

# Interpretation and Reflection on the "Demon-making Book and Demon Words" in the Laws of the Qing Dynasty

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**Abstract**—In the laws of ancient Chinese dynasties, there are basically provisions on the crime of "demon book and demon speech", and the relevant penalties are very harsh. The purpose of the Qing Dynasty's legislation against such crimes was to suppress speech, control culture, and control thoughts to maintain political power. The cases of "making demon books and demon words" in the Qing Dynasty can be roughly divided into three categories, namely, politics, superstition and mental patients involved in the case. The handling of these three types of cases is very cruel, but the "demon book and demon words" have not been eliminated. On the contrary, it has intensified. After reflection, it can be found that the four dimensions of chaos, the degree of relaxation, the contradiction of ideas, and the distinction between good and evil, are the result of authoritarianism.

**Index Terms**—Demon book demon words, legal level, interpretation, reflection.

## I. INTRODUCTION

"Demon Book" and "Demon Word" are a kind of foreshadowing in the eyes of the ancients, and they are easy to be pierced and become a warning to heaven. For example, "Lu Shi Chun Qiu · Zhi Le" stated: "The husband sees the demon, and punishes the crime." [1] In the eyes of the ruler, there is great harm, especially the "demon book demon words" created by the opponents that will shake the legal foundation of the regime, which will damage the prestige of the government, incite the people and cause social unrest. With the development of the times, the content of "demon book demon words" is increasing, and the threat to the ruler is also increasing. Therefore, the rulers of the past dynasties paid special attention to such crimes, and all imposed severe penalties, but it stimulated the occurrence of such cases. This phenomenon is worth thinking about.

*("Demon", often used as "Zoroastrous", Duan Yucai's "ShuowenJiezi Note" says: "Zoroastrous. Save as a Zoroastrian, and pass through as a demon." From the "Shishi" section, "ShuowenJiezi" explains "Shishi" as: "Showing the sky and hanging the elephant, seeing good or bad, so it shows people. From two. Three vertical, sun, moon and star, watching astronomy to observe the time change. Showing God's things is also from showing." It can be seen that "demon" is related to divine events. "Demon" is often*

*used in pre-Qin, Qin and Han classics, with "Yan" as the part, indicating that "demon" was originally related to speech, and "demon" and "personnel" must be related, such as "Chun QiuZuo Shi Zhuan" pointed out: "The demon is prospered by people, people have no provocation, and the demon does not make it by itself. If a person abandons the constant, the demon will prosper, so there is a demon." This is the earliest statement that combines the emergence of "demon" with personnel. In the Han Dynasty, Liu Xi further pointed out: "Demon, Yao also, harmful things also" believes that "demon" has a negative color. Therefore, "Zoroaoyan" is often given a derogatory color to a certain extent.)*

## II. THE HISTORICAL ORIGIN OF THE "LAW OF MAKING DEMON BOOKS"

### A. Qin Dynasty: "Demon Words"

After the end of the Zhou Dynasty, the Qin Dynasty claimed that the monarchy was ordered by the sky for the legitimacy of its regime, but this was only the claim of the ruler's wishful thinking. This legitimacy needs to be established through ideological control. For this reason, Qin Shihuang burned books to pit Confucianism, and used violent means to implement the "demon speech order" to unify thinking, control public opinion, suppress the resistance, and clarify the country. Prior to this, there were also related laws, such as "holding the left way to chaos, killing" and "false in ghosts and gods, time, divination to suspect people, killing" [2].

### B. Han Dynasty: "Monster Yan" Has Not yet been Punished, "not Tao" Replaces Punishment

In the Han Dynasty, "Yiyan" has not yet been independently convicted. "Monster speech" is tied to the heaviest crime of the time, "not Tao". The former provides the factual premise of legal reasoning for the latter. If an unknown speech is made, it will be regarded as "making a demon speech", and it will be presumed as "wanting to mess with the system, not saying", "not saying" is a felony, and making "demon speech" has been a key fight in ancient society since then. crime. In addition, the study of prophecy prevailed in the Han Dynasty, which provided the soil for the production of evil words. The rulers of the Han Dynasty have begun to pay attention to the control of prophecy.

