

The Formats of Juridical Documents in Mongolia during the Qing Period and Their Origins

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Introduction

The Mongolian National Central Archives in Ulaanbaatar has since around 1991 been opened to overseas researchers, and in order to elucidate the judicial system during the period when Outer Mongolia was ruled by the Chinese Qing 清 dynasty (1691–1911) I have examined large numbers of juridical documents written in Mongolian and Manchu at these Archives. As some scholars will already be aware, Manchu and Mongolian archival materials (*dang'an* 檔案) of the Qing period, including these juridical documents, are written in a distinctive format that bears a close resemblance to the formats of memorials and other Chinese-language archival materials of China proper from the Qing period. But no one has actually attempted to educe this format shared by Manchu and Mongolian documents or to compare it with Chinese-language archival materials from China proper.

In the following, I shall therefore describe the format of these Manchu and Mongolian documents and consider its origins, on the basis of which I then hope to demonstrate that the document format and the document-based administrative system of Mongolia during the Qing were, together with a rigorous judicial system, introduced from China proper and that they followed traditions that had a long history in China.

I. Past Research on the Format of Manchu and Mongolian Documents of the Qing and Points at Issue

First, in research on Mongolian archival material conducted in Mongolia, there have appeared two short studies by Čebel (1959, 1962) and two detailed studies by Norovsambuu (1975, 1979), the latter of whom served as director of the above-mentioned Mongolian National Central Archives. Norovsambuu 1975, the most detailed and important

among these four studies, describes the historical traditions of Mongolian official documents and explains the format of Qing-period documents from the seventeenth century onwards in particular detail. Norovsambuu concludes that the Mongols preserved their own traditions of document formats and rules from the thirteenth century down to the twentieth century and that these traditions were not introduced from outside Mongolia. However, this conclusion needs to be reexamined since the author makes hardly any mention of documents predating the seventeenth century, nor does he refer to document formats in areas outside Mongolia.

Next, in research conducted in Europe, mention may be made of studies by K. Sagaster (1967) and C. Bawden (1969a, 1969b, 1969c). In the former, Sagaster provides photofacsimile reproductions of Mongolian juridical documents currently held by the Berlin State Library — Prussian Cultural Heritage (Staatsbibliothek zu Berlin — Preußischer Kulturbesitz). Almost nothing was known of the legal history of Mongolia during the Qing period when this article was published in 1967, and it is clear today that the author did not fully understand the details of the three court cases which he describes (see Hagihara 2006: 78–85). But because he had direct access to the original documents, he was able to examine and summarize those aspects of the format able to be inferred directly from the documents themselves, such as the procedures whereby the judgement and oral testimony were written and the existence of the offender's oral testimony and some sort of sign in lieu of a signature.¹⁾

The three articles by Bawden, meanwhile, are studies of some of the cases described in nine juridical documents in Mongolian included in a collection of archival materials published in Ulaanbaatar (Čimid 1958). However, because the documents contained in this collection have been transcribed in the Cyrillic script, it is difficult to ascertain details of their format, and partly because Bawden was not aware of Shimada Masao's research on legal codes to be mentioned below, his treatment of the judicial system can hardly be described as adequate. But it is nonetheless possible to educe from this collection the most important feature of all, to be discussed below, in which other documents are directly quoted in several levels within a single document,²⁾ and Bawden too was able to describe this, although he was not of course able to clarify the reasons behind this format or its origins.

In Japan, Shimada Masao has since 1968 published a succession of

articles dealing with the *Menggu li* 蒙古例 (*Mongγul čayaǰa-yin bičig*), or laws exclusively applicable to Mongols that were established by the Qing administration, and these articles were eventually brought together in a single volume (Shimada 1982). Shimada has also published detailed studies of other legal codes used in Mongolia during the Qing (Shimada 1981, 1986, 1992).³⁾ But on the subject of document formats there has only appeared some research by myself and a brief study by Oka Hiroki (1993), and Oka too queries the conclusions reached by Norovsambuu.

There does not appear to have been published any research on document formats in Russia or China. This means that, apart from Norovsambuu's 1975 study, there has been no full-scale research into the format of official documents in Mongolia during the Qing, including juridical documents, and the conclusions of this study by Norovsambuu too need to be reexamined.

