels is 1.56:1 for the thirteen provinces in 1773 and 1.52:1 for the seven provinces in 1774 in our sample. The lower advisor-official ratios in less densely populated provinces such as Gansu are offset by the higher ratios in places like Jiangsu and Anhui.⁴⁷

Among the 18 inland provinces of China proper, Hubei is the only one without any detailed list of legal advisors available in our sample. Still, memorials from its provincial authorities confirmed that Hubei officials had not violated the 1772 regulations, with no indication that those officials were less reliant upon private legal advisors in performing their duties than their counterparts elsewhere.⁴⁸ Even the Fengtian prefecture, located in the northeast of the Qing empire and outside China proper, likewise reported only

⁴⁵ See HAC, No. 03-0150-062 (Memorial by Gansu Lieutenant Governor Wang Danwang, QL40/12).

⁴⁶ FHAC, No. 03-0136-048 (Memorial by Yunnan Governor Li Hu, QL38/12/20),

⁴⁷ Even in this case, this might not be true as another two frontier regions, Yunnan (1.857) and Guangxi (1.8), had higher advisor-official ratios than Jiangsu or Shandong in their provincial yamen.

⁴⁸ FHAC, No. 03-0143-007 (QL39/12/16).

Table 4. Private legal advisors to the Yunnan provincial and circuit yamen in 1773⁴⁹

Hiring office/official	Advisor	Advisor's home county, province	Time of arrival
Yunnan Governor, Li Hu	Lu Yan	Shimen, Zhejiang	QL37/1
	Wang Youheng	Shanyin, Zhejiang	QL37/9
	Luo Chaohui	Shanyin, Zhejiang	QL38/1
Acting Lieutenant Governor, Gong Shimo	Qian Yun	Shanghai, Jiangsu	QL38/9
	Sun Yueting	Yuyao, Zhejiang	QL38/9
	Lu Fang	Wu County, Jiangsu	QL38/9
Provincial Judge, Tusang'a	Yu Qinan	Quanjiao, Anhui	QL37/9
	Wu Di	Jinxi, Jiangxi	QL37/3
Grain Storage Circuit Intendant, Zhu Xin	Qian Zongquan	Xiushui, Zhejiang	QL38/3
	Cheng Hao	Yuanhe, Jiangsu	QL37/9
Postal and Salt Circuit Intendant, Shen Rongchang	Wang Tiao	Guangde, Anhui	QL37/11
Eastern Yi Circuit Intendant, Zou Xitong	Zhu Youcan	Anfu, Jiangxi	QL38/6
Acting Southern Yi Circuit Intendant, He Changgeng	Jiang Lüren	Ba County, Hunan	QL38/5
Western Yi Circuit Intendant and Yongchang Prefect, Zhou Jiqing	N/A		

compliance with the new regulations without even attempting to claim that they did not hire or hired fewer private advisors.⁵⁰

These detailed lists of legal advisors are all about government offices at the provincial and circuit (that is, supra-prefectural) levels in 1773–75. Still, our findings are equally applicable to, and indeed strongly supported by evidence about, the practice at lower government offices. The advisor-official ratio for the provincial and circuit yamen was generally lower than that for the prefectural and county yamen because most circuit intendants only hired one legal advisor due to their relatively less demanding workload.⁵¹ The several complete province-wide detailed lists from Shandong province in 1773, 1774, and 1775, and from Fujian provinces in 1775, provide the hitherto most conclusive evidence that the hiring of legal advisors had already been deeply entrenched within the local Qing bureaucracy at all levels.

In 1775, the fortieth year of the Qianlong reign, except for one military defence circuit for the Grand Canal (*yunhe bingbei dao*), all local yamen in Shandong reported having at least one legal advisor. A total of 216 legal advisors worked in 125 yamens, averaging about 1.73 legal advisors per office.⁵² Besides the other two sets of complete reports from

⁴⁹ See FHAC, No. 03–0150–035 (QL40/12/12).

⁵⁰ *Ibid.*

⁵¹ Only a few exceptions are found in my sample. For instance, only one (*Songtai xundao*) out of seven circuit yamen in Jiangsu in 1773 hired two legal advisors (FHAC, No. 03–0136–005 (QL38/12/21)); all the 6 six circuit yamen in Sichuan in 1774 (FHAC, No. 03–0142–059 (QL39/11/10)) and all the 8 circuit yamen in Gansu in 1775 only hired one advisor each (FHAC, No. 03–0150–062 (QL40/12)).