For more than 400 years in the Qin and Han Dynasties, except for the temporary relaxation in the first year of Lvhou (187 BC) and the second year of Emperor Wen (178 BC), the creation and dissemination of "demon words" has been listed as a felony, which is regulated by severe punishment. This situation runs through the entire ancient society of later generations.

Manuscript received June 15, 2022; revised July 16, 2022; accepted October 23, 2023.

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C. *Tang Dynasty: "Monster Words" are Punished and Included in the Law of Thieves and Thieves*

*"Tang Law Shu Yi" making demon book demon words*

*All the Zoroastrians and the Zoroastrians, twisted. Create, it is said that self-created, ghosts and gods, false statements about good or bad, involved in disobedience.*

*(Shu) Yi said: "The book of Zoroastrianism and Zoroastrianism", which means that the book of strange power constitutes the language of ghosts and gods. "Hugh" means that others and oneself have a rest. "Blame" means that the country has blame and evil. Watching the sky and painting the ground, saying that the disaster is good or bad, and involved in the disobedient, twisted.*

*Those who pass it to confuse the public are also like it; pass it, it is a rumor. Use, that is, use books. Those who are dissatisfied with the crowd flow for three thousand miles. A hundred rods for those who speak harmless. That is, the private Zoroastrianism book, although it is not useful, it is only two years; for those who are harmless, the rod is sixty.*

*(Shu) Yi said: "Those who pass it to confuse the public", it is said that it is not self-made, and the use of Zoroastrianism and Zoroastrianism is used to confuse more than three people, and they will also be guilty. Note: "Biography, it is a rumor. Use, that is, use books." "Those who are dissatisfied with the public" means that they have been passed down or are dissatisfied with three people. If it is cohabitation, it will not be within the limit of everyone; in addition, more than one person, although not full of people, will converge for three thousand miles. Its "words are harmless", which is called Zoroaishu and Zoroaoyan. Although they are mutated, they are not damaged by the time, and they are said to be like floods and droughts. "Private Zoroastria Book", it is said that the old work of the predecessors, passed on privately, not made by oneself, although it is not used, it is still two years. The words of the Zoroah book are harmless to the time, and the rod is sixty [3].*

As the rulers deepened their understanding of "demon books and demon words", and in order to strengthen the need for ideological control, the Tang Dynasty specifically removed "demon words" from the crime of "not Tao" and included them separately in the law of thieves and thieves. The Tang law made it clear that "making demon books" is also a criminal act, the legal terminology is further clarified, and the legislative technology has been improved. After Emperor Gaozong of the Tang Dynasty came to the throne, it was stipulated in the Tang law that "all mysterious artifacts, astronomy, books, prophecy books, military books, Qiyao calendar," Taiyi ", " Lei Formula ", must not be available in private, and violators will be committed for two years. The same is true for private astronomers." [4] It can be seen that the rulers of the Tang Dynasty realized the threat of the spread of ideas to their own regime.

D. *Song Dynasty: Inheriting the Tang Dynasty, Severe Punishment, Restricted Pardon*

"Song Xing Tong" follows the "Demon-making Book Demon Words" article in "Tang Law Shu Yi". Because the peasant uprising in the Song Dynasty was often related to the "Demon Book Demon Words", the Song Dynasty rulers treated this type of crime. Catch and survey, find the party of related disciples ", and" put to death with a heavy stick ". In

the Song Huizong period, the crime of "making demon books and demon words" was "re-opened". If an official dereliction of duty and was not aware of the crime, he was also implicated in the sentence, increasing joint and several liability, and also stipulated that such criminals could not be pardoned.

E. *Ming Dynasty: In Order to Increase the Number of Crimes, the Law of "Prohibition of Witchcraft" was Added*

*"Daming Law" making demon book demon words*

*All those who make prophecy, demon books, demon words, and pass on to confuse the public will be cut. If the private demon book is hidden and not sent to the official, the stick is one hundred, and it will be three years [5].*

The Ming Dynasty inherited the regulations of the previous generation on "making demon books and demon words". Compared with the laws of the Tang and Song Dynasties, the Ming Dynasty had these changes when dealing