II. The Traditions of Official Documents in Mongolia Prior to the Qing Period

If, as is claimed by Norovsambuu, the format of Mongolian official documents from the seventeenth century onwards really did follow indigenous traditions going back to the thirteenth century, then one would expect to find a format similar to that of the Qing period also in official documents dating from the time of the Mongol empire. But when one examines the edicts preserved in inscriptions and so on that have been studied by Sugiyama (2004), Ono (1993), Nakamura and Matsukawa (1993), Matsukawa (1995b, 1997), Bao (1980), Irinčin (2001a, 2001b), and Poppe (1957) and the Mongolian documents assembled by Cerensodnom and Taube (1993), it is almost impossible to detect any similarities in format with documents from the Qing period. Furthermore, there is no evidence whatsoever of expressions distinctive of Qing-period documents to be discussed below in any contemporaneous Mongolian writings, including the *Secret History of the Mongols*. Conversely, the most distinctive format of thirteenth- and fourteenth-century edicts involves well-known stock phrases such as “*möngke tngri-yin küün-dür*” (“in the power of eternal heaven”) and “*yeke suu ǰali-yin ibegen-dür*” (“in the protection of the radiance of the great spirit”),⁴⁾ and these are not of course found in official documents of the Qing period.

Next, let us briefly consider Mongolian documents from the sixteenth and early seventeenth centuries. First, a document in Mongolian

sent by Altan Qayan of the Tümed to Nurhaci (Altan-orgil 1989d: 1–2) begins with the Buddhist mantra “*um suvasri siddam*,” followed by the phrases “document of...” and “sent to...,” indicating the originator or sender of the document and the addressee or recipient. Apart from the order in which the sender and addressee are given, there are no similarities whatsoever with documents of the Qing period.

Next, I wish to consider the Mongolian documents included in Li 1997. This collection of source materials is of epochal significance, consisting as it does of photofacsimile reproductions of 111 Mongolian documents exchanged with Mongol tribes by the Latter Jin (*amaga Aisin gurun/hou Jin guo* 後金國) and the Qing government down to the Shunzhi 順治 era, and they are currently held by the Chinese First Historical Archives, where they were selected by Li Baowen, a Mongol staff member.⁵⁾

First, in a letter sent by Darqan Taiji of the Mongols to Nurhaci, included in document no. 1, we again find the Buddhist mantra “*um suvasti sidam*” in the first line, followed in lines 2–5 by the addressee: “...*arslan boyda sečen qayan-dur bičig bariba*,...” (“I have submitted a missive to the Lion, the Holy Sečen Qayan [=Nurhaci]”). The name of the sender does not appear in the text of the letter, and instead it has been written upside-down at the end of the letter in Manchu and in a different hand: “*omson biya de darhan taiji unggihe bithe*” (“missive sent by Darqan Taiji in the eleventh month”). This was presumably added as a reminder by someone of the Latter Jin, which received the letter. There is no mention of the year in the body of the letter.

Next, in the case of document no. 8, a copy of a letter sent to Hong Taiji by Dügüreng Güyeng and others of the Mongol Qaračin tribe (the copy having been made by someone from the Latter Jin), the first line consists of a title presumably added by the copyist of the Latter Jin, while the mantra in the second line has been subsequently inked out by someone from the Latter Jin, and the addressee and sender are given in a single sentence in lines 3–4: “*sečen qayan-du...bičig bariba*” (“...submitted a missive to Sečen Qayan [=Hong Taiji]”). This is then followed by the text of the letter itself. This means that the first line in the original letter would again have consisted of a mantra.

These formats are also found in documents nos. 18 and 19, and in each case a similar mantra such as “*um suvasti sidam*” or “*om suvasti siddam*” is almost invariably given in the first line, lending a strong Buddhist flavour. This is followed first by the addressee and then by the sender. There is no further fixed format or wording, and the writer immediately

enters into the main subject of the letter. Nor are there any stock phrases at the end of the letter. The date on which the letter was sent is also seldom given, and when there is a need to mention the year in the body of the letter, it is naturally given only in the Mongolian form of the sexagenary cycle. These characteristics are as good as being completely unrelated to the format of official documents of Mongolia during the Qing period to be described below.

Thus, in documents during the time of the Mongol empire or the sixteenth and early seventeenth centuries there is no evidence whatsoever of the detailed and strict format of Mongolian official documents of the Qing period.