⁵² For the reports from Shandong in 1775, see FHAC, No. 03–0150–063 (QL40/12), No. 03–0149–063 (QL40/12/16), and No. 03–0150–064 (QL40/12). Even for the military defence circuit that had no legal advisor at the time of the reporting, the same office had a legal advisor in the previous two years. See FHAC, No. 03–0135–065 (QL38/12). For the year 1773, except for the five vacant offices, the remaining 5 circuit intendants, 9 prefects, and 103 county

Table 5. Legal advisors at provincial or circuit yamen in different Qing provinces, 1773-1775⁵³

Province	Year	Number of advisors	Number of hiring offices/officials (provincial + circuit)	Advisor-official ratio
Fujian	1773	14	8 (2P+6C)	1.75:1
Guangdong	1773	13	10 (3P+7C)	1.3:1
Guangxi	1773	9	5 (3P+2C)	1.8:1
Guizhou	1773	9	6 (3P+3C)	1.5:1
Henan	1773	12	8 (3P+5C)	1.5:1
Jiangsu	1773	18	10 (4P+6C)	1.8:1
Jiangxi	1773	12	8 (3P+5C)	1.5:1
Shaanxi	1773	6	4 (3P+1C)	1.5:1
Shandong	1773	9	7 (2P+5C)	1.33:1
Shanxi	1773	15	7 (3P+4C)	2.14:1
Yunnan	1773	13	8 (3P+5C)	1.63:1
Zhejiang	1773	13	9 (3P+6C)	1.44:1
Zhili	1773	12	9 (3P+6C)	1.3:1
Anhui	1774	10	5 (3P+2C)	2:1
Henan	1774	11	8 (3P+5C)	1.36:1
Hunan	1774	7	7 (3P+4C)	1:1
Jiangsu	1774	18	10 (4p+6c)	1.8:1
Jiangxi	1774	11	8 (3P+5C)	1.36:1
Sichuan	1774	12	9 (3P+6C)	1.33:1
Zhejiang	1774	13	9 (3P+6C)	1.44:1
Fujian	1775	12	9 (3P+6C)	1.33 :1
Gansu	1775	14	10 (2P+8C)	1.4:1
Hunan	1775	7	7 (3P+4C)	1:1
Shandong	1775	14	8 (3P+5C)	1.75:1

magistrates in Shandong province hired a total of 199 legal advisors, about 1.86 advisors per office or head official. Hundred advisors were from Shanyin and Kuaiji counties. TGQZJJJD, 016495 (QL38/1, erroneously dated QL37/1), 016497 (QL37/12).

⁵³ The table is based on the following memorials and reports: FHAC, No. 03-0136-012 (Fujian, QL38/12/13); No. 03-1171-040 (Henan, QL38/11/22); No. 03-0136-034 (Guangdong, QL38/12/12) and No. 03-0131-098, QL38/2/18) (reporting 7 advisors for 4 provincial offices in Guangdong); No. 03-0135-036 (Guangxi, QL38/11/22); No. 01-0136-033 (Guizhou, QL38/12/18?); No. 03-0170-040 (Henan, QL38/11/22); No. 03-0134-066 (Jiangxi, QL38/11/12); No. 03-0135-065 (Shandong, QL38/12/?); No. 03-0131-097 (Shaanxi, QL38/3/4); No. 03-0135-062 (Shanxi, QL38/12/23); No. 03-0136-048 (Yunnan, QL38/12/20); No. 03-0134-048 (Zhejiang, QL38/11/22); No. 03-0135-069 (Zhili, QL38/?/?), the reporting officials apparently misconstrued the imperial edict and included a few other types of *muyou* in their reports. Among the 22 *muyou* reported, twelve were *xingming* or *qianqu muyou* or legal advisors as defined herein though the total could be 13 or 14 if we include “*jicha gao’an*” or “*shanzhe*” *muyou* of the governor); No. 03-0141-055 (Anhui, QL39/11/30); No. 03-0142-061 (Henan, QL39/12/5); No. 03-0143-001 (Hunan, QL39/12/11) (also see No. 03-0139-067, QL39/9/16); No. 03-0142-062 and No. 03-0142-002 (Jiangsu, QL39/12/04); No. 03-0142-007 (Jiangxi, QL39/11/27); No. 03-0142-059

Shandong for 1773 and 1774, the only other extant province-wide report from Fujian confirms this pattern of hiring practice. Fujian Governor Yu Wenyi and his subordinate officials at 82 yamen hired 156 private legal advisors in 1775, averaging 1.88 advisors per office.⁵⁴ Considering only county and prefectural government, the advisor-official ratio is about 1.94:1 (144 advisors in 74 yamen) for Fujian and 1.73:1 (202 advisors in 117 yamen) for Shandong in 1775. These ratios are significantly higher than those for their provincial and circuit yamen in the same year: 1.33:1 for Fujian and 1:5:1 for Shandong (see Table 4).⁵⁵

As shown in Table 4, given that all the other provinces documented in 1773 were comparable to Fujian and Shandong in their advisor-official ratios at the provincial and circuit levels, the above-noted advisor-official ratio of the prefectural and county yamen in Fujian or Shandong can serve as a good approximation for other provinces. We should add that the local officials who prepared these reports had almost every incentive to under-report, not inflate, the number and importance of legal advisors in their jurisdictions. In other words, if these reports have shown the ubiquity and indispensability of legal advisors in Qing local governments, they should not be dismissed as overstatements of the real situation. The significant increase in Qing population, laws and regulations, and administrative workload during the next century only made legal advisors more indispensable to Qing local governments for the remainder of the dynasty.

Now that we know the average number of legal advisors hired by a Qing local office/official, we can estimate the total number of legal advisors working in Qing local yamen by multiplying the advisor-official ratio by the total number of Qing local offices. I have used the *Complete Register* again to compile the number of Qing local offices/officials in a particular year during the eighteenth and nineteenth centuries, as shown in Table 6.

If we were to apply the advisor-official ratio of 1.73:1 in Shandong in 1775, saving the higher ratio of 1.88:1 or 1.94:1 in Fujian to offset the lower ratio in places like Gansu if necessary, to the roughly 1680 county and prefectural yamen in the eighteenth- and nineteenth-century China, there would be about 2900 legal advisors in these offices, in addition to another 210 to 240 legal advisors to the 145 or so circuit and provincial officials at the time.⁵⁶ In other words, Qing local officials across the country hired more than 3000 legal advisors annually during this period.

Assuming that these advisors worked full time in this profession for an average of twenty years of *continuous employment*—even though their entire professional careers might technically last 30 or more years, including their frequent career interruptions, job

(Sichuan, QL39/11/10); No. 03-0142-063 (Zhejiang, QL39/11/17); No. 03-0150-059 (Fujian, QL40/12) and No. 03-0134-062 (Fujian, QL40/11/20); 03-0150-062 (Gansu, QL40/12/?); No. 03-0136-037 (Hunan, QL40/1/18); No. 03-0150-063 (QL40/12) and No. 03-0149-063 (Shandong, QL40/12/16).

⁵⁴ The reports from Fujian covered 62 counties, 12 prefectures (including several *zhilizhou*), 6 circuits, and 3 provincial yamen. See FHAC, No. 03-0150-061 (QL40/12) and No. 03-0150-059 (QL40/12) (about the 6 circuits and 3 provincial yamen). For Shandong, see FHAC, No. 03-0135-067 (QL38/12); also see advisors in all county and prefecture yamen in Shandong in later years, at FHAC, No. 03-0142-053 (QL39/12) (1774), No. 03-0150-064 (QL40/12) (1775).

⁵⁵ See the reports cited above for Shandong and Fujian. The extant reports are too few for 1775 to offer a useful comparison.

⁵⁶ For official reports from other provinces, see, e.g., TGGQZJJD, No. 019014 (Zhili, QL37), No. 019143 (Zhejiang, QL37), No. 019148 (Henan, QL37), No. 403027178 (Henan, QL38), No. 403027160 (Jiangxi, QL38), No. 403027336 (Shaanxi, QL38), No. 403027192 (Guangxi, QL38), No. 403027462 (Guangdong, QL38), No. 403027534 (Guizhou, QL38), No. 403027608 (Anhui, QL38), and No. 403027615 (Jiangsu, QL38). In an article published earlier, I used the statistics of Shandong in 1773 (instead of 1775) that also included the supra-prefectural yamen. It might be more accurate to use the ratio for prefectural and county yamen separately from that for the higher yamen, especially when the 1600 or so local yamen I mentioned in the earlier article did not include the circuit and provincial offices.

Table 6. Number of Qing local administrators/Yamen, 1720s–1900s⁵⁷

Office year	County level		Prefectural level				Provincial level			Total	
	(Sum of magistrates & prefects) *	County magistrates 7a + Department magistrates 5b (zhixian + zhizhou)	Magistrates of directly administered departments (zhili zhou zhizhou) 5a	Prefects (zhifu) 4b	Vice-Prefect (tongzhi) 5a*	Circuit intendants (dao) 4a	Provincial judges (anchashi) 3a	Lieutenant governors (buzhengshi) 2b	Governors (xunfu) 2a		Governors-General (zongdu) 1b
1724	(1545)	1176+210**	**	159	(157)	83	17	17	18	6	1687
1747	(1669)	1276+151	55	187	(211)	75	18	18	16	11	1804
1757	(1682)	1285+154	57	186	(225)	94	18	18	16	10	1838
1773	(1693)	1294+154	57	188	(204)	92	18	19	15	10	1847
1785	(1698)	1305+148	63	184	(207)	93	18	19	15	11	1854
1805	(1701)	1305+147	65	184	(217)	95	18	19	15	11	1859
1838	(1699)	1303+147	65	184	(224)	93	18	19	15	8	1852
1850	(1698)	1302+147	65	184	(224)	93	19	18	15	8	1851
1888	(1710)	1310+69	147	184	(225)	102	21	16	8	8	1865
1908	(1756)	1349+143	72	192	(227)	87	13	21	13	8	1898

NOTE: *The number of vice prefects is not included in the tallies. The sum of county/prefectural yamen in the second column is not included twice when calculating the total of local yamen in the last column.
 **The source did not distinguish *zhili zhou* from regular *san zhou*.