III. The Format of Juridical Documents in Mongolia during the Qing Period

1. Types of Documents and Mode of Composition

I have since 1993 been conducting investigations at the aforementioned Mongolian National Central Archives, and on the basis of the results of these investigations I first wish to describe the types of documents used in Mongolia during the Qing period and the manner in which they were composed.

When a government office wished for some reason to send a notification, report, order, etc., in writing to an office of higher or lower status, it would produce, in addition to the original document that was actually sent, a copy that would be kept by the originating office. Both the original and the copy were written on paper that was of horizontal format and folded accordion-style, and additional sheets of papers would be pasted on as required. Mongolian is written from top to bottom and from left to right, and this means that when the document was unfolded it extended out towards the right. When a document was sent, the full text would be copied without any omissions into a file for outgoing correspondence (*yabuyuluysan bichig-ün dangsa* 行文檔), while a brief summary of its content would be recorded in an office diary file (*edür-ün temdeg*) along with the date on which it was sent and the addressee. On receiving the accordion-style original, the receiving office would first record in its own office diary file a brief summary of its content along with the date on which it was received and the name of the government office that had composed and sent it, and then the full text would be copied without any omissions into

a file for incoming correspondence (*iregsen bičig-ün dangsa* 來文檔). When the document did not need to be forwarded or answered, the original was filed away.

If, on the other hand, an incoming document was to be forwarded to an office of higher or lower status or if it required a reply, a new document would be created. According to Norovsambuu (1975: 80), additional sheets of paper would be pasted onto the start and end (i.e., the left and right-hand edges) of the received document and a new forwarding document would be created with the original occupying the middle section. In other words, the opening section of the new document would be written on the paper affixed at the start (left) and the main part of the new document would be written on the paper affixed at the end (right). Thus, the new document would begin with an opening section, followed by the full text of the original document, after which the business at hand would be addressed. This would then become the draft (i.e., copy) of the new forwarding document or the reply. Since Norovsambuu was for many years engaged in the cataloguing of archival materials at the Mongolian National Central Archives, his explanation is highly credible, as well as representing the most efficient method of composition and one that is very likely to have existed. There are, however, instances in which one is forced to conclude that the draft (i.e., copy) was created with completely new paper, with the original being directly quoted in a briefly summarized form. But regardless of the method of quotation employed, when forwarding a document or sending a reply the full text of the new original would be copied into the file for outgoing correspondence and a brief summary of its content would be recorded in the office diary file along with the addressee and the date on which it was sent.

Although not mentioned by Norovsambuu, this method whereby the draft of a document would be created by utilizing the document received from elsewhere explains admirably the reason for the quite complex structure of these documents, which invariably contain direct quotations of earlier documents, often in several levels. This is because whenever a document was forwarded, new text would be added before and after the forwarded document, resulting in several levels of direct quotations in the middle section of the document. This is the same format as that found in Chinese-language documents in the *Da Yuan shengzheng guochao dianzhang* 大元聖政國朝典章 (hereafter: *Yuan dianzhang*), a collection of judicial precedents from China proper during the Yuan 元 period.

2. Opening Section

I shall now describe in detail the format of the originals of the documents that were exchanged between government offices. The original was in the shape of a rectangular folding book, vertically oriented, onto which there was sometimes pasted a cover. As is noted by Norovsambuu (1975: 70), the documents were 24–25 cm in height, and when folded accordion-style their width was 10–11 cm. Because additional sheets of paper were added as the need arose, their length when unfolded was up to 4–5 metres in the examples that I have seen, but according to Norovsambuu some were as long as 70 metres.

On the cover at the upper left the addressee, that is, the official position of the recipient, was written in the form “...*tan-a*” (“to...”), while at the lower left the position and name of the sender were given in the form “...*ača*” (“from...”). Both were often followed by a punctuation mark in the shape of a dot (*čeg*). Then, slightly right of centre and in the upper part of the cover, the document’s subject matter was summarized in several lines in a form such as “For the purpose of reporting on...,” followed by another *čeg*. At the bottom right the year and month were given, again followed by a *čeg*.

Then, before the main text of the document began, there was a further page on which the name of the type of document — e.g., *ergükü bičig* (report) — was written in the upper part of the page, followed by a *čeg*. But the part of the document described so far was not recorded in the files for outgoing or incoming correspondence, which means that it was not regarded as part of the main text of the document.