⁵⁷ For sources about the tabulated information, see *Wenshengge jinshen lu*, autumn 1724 (1723p), 1:5b-6a; *Manhan juezhi quanshu* 1747, 1:4b-5a; *Da Qing zhiguan qianchu quanshu*, summer 1757, 1:9b-10a; *Da Qing zhiguan qianchu timinglu* 1773, 1:4a-5a; *Da Qing jinshen quanshu*, autumn 1785, 1:7a-b; *Da Qing jinshen quanshu*, autumn 1805, 1:8b-9a; *Da Qing jinshen quanshu*, spring 1838, 1:8b-9a; *Juezhi quanlan* 1851, 8b-9a; *Da Qing jinshen quanshu*, summer 1888, 1:8b-9a; *Da Qing jinshen quanshu*, spring 1908, 1:28a-b. As seen in the detailed list of Jiangsu in 1774 discussed earlier, a grain circuit intendant or a postal and grain circuit intendants also hired *muyou* for *xingming* and *qiangu* matters and I have thus included the several grain, salt, and river circuit intendants in the annual total counts, though it would have only negligible impact on our analysis here if we exclude them from the calculation.

displacements, and considerable time on the move—there could have been as many as 30,000 of them employed in Qing local yamen from 1711 to 1911. This number includes over 20,000 legal advisors from 1771 to 1911 and 15,000 for the last century of the Qing dynasty before 1911.⁵⁸ This estimate does not include the 200 or so vice-prefects every year even though at least some of them hired private legal advisors (Sun, 1868-1871, vol. 18, *juan* 268, 51a).⁵⁹ Their omission from our counts should more than compensate for any downward fluctuations in a given year in our sample.

Although we have based our analysis on official reports from the 1770s, those reports and the regulations mandating them were designed to address the longstanding issue of Qing local officials' excessive reliance on private legal advisors. In other words, what we learned from those official reports reflected a social reality that had existed long before the regulations were enacted.⁶⁰ The provincial reports also included age information for several hundred legal advisors, who averaged about 48 years old, meaning that many legal advisors reported in 1773-1775 likely began their legal training or careers around or before 1750.⁶¹

In other words, hiring some 3000 legal advisors in local yamen across Qing China predated these reports by at least several decades. Indeed, this had become a known fact in official discourses and communications in the early eighteenth century. In 1736, Yunnan Governor Zhang Yunsui urged the newly enthroned Qianlong emperor to adopt more effective measures to regulate local officials' employment and recommendation of legal advisors. As a veteran official with first-hand knowledge of local administration, he reminded the emperor that local officials, ranging from governors-general down to county magistrates, were so overwhelmed by the judicial and fiscal work in their yamen that they "had to hire private advisors and rely on them to help handle all the official paperwork and documents" (*budebu yanqing mubin, yiqie wenyi juance jie qi zhuli*). Notably, he confirmed what the Ministry of Personnel had stated in an earlier communication to senior officials

⁵⁸ Even though we know that some Qing legal advisors stayed in the profession for thirty or forty years, an *average* of twenty years of *continuous employment* could be an over-optimistic assumption about the whole group in light of their frequent career interruptions for a variety of personal or professional reasons, including taking leaves for (grand)parental deaths and for the civil service examinations. In other words, our estimates could have underestimated the total number of Qing legal advisors.

⁵⁹ For instance, the Danshui vice-prefect hired Shou Tongchun from Zhuji county, Shaoxing prefecture, as a legal advisor around 1786 at the time of the Lin Shuangwen rebellion. See Sun 1868-1871, vol. 18, *juan* 268, 51a.

⁶⁰ For corroborating official reports from earlier and later periods, see, e.g., TGQGZJJD, No., 402021768 (YZ3), No. 402012949 (YZ13), No. 403006467 (Henan, QL), No. 403006719 (Hubei, QL19), No. 403009113 (Shaanxi, QL20), No. 404013763 (Zhili, QL21), No. 403015472 (QL28), No. 405000227 (Hunan, DG3), No. 405004467 (Shanxi, DG21), No. 127778 (Guangdong, GX10). Also see FHAC, No. 03-0150-064 (Gansu, QL40), No. 03-0142-063 (Zhejiang, QL39), No. 03-0142-059 (Sichuan, QL39), No. 03-4053-019 (Anhui, DG16), No. 03-4054-002 (Guangdong, DG17), and other documents cited herein.

⁶¹ From what we know, most Qing legal advisors started their legal training in the twenties or early thirties. We might thus infer that the similar total number of legal advisors across the country back by twenty years or so to around 1750. For the reports with age information, see FHAC, No. 03-0171-040 (QL38/11/22, reporting an average age of 48.42 for the 12 advisors in 8 above-prefecture offices in Henan); No. 03-0142-061 (QL39/12/5, reporting an average age of 43.9 for 11 legal advisors for 8 such offices in Henan); No. 03-0150-059 (QL40/12, reporting an average age of 48.16 for 12 legal advisors in supra-prefectural yamen in Fujian); No. 03-0150-060 (QL40/12, reporting an average age of 45.72 for 144 advisor in 74 prefectural and county yamen in Fujian). When these three reports were combined, the average age was 47.9. If the reports of Henan in 1774 and Fujian in 1775 are combined, the average age is 47.13. When the 1775 reports of Fujian were combined, the average age is 45.9 for 156 legal advisors. In the supra-prefectural *muyou* of Sichuan in 1774, the average age of 12 legal advisors was 50.2. See FHAC, No. 03-0141-059 (QL39/11/10).

(*ziwen*), which noted that “no fewer than several thousand” private legal advisors were working for the local officials across the empire.⁶²

Such an empire-wide practice of hiring legal advisors did not appear suddenly during the early Qianlong period (1735–95). Various indications suggest that it likely had emerged by 1700 at the latest. After all, the Shunzhi emperor (1638–61, r. 1644–61) lamented as early as 1651 that the less experienced officials “completely” relied upon their private advisors to handle their official paperwork and judicial reports (*Qing shilu*, 1985, 3:427).⁶³ Shunzhi’s observation was confirmed by Chen Wenguang who observed in 1707, based on three decades of legal advising in several provinces: “The management of judicial and fiscal matters [in local yamens] completely relied upon private advisors” (*xingming qiangu quanlai mubin zhuchi*) (Chen 1707p, 1:2a; *Gongzhongdang Qianlong chao zouzhe*, 1984, 21:797–798).⁶⁴ Besides the better known early Qing legal advisors such as Pan Biaocan, Wu Hong, Gu Ding, and Shen Zhiqi, I have found at least 30 other legal advisors who were born between 1610 and 1680 and had been moving around the country to advise various local officials in multiple provinces in the late seventeenth and early eighteenth centuries (Chen 2012, 9–10).⁶⁵

This was also indirectly corroborated by the emergence of early Qing literati families that had already turned the job of legal advising into a valuable career option for their members and relatives by the early eighteenth century. For instance, at least ten members, across three generations, from the Wang family in Niangchuan village of Shanyin county, Zhejiang Province, had become private advisors by the 1730s. In comparison, only three members of this branch of the family obtained official posts (*Shanyin Niangchuan Wangshi zupu*, 1784).⁶⁶ The Ding family in Wu county, Jiangsu province, had produced at least six private advisors in the late seventeenth and early eighteenth centuries, even based on the seriously incomplete information from the family’s extant genealogy.⁶⁷

Gong E (c. 1740–1810), a well-known long-time legal advisor in the second half of the eighteenth century, observed: “If a thousand people were trained for legal advising, no more than a hundred completed the training; if a hundred [graduated trainees] were looking for jobs, no more than dozens of them got one” (Gong 1987 [1803], 361). In other words, fewer than 10% of *muyou* apprentices or trainees eventually finished their training, and among those who did, probably less than half of them managed to secure continuous,

⁶² FHAC, No. 04–01–12–0005–003 (Memorial from Governor Zhang Yunsui, QL1/10/10), also reprinted in Ha, 2016, pp. 9–10.

⁶³ *Qing shilu*, 1985, 3:427 (SZ8/r2/9 or March 29, 1651).

⁶⁴ Chen 1707p, 1:2a. For a similar comment by Yunnan Provincial Judge Liangqing in 1764, at *Gongzhongdang Qianlong chao zouzhe* 1984, 21:797–798.

⁶⁵ These early Qing legal advisors and a total of more than 1,500 others will be studied in my forthcoming book. For the few named here, see Chen, 2012, pp. 9–10.

⁶⁶ The Gao lineage of Shanyin county also listed about a dozen private advisors working in the seventeenth and early eighteenth centuries, including at least four of what appear to be judicial advisors. *Yuezhou Shanyin Gaoshi jiapu* 1809, 31:9a (Gao Yaoran, a late Ming/early Qing advisor), 15:17a and 31:27a (Gao Jun 1640–1706, advisor to Zhejiang governor and Fujian provincial judge), 11:31b (Gao Fenghan, advisor to Gu Linzhi and Wang Daosen); 31:73a–b (Gao Ping, a provincial advisor in the 1650s–1660s in Jiangxi and Fujian), 31:30a–b (Gao Hui 1665–1726, became a *jinsi* in 1713), 31:77a–b (Gao Dehuang, an advisor in the Kangxi period); also see 31:33a (Gao Lang), 30:87a–89b (Gao Kuang, ?–1643); 31:10a–10b (Gao Yingyue, advisor to the Minister of Defense Gao Panlong (1562–1626)).