The main text of the document began first with the position, rank, and name of the sender, given in the form “...*un bičig*” (“document of...”). There were often several senders, in which case their position and rank would be given individually if applicable. The sender’s name, however, was frequently omitted. Secondly, in the next line the position, rank, and name of the recipient were given together with the manner of dispatch in the form “...*tan-a ergübe*” (“I/we have submitted to...”). There were often several recipients, in which case their positions, ranks, and names extended over several lines, after which the next sentence began on a new line. If the recipient was a superior, his name was often omitted and only his position and rank were given, and sometimes his name was abbreviated to only its first one or two letters. As regards the manner of dispatch, which followed the recipient’s position and rank, Norovsambuu (1975:

78) gives six patterns.

Thirdly, starting on a new line, the ultimate purpose of the document was written very briefly in a form such as “*medegülkü-yin učir*” (“For the purpose of reporting.”). This was usually no longer than a single line and was followed by a *čeg*, after which the main business of the document began immediately on the same line. The ultimate purpose of the document here refers to whether the document was being sent in order to report something, ask for instructions, give orders, and so on. The corresponding grammatical subject sometimes came first, as in “The sending of this document is for the purpose of...” With regard to this ultimate purpose too, Norovsambuu (1975: 78) gives five patterns.

The word *učir* or *učar-a* (“for the purpose of”), indicating the ultimate purpose, was invariably followed by a *čeg*, after which the main body of the document began on the same line. It should be noted that when other documents were quoted in the form of multilevel direct quotations, to be described below, the sender(s) and recipient(s) appearing at the start of each document were all omitted, and the quotation invariably began from this section indicating the document’s ultimate purpose.

This mode of expression for indicating the ultimate purpose of a document would appear to be a literal translation of the Chinese expression “*wei...shi* 爲...事” found in Chinese documents. Liu (1988: 13–23), who has gathered together standard expressions found in Chinese archival documents of the Ming and Qing periods, gives a great variety of patterns with various expressions coming between *wei* and *shi*. Likewise, Yamagoshi (1994: 3, 144, 143; 2004: 6–7, (15)) explains, albeit briefly, the expression *wei...shi* and cites a number of examples. In addition, according to Tanaka (2000: 397–402), this expression appears frequently in Chinese-language documents in the *Yuan dianzhang*, where it is used in exactly the same manner as in Mongolian and Chinese documents of the Qing period, indicating the ultimate purpose of the document as a whole. Tanaka also cites a great variety of patterns from the *Yuan dianzhang*, including examples with long sentences coming between *wei* and *shi* and examples in which either *wei* or *shi* has been omitted. According to Tanaka (2000: 398–399) and Naitō (1963: 235), this mode of expression can be found in documents going back to the Tang 唐, and it is thus evident that it is a traditional mode of expression in Chinese documents which has long existed in China and is not directly related to the Mongols of the Yuan dynasty.

It might also be noted that exactly the same expression occurs in

Manchu documents too, with Mongolian *učir* being replaced with Manchu *jalin*. For example, Kawachi (1996: 191, 197, 209, 219) and Kawachi and Kiyose (2002: 167) cite with Japanese translations several bilingual memorials from the Palace Archives in Manchu and Chinese that date from the reign of the Yongzheng 雍正 emperor and include this expression, and it is clear that this is an expression shared by Manchu and Chinese documents. Although Kawachi makes no mention of the document format or expression being discussed here, it would clearly seem to be part of a format or mode of expression that entered Manchu and Mongolian archival documents from Chinese archival documents. Because this expression has been translated literally from Chinese, it has resulted in an unnatural mode of expression in both Mongolian and Manchu that is somewhat difficult to understand. The frequent use of sentences ending in the substantive *učir* ('reason') with no following predicate would be inconceivable in natural Mongolian of any period. Needless to say, this type of expression does not occur in works such as the *Secret History of the Mongols*.

After the ultimate purpose of the document had been indicated, the real business of the document, that is, the main part of the document, began on the same line. What has been discussed in the above could therefore be described as the format for the opening section of the document.

3. The Multilevel Direct Quotation Format and Its Origins

After the opening section has ended, the main part of the document, setting forth the words of the document's author, begins. But unless it was the first report on an incident, in most cases soon after the start of this section documents previously received by the author were directly quoted. These quotations invariably took the form of direct quotations, and the documents in question were never quoted indirectly. As was noted earlier, this was probably due to the method of composition, in which the original of the quoted document often became the middle section of the draft (or copy) of the new document. Moreover, the document quoted directly would itself soon after it began often quote directly from a still earlier document, and it was not unusual for there to be three or four levels of this kind of direct quotation. In addition, these quoted documents frequently cited in the form of either direct or indirect speech the oral statements of suspects or the testimonies of other people involved in the event, and therefore when translating these documents it often be-

comes necessary to use four or five kinds of quotation marks. But when reading the original Mongolian documents, which do not use quotation marks, it takes some time to determine who is responsible for each statement.