⁶⁷ See *Dingshi zongpu* 1887, 1:31b–32a (Ding Yi 1650–1710), 23:46a (Ding Junsheng, unknown dates of birth/death, but of the same generation of Ding Yi); 1:37b and 23:47a (Ding Dianyang 1667–1694), 1:40a (Ding Zhao 1656–1727, explicitly identified as legal advisor), 20:18b–19a and 1:41a (Ding Yun 1680–1757), 1:41b (Ding Yuan 1687–1753); also see 20:18b and 1:40b (Ding Hong 1672–1745, once worked as a *shuji*) and 2:8a (Ding Tingyong 1742–1813), 2:7a and 3:39a (Ding Wenlan 1733–1802), and 1:52a–52b and 24:15b (Ding Fen, son of Ding Zhao), and 24:20b and 22b (Ding Xiansu, undated but a cousin of Ding Shidu), 3:38b and 105b and 20:21a (Dingshi Du 1733–1814, very likely a private advisor).

full-time employment as private advisors to local officials. If his observations were not off the mark, there could have been 300,000 men who had received some legal training as apprentice *muyou*, and as many as 60,000 trained legal advisors, including those not always fully employed, from 1771 to 1911.

4. Concluding remarks and preliminary thoughts for further study

If we put together the three professional groups discussed in this essay. In that case, Qing China might have had 6000 to 9000 trained judicial officials, 17,000 to 20,000 trained litigation masters, and 30,000 to 60,000 trained legal advisors during the two centuries from 1700 to 1900. The fact that such a significant number of Confucian literati received legal training and actively applied their legal expertise in Qing administration or everyday life will make it necessary to rethink various aspects of Chinese law, society, and culture in the late imperial period beyond much of the received wisdom. The limited space here will not allow for an in-depth analysis of the implications thereof. Still, even some brief observations below could suggest new avenues for scholarly inquiry, with more detailed treatment in larger related studies.⁶⁸

First, with tens of thousands of such trained legal specialists in active service or frequently moving across the empire, Qing China did indeed have a real and important countrywide legal community. This community can be considered an *imagined* one only in the sense that most of its members did not know or meet the other members in person. Most of these literati-turned-specialists received similar education. They studied a more or less standardised curriculum of Confucian canons, Chinese literary classics, and dynastic histories for many years, often in preparation for the civil service examinations. As a result, despite their different social positions or conflicts of interest, trained litigation masters, official-jurists, and legal advisors shared the ability to decipher the labyrinth of the Qing Code and judicial procedures, to read and write classical Chinese (the *lingua franca* for late imperial Chinese literati and bureaucrats), and to invoke mutually understood cultural or moral discourses and representational tropes to make effective arguments or communication with one another. In this sense, this legal community was also a textual and interpretative community, in which certain texts were widely circulated, and certain discursive conventions or codes were shared and enforced—even when some of its members, especially litigation masters, might take advantage of these conventions or norms allegedly for immoral purposes.

Secondly, concretising the Qing legal community also enables us to better analyse the power relations and dynamics of this professional community and the larger juridical field of late imperial China. Very briefly, Pierre Bourdieu, the late prominent French sociologist, has used the term “juridical capital” to refer to the access to or control over legal resources, including but not limited to legal texts, legal information, legal knowledge, and judicial institutions. For Bourdieu, the ability to possess and mobilise this or other forms of capital, whether cultural, social, economic, political, or symbolic, constitutes “power.” Like other kinds of structured social spaces or “fields,” the juridical field is also characterised by considerable inequality among its members of different social positions in their possession of juridical capital (Bourdieu, 1986, pp. 241-58; Bourdieu, 1987, pp. 814-53; Bourdieu, 2014; Swartz, 1997).⁶⁹

Given that legal advisors were hired to help local officials handle judicial matters, it is only natural that the former two often were in unison in criticising litigation masters as

⁶⁸ Some of the related analysis can be found in my published articles or book chapters cited in this essay and will be further developed in my book manuscript on Qing legal advisors, tentatively entitled *Invisible Power: Legal Specialists, Juridical Capital, and Imperial Governance in Qing China*, which I hope to complete in 2024.

⁶⁹ For some of his key concepts relevant here, see, e.g., Bourdieu 1986, pp. 241-258; *ibid.* 1987; *ibid.* 2014; Swartz 1997. I will discuss Pierre Bourdieu’s ideas in relation to the Qing juridical field in another project.

the scourge of frivolous litigations, moral decay, and local bureaucratic overload.⁷⁰ But if we shift our attention from this official discourse to the power dynamics within the Qing legal community in light of our analysis here and by drawing on some of Bourdieu's insights, a different approach will be to re-examine how the relationships among judicial officials, legal advisors, litigation masters as well as litigants were influenced by their differential ability to obtain or mobilise legal resources or juridical capital. Contrary to the traditional idea that law was of secondary importance to rulers and ruled in imperial China, future research needs to pay more attention to the crucial role and highly contested nature of the Qing juridical field within its larger social and political contexts.