Where, then, do the origins of this distinctive format, with multiple levels of direct quotation, lie? There does not exist any research whatsoever into the origins of this format, including questions pertaining to Chinese-language documents in the context of Chinese history, and in the following I therefore wish to consider this question in some detail.

First, this method of multilevel direct quotation is found in the aforementioned *Yuan dianzhang*. Tanaka (2000: 365–366) gives as one of the distinctive characteristics of Chinese-language documents translated literally from Mongolian in the *Yuan dianzhang* the fact that, as well as having on the whole the conversational tone of direct speech, the sections of conversation include several layers of conversation. Tanaka describes this style of multiple levels of quotation as “somewhat anomalous” for Chinese and surmises that, because indirect speech was still undeveloped in contemporary Mongolian, this form of multilevel direct quotation used in Mongolian found its way into the Chinese-language documents of the *Yuan dianzhang*. But, as was noted earlier, the complex format of multilevel direct quotation is not found in Mongolian writings of the thirteenth and fourteenth centuries. In my view, it is also difficult to imagine that there would have already existed such a complex format in contemporary Mongolian, which had only recently begun to use writing. This format of multilevel direct quotation is, I believe, a format of Chinese origin used in Chinese-language documents, and in the following I wish to trace its origins in Chinese history.

First, with regard to the same Yuan period, mention should be made of the example of a Chinese document quoted by Miya (2006: 329–340). This is a document of government offices recording the circumstances behind the publication of the *Sishu zhangtu* 四書章圖, and it was an official document in Chinese exchanged among government offices in Jiangnan 江南 and the capital during the Yuan. Therefore, it is most certainly not a translation from Mongolian, and yet it is a typical Chinese document with several levels of direct quotation and has the same format as Chinese-language documents of the Qing. Going back to the Song 宋, we find for example that several steles inscribed with Chinese official documents (Sue 2000) have exactly the same structure of multilevel direct quotation. It should thus be evident that this was clearly a traditional

form for Chinese-language official documents in China and was not due to the influence of Mongolian.

An important clue as to how this form of multilevel direct quotation arose in China is provided by Chinese documents of the Tang. According to Naitō (1963: 224–236, 241–244) and Nakamura Hiroichi (1991: 83–88; 1996: 111–115, 594–598), during the Tang each time an official document was sent from one government office to another a statement called a *pan* 判 or *panci* 判辭 was added by the receiving office at the end of the document, and consequently the document itself grew longer and longer out towards the left as additional sheets of paper were pasted onto the end (left edge) of the document.⁶⁾ In other words, instead of composing a new document to send on to the next government office, the same document was repeatedly reused, with statements from each government office being added at the end as it was sent from one government office to the next. This is similar to the practice in Japanese government offices today, where a single document is sent around various departments for approval, with the person in charge in each case adding his or her seal at the end. It also resembles the practice of “top-posting” for forwarding or replying to an e-mail written from left to right, when the original message, often containing several levels of quotations, is quoted for reference at the bottom and the new message is appended at the top. If the new messages are added at the end of the e-mail, as in “bottom-posting,” then the format is the same as documents of the Tang.

This format is also explained by Fujieda (1971: 181–185) in an easy-to-understand manner. Unlike examples from the Ming and Qing and from the Song and Yuan, when further statements were added both before and after the document in question, this was a format in which additional statements were appended only at the end, but it bears a truly close resemblance to the method of composing documents in Mongolia during the Qing period as described by Norovsambuu, when additional sheets of paper were pasted onto the start and end of the document. In my view, there is a very strong possibility that this Tang method of composing documents by continually adding statements to the end of the document became the origin of multilevel direct quotations in later periods. There would of course have been instances when a new document was written on fresh paper for forwarding, as was the case in Mongolia during the Qing period, but if the same document were circulated among government offices with each office adding to it, it would have helped to economize on paper and would have saved the time and effort

needed to rewrite the document, and above all it would have been possible to gain an accurate grasp of when and where the document had been sent on the basis of the original handwriting or the seals affixed to it. The document's history tallied directly with the history of discussions on the matter in question and was extremely important. It is because this format is the most effective method in this regard that it is used today in Japanese government offices and e-mail messages. In the case of e-mail messages, the method of in-line or interleaved replies, with responses being added before and after quoted material, corresponds to the format used in documents of the Qing period.