Thirdly, the existence of a countrywide legal professional community also facilitated the production, distribution, and popularisation of legal knowledge and thereby helped enhance the value of juridical capital for trained legal practitioners. A large community of legal specialists made it easier to find collaborators, sponsors, or readers for otherwise costly or seemingly less rewarding publishing projects. Even based on the extant copies of Qing legal publications, we have many examples of extensive collaboration among officials or legal advisors in producing some of the most influential legal treaties and administrative handbooks during the Qing period. For instance, Wang Mingde thanked 31 officials of the Qing Ministry of Justice for having contributed to his *Dulü peixi* of 1674, one of the few most influential commentaries on the Qing Code (Wang, 1674p). Legal advisors who compiled *Da Qing lili quanquan* around 1797 listed seventeen contributors who all appeared to be legal advisors. Likewise, 22 co-professionals helped compile another compendium of commentaries on the Qing Code, published by legal advisors Hu Zhaokai and Zhou Menglin first in 1805.⁷¹ Works like *Qiushen shihuan bijiao cheng'an* and its sequel (on the guidelines and leading cases for the Autumn Assizes) and the various editions of forensic handbooks such as *Xiyuanlu jicheng bianzheng* illustrate frequent and fruitful collaboration between judicial officials and legal advisors (*Qiushen shihuan bijiao cheng'an xubian*, 1881; Will, 2020, pp. 818-27).⁷²

Many such publications by legal advisors were endorsed in the prefaces by high-ranking officials or financed by the latter, often because the authors and the endorsers recognised the publications' value to the large community of legal practitioners and local administrators. In other words, the emergence of a countrywide professional community created the demand and supply of legal or administrative knowledge. Such knowledge would, in return, help further expand or reproduce the community. In the meantime, the endorsement by senior-ranking officials such as governors or provincial judges also lent authority to the publications and enhanced their authors' professional reputations (Chen, 2015b).

Legal advisors converted their expertise into juridical capital and improved their chances of career success and social mobility. The presence of so many trained legal experts could also create competition among themselves. The desire for professional excellence and prestige among many peers helped foster a culture of legal study and scholarship, producing at least dozens of famous Qing official-jurists or legal advisors. A variety of legal treatises were also created as better replacements for earlier publications. These activities contributed to the flourishing legal publishing business during the Qing period.⁷³

⁷⁰ For earlier discussions about the relationship between *muyou* and *songshi*, see, e.g., Chiu 2005, pp. 95-134.

⁷¹ The English rendering of the title is from Will 2020, pp. 484-486. Yao, et al., 1797 [1796p]; Hu and Zhou, 1822 [1805p].

⁷² This book was compiled by legal advisors Sun Guangxie from Shanyin and Sun Wenyao from Qiantang, with the support of Sichuan Provincial Judge Chonggang. Various legal advisors helped update or expand, and many officials reprinted or wrote prefaces for, Wang Youhuai's *Chongkan buzhu Xiyuan lu jizheng* from 1796 to 1911. See the entry for this title by Jerome Bourgon, Li Chen, and Pierre Will, in Will, 2020, pp. 818-827.

⁷³ See, e.g., Shen, 1789p (drawing heavily from Wan Weihai's *Da Qing lü jizhu* but also trying to distinguish from the latter); Li, Wang, and Sun, 1799 (mentioning the three compilers and another 12 legal specialists plus two sons

Fourthly, besides spreading across the country, this legal community also had a temporal dimension. Qing legal practitioners frequently drew upon texts and ideas transmitted from previous dynasties. They considered themselves successors to an unbroken tradition of Chinese jurisprudence and legal culture. While the desire to claim a long intellectual genealogy was not unique to Qing jurists, the fact that Qing China had far more trained legal practitioners and affordable legal publications than ever before enhanced the sense of a professional community spatially and temporally. Qing legal specialists often worked together to republish, revise, and update some of the leading legal treatises. For instance, there were over 50 reprints or new editions of the commentary on the Qing Code by mid-Qing legal advisor Yao Run (1778–1830) from 1824 to 1910.⁷⁴ The many officials and legal advisors who edited, prefaced, sponsored, or read the various editions of the Code commentaries or other legal publications all contributed to the continuation and evolution of a millennium-old juridical tradition as producers or consumers of legal knowledge but also as interlocutors for those who came before and after them.

Lastly, the rise of such a community of legal specialists also helped reconfigure the juridical field and significantly impacted the operation of the judicial system in Qing China. In this juridical field, different groups of legal specialists and other stakeholders, including litigants and yamen clerks, interacted, collaborated, or contested with one another to maximise their influence and interest. Together, but in different ways, they shaped how the Qing judicial system and legal culture evolved.