In addition, according to Naitō (1963: 318–319, 340–344), Ogasawara (1963), and Nakamura Hiroichi (1991: frontispiece 1), government offices in Tang China had ledgers for the issuing of documents and inventories recording the arrival of documents, which corresponded to the office diary file for recording the issuing and receipt of documents in government offices in Mongolia during the Qing period, and an actual inventory of documents is included among the manuscripts brought back by one of the Ōtani 大谷 expeditions. There is thus a strong possibility that not only the document style of multilevel direct quotation, but also the methods of composing and recording documents in Mongolia during the Qing followed traditions that had been passed down over many centuries in China proper.

Further, one could even say that this document style of the Tang may possibly go back as far as the Qin 秦 and Han 漢 periods. According to Tomiya (1998: 5–11; 2003: 72–81), there were two methods of rolling up the scroll-type books made of wooden or bamboo strips bound together with strings during the Qin and Han. In the case of most such scrolls, they were rolled up with the written side facing inwards and the final (leftmost) strip acting as the pivot. This meant that the first part of the scroll (on the right) was outermost, which was convenient for reading the strips in order from the beginning. But in the case of ledgers and the like, the strips were instead rolled up with the first (rightmost) strip acting as the pivot and the written side facing inwards so that the final item (on the left) was outermost. According to Tomiya, this was because the character of ledger strips is such that strips are added one after another, and the existence of a form of document in which instructions were added by each government office through which the document passed, as well as the existence of records of the dispatch of documents, among what Tomiya (2003: 121–138, 153–158) calls bamboo- and wooden-strip docu-

ments could be regarded as evidence of a system of document-based administration identical to the method used during the Tang. There is thus a strong possibility that the origins of the document forms of the Qing may even be able to be traced back as far as the Qin and Han dynasties more than two thousand years earlier.

As we have seen, documents exchanged among government offices in Mongolia during the Qing period consisted to a large extent of multi-level direct quotations. These quotations were followed by the document's all-important conclusion, which was usually preceded by the word *baiṣayabasu*, used as a stock phrase. It can be translated as "according to our investigation" and corresponds to the Chinese *cha* 查 used in Chinese documents. In Manchu the corresponding word is *baicaci*, and a similar expression was thus used in Manchu, Chinese, and Mongolian. Examples in Manchu documents can be found in Kawachi (1996: 193, 219, 223) and Kawachi and Kiyose (2002: 169), where bilingual Manchu and Chinese memorials from the Yongzheng era containing this expression are given together with Japanese translations. This too may be assumed to be a calque that entered Manchu and Mongolian from Chinese.

4. Final Section and Date

After the conclusion had been stated, the main part of the document ended with an expression such as "*egün-ü tula ergübe*" ("I/we have submitted [this] for this reason"), and then there was usually a short space followed by the year, month, and day. With regard to the wording of this final section too, Norovsambuu (1975: 78) gives six patterns.

This may be considered to correspond to "*wei ci*... 爲此..." ("because of this...") found in Chinese-language documents. Liu (1988: 16) and Yamagoshi (2004: 7), like Norovsambuu, cite examples of various patterns that follow "*wei ci*."

Exactly the same format can be found also in Manchu documents, with Mongolian "*egün-ü tula*" becoming Manchu "*erei jalin*." Examples can be found in Kawachi (1996: 195, 207, 215) and Kawachi and Kiyose (2002: 171), where bilingual Manchu and Chinese memorials from the Yongzheng era containing this expression are given together with Japanese translations, and it can be readily seen that this is an expression shared by Manchu and Chinese. This too was probably a format that entered Manchu and Mongolian archival documents as a calque from

Chinese archival documents.

5. Honorary Elevation of Words, Omission of Letters, and Blank Spaces

As is the case in Chinese-language documents, when words associated with the emperor were used in the document, they appeared at the start of a new line above the margin. Examples of such words include *jarliγ* ('decree') and *kiyen ėing men* (Qianqingmen 乾清門).

In the case of a person's name, it often happens that after his rank only the first one or two letters of his name are given, with the rest of his name being omitted, and this is followed by a blank space. In addition, words such as *qauli* ('law') are sometimes preceded by a blank space. These formal features are also more or less identical to Chinese-language documents of the Qing period.

6. Attachment of Oral Statements

In documents reporting the occurrence of a criminal offence or developments in a trial, not only was the oral testimony of the suspect and witnesses quoted either directly or indirectly, but sometimes the oral statements were pasted onto the end of the document. As is noted by Shiga (1984: 172), examples similar to this attachment of oral statements are also found in China proper, and there is a strong possibility that this practice was introduced to Mongolia from China during the Qing period.

7. Oath and Fingerprint

When a decision had been reached regarding the offender's punishment, the document often included an oath or pledge by the offender and/or witnesses followed by their fingerprints. In the case of the offender, he admitted that he was the culprit and declared his willingness to accept his punishment, while the witnesses swore that there was nothing false in their testimony and vowed to accept the verdict. For instance, documents A76, A77, and A78 discussed in Sagaster 1967 record the oaths of the offenders Šaydur, Ayusi, and Lam-a Aývang, and these are followed by fingerprints taken from their right thumbs. This format accords closely with examples from China proper during the Qing de-

scribed by Shiga (1984: 163-164, 173-174), and, as is stated by Niida (1937: 24-78), it represents a traditional Chinese format that exists also in legal documents of the Tang and Song periods.

Also worth noting is that in each of the three documents discussed by Sagaster the word *quvay-a* (< *huaya* 畫押) has been written in Mongolian script below the fingerprint. This clearly must be a legal term that has been transliterated from Chinese, for both the word itself and its usage are exactly the same as *huaya* in China proper, which has been described by Shiga (1984: 52-53, n. 143a; 69).

8. Direct Quotation of Provisions of Legal Codes

When discussing the offender's punishment in the section presenting the verdict in a juridical document, there is a tendency for legal provisions to be quoted as legal authority for the verdict, and this tendency is more pronounced the higher the status of the government office preparing the document. Furthermore, when quoting legal provisions, every effort was made to quote the wording of the provisions as accurately as possible without any alterations, be the document one to be exchanged between government offices or one to be kept by a banner after the conclusion of a trial. This was of course in order to show more precisely that the punishment had a clear legal basis.

In the case of document A76 discussed by Sagaster, the Mongolian provisions quoted directly in the verdict are, apart from minor idiosyncrasies of the scribe's handwriting, completely identical to the Mongolian provisions of the legal code from which they are taken, i.e., the Mongolian *Lifanyuan zeli* 理藩院則例, even with regard to orthography. It is therefore evident that the banner's scribe actually copied the provisions word for word either directly from the Mongolian text of the *Lifanyuan zeli* or while listening to it as it was read out for him. In view of Chinese examples described by Shiga (1984: 74-75), this practice of directly quoting legal provisions was probably also a rule introduced from China proper.

9. Other Special Phrases

Mongolian official documents of the Qing period include minor stock phrases peculiar to this period. For example, the quotation of an earlier document or oral statements by the offender or witnesses is invari-

ably followed by the aforementioned phrase *baičayabasu*, which is a translation of the Chinese *cha* 查 (with the Manchu equivalent being *baicaci*). Liu (1988: 98) describes with various examples the usage of this word *cha* in Chinese documents, and it is also explained by Yamagoshi (2004: 83).

Next, frequent use is made of the expression “...*ača yadan-a...*” (“apart from..., as well...”), and in almost all cases it is used simply in the sense of “in addition to..., also...” This is probably a literal translation of the Chinese expression “*chu...wai* 除...外,” which in Chinese archival documents too is often used in a sense close to that of simple addition or supplementation. Liu (1988: 122–124) and Yamagoshi (2004: 117–118) cite numerous examples of a variety of phrases coming between *chu* 除 and *wai* 外, and it is also listed in Yamagoshi 1994 (55). The Manchu equivalent is “...*ci tulgiyen...*,” which is used in exactly the same way.

According to Tanaka (2000: 409–411), the Chinese expression “*chu...wai*” also appears frequently in documents included in the *Yuan dianzhang*, with the content coming between *chu* and *wai* representing the matter at hand, and it is used in a meaning close to “in addition to [the matter at hand],...” It is therefore evident that this Chinese expression dates back to at least the Yuan.