The widespread presence of litigation masters allowed some underprivileged litigants to use the formal judicial system for their purposes. At the same time, the legal training at the Ministry of Justice ensured a stable supply of legal experts to meet the basic needs of legislation and judicial administration at the central level. In the meantime, local administrators hired thousands of legal specialists to help them handle judicial and other important work of the local governments across the empire, and their expertise and service helped sustain the regular operation of the Qing legal system and government for more than two centuries.⁷⁵ In other words, in a society dominated by Confucian ideology and its frequently unfavourable attitude towards law and legal specialists, a countrywide community of legal professionals had not only taken shape but also played an active and crucial role in late imperial China long before the Chinese legal system was redefined and recast by (self-) Orientalist and modernisationist narratives during the late nineteenth and early twentieth centuries.

In conclusion, it is worth noting that members of the Qing legal professional community also demonstrated their value when late Qing and early Republican China underwent significant reforms during the first few decades of the twentieth century. For instance, some veteran officials of the late Qing Ministry of Justice such as Shen Jiaben, Ji Tongjun (1854–1936), and Wang Shitong were influential in the legal reform movement alongside those with foreign legal education such as Wu Tingfang (1842–1922) and Wang Rongbao (1878–1933), in 1902 through 1911.⁷⁶

Likewise, legal advisors also played a valuable role in this transitional phase of modern China. They shaped the legislative debates and legal reform in this period by drafting official commentaries on draft law codes for the provincial governors or judges who

of Li Guanlan as contributors to the compilation). For more about the publishing and circulation of such Code commentaries in the Qing, see Zhang, 2020.

⁷⁴ Yao 1824. For information about the many extant editions starting from 1826, see the entry about *Da Qing lili xinxiu tongzuan jicheng*, in Will, 2020, pp. 515–524 (confusing Yao's first name (Run) with his courtesy name (zi) (Zuolin) and style or nickname (*hao*) (Yuxiang)). I will discuss Yao Run in detail in my forthcoming book on Qing legal advisors, but for his biography, see Yao, 1904, *juan xia*, pp. 2b–3a.

⁷⁵ See earlier discussions and sources cited herein.

⁷⁶ For the late Qing legal reform movement and the leading figures, see, e.g., Li, 2002; Chen, 2005; Chen, 2017, pp. 181–210. For studies about the later periods, see, e.g., Ng, 2014.

employed them.⁷⁷ Some also served as instructors in newly established law programmes and schools.⁷⁸ Others passed the judicial qualifying exams in 1910 to become judges in the reformed legal system. For instance, at least 39 legal advisors working in the local government offices of Zhili province took the qualifying exams in 1910.⁷⁹ Legal advisors accounted for nearly half of those who passed the exams in several inland provinces like Gansu, Yunnan, Guizhou, and Xinjiang.⁸⁰ Furthermore, the families of late Qing legal specialists also produced some of the first generation of newly trained lawyers, judges, and legislators in the twentieth century after they graduated from modern law schools at home or in Euro-America and Japan.⁸¹ The long existence of a countrywide community of legal specialists thus provided a significant portion of the knowledge base and personnel necessary to pave the way for China's pursuit of legal and political modernity in the early twentieth century.

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⁷⁷ Legal advisor Zhang Tingxiang was an example in this regard. See *Shenbao [Shanghai News]*, No. 15112, March 11, 1915 ("Dianpin xingmu xiexiu falü").

⁷⁸ *Shenbao [Shanghai News]*, No. 13306, Feb. 25, 1910 ("Sifa yanjiusuo pingding jiaoyuan").

⁷⁹ *Shuntian shibao [Shuntian Times]*, No. 2573, September 14, 1910 (XT2/8/11) ("Erci kaoshi xingmu zhi jixiao").

⁸⁰ For legal advisors who had passed the late Qing judicial qualifying exams in 1910, see, e.g., *Zhengzhi guanbao [The Government Gazette]*, No. 1079, October 29, 1910 (XT2/9/27) (about Beijing), No. 1186, February 20, 1911 (XT3/1/22) (about Guizhou), No. 1187, February 21, 1911 (XT3/1/23) (about Sichuan), No. 1208, March 14, 1911 (XT3/2/14) (about Xinjiang, Yunnan, and Gansu). For a detailed study of the Chinese judges in the early twentieth century, see Li, 2018, esp. 247-375; Li, 2004.

⁸¹ The legal and political careers of Wang Shitong (1863-1931), Wang Yintai (1886-1961), and Wang Jiaxiang (1872-1928), from the same literati lineage in Shanyin county, Zhejiang province, provide a revealing illustration of how members of such late Qing legal families could use their inherited juridical capital to become very influential or powerful actors in the Republican era. See *Shaoxing Xinhe Wangshi zupu [Genealogy of the Wangs of Xinhe in Shanyin county]* 1924, *juan* 3, pp. 31-33; *juan* 4, pp. 17-19. About the new law schools started in the late Qing, see, e.g., Cheng 2003.

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