Next, when asking about the appropriateness of a particular measure, frequent use is made of the expression “...*ǰokiqu ǰokiqu ügei*” (“appropriate or inappropriate”). This probably corresponds to the Chinese “*kefou...zhi chu* 可否...之處” (“whether or not it will do to...”) and to the Manchu “...*ojoro ojorakū*” (“proper or improper”) and “...*acara acaraku*” (“appropriate or inappropriate”). Liu (1988: 25) and Yamagoshi (2004: 22) give explanations of “*kefou...zhi chu*” together with examples.

In addition, as can be seen in document A78 cited by Sagaster, when an article is confiscated in punishment from the culprit or a fine is imposed as compensation for the victim, the phrase “*qulayai-yin ner-e-yin dourača kögegen yaryaǰu*” (“taken from under the name of the thief”) is used. This is a peculiar expression that makes no sense in Mongolian and is probably a literal translation of the Chinese “...*mingxia* 名下” (“in [lit. under] the name of...”), which is a quite normal expression that appears not only in Chinese documents of the Qing, but is also used frequently in modern Chinese. The Manchu equivalent is “*gebu i fejile*” (“under the name”).

When asking a superior to take some measure, the stock phrase *oldbasu* (“If you find it possible”) is used. The Manchu equivalent is *bahaci*. It corresponds perhaps to Chinese *ken* 懇 (“I request”), of which brief expla-

nations are given by Liu (1988: 146–147) and Yamagoshi (2004: 82).

There are many more examples like those cited above, and it is impossible to list them all here, but people accustomed to reading Mongolian and Manchu archival materials will no doubt be able to think of further examples.

Concluding Remarks

In the thirteenth and fourteenth centuries there existed a strictly standardized format for Mongolian edicts that was easily recognizable as such. But by the sixteenth or seventeenth century at the latest the traditions of this format had virtually died out. Official documents of this period were of a very simple format, starting with a mantra, the addressee, and the name of the sender, followed by the main part of the document, which was brief and had no particular fixed form, and the document ended without any closing words or date. After Mongolia came under Qing rule, it is to be surmised that official documents were gradually influenced by the traditions of the document formats of China proper (though there may have been regional differences in the speed with which this influence was felt), resulting in the creation of a precise format for official documents in Manchu and Mongolian modelled on the format of Chinese official documents.

The format of Manchu and Mongolian juridical documents in Mongolia during the Qing period described in the above may be shown schematically in the following manner.

Name of sender	Document of so-and-so
Name of addressee	Sent to so-and-so
Ultimate purpose (Main part with multilevel direct quotations)	For the purpose of.... In a document recently sent from....it stated: “[This is] for the purpose of reporting. In a document ordered by so-and-so it stated: ‘[This is] for the purpose of ordering. In a document sent by so-and-so it stated: «[This is] for the purpose of reporting. So-and-so testifies, <....>»” According to our investigation,.... I/we have sent [this] for this reason.
Phrase showing that investigations have been conducted and standard closing phrase	

Space followed by ...year ...month ...day
date

The greater part of this format and most of the phrases peculiar to the Qing period are identical with Chinese-language official documents of Qing China. It should therefore be clear that the format of juridical and other official documents in Mongolia during the Qing period was by no means a traditional format of Mongolian origin, but was a format that was introduced into Manchu and Mongolian documents from Chinese official documents of China proper after the establishment of the Qing dynasty.

Postscript

This article is an abridged version of Hagihara 2006, part 1, chapter 5 (pp. 136-169). For further details reference should be made to the original.

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NOTES

- 1) Chinese *huaya* 畫押, transliterated as *quvay-a* in Mongolian. It refers to some sort of sign added to a written statement by an offender or a witness to acknowledge their acceptance of its content. In the case of the documents reproduced in Sagaster 1967, it takes the form of the fingerprint of the offender's right thumb (see also Shiga 1984: 52, n. 143a, etc.). This was normal practice in China proper, and it was used similarly in Mongolia, although Sagaster does not mention its use in China.
- 2) I refer to this format as "multilevel direct quotation."
- 3) For details of the judicial system, see Hagihara 2006.
- 4) I follow the translations given in Matsukawa 1995b: 38.
- 5) An outstanding exposition of this publication can be found in Inoue, Nagai and Yanagisawa 1999.
- 6) Traditional Chinese documents were in all periods written from top to bottom and from right to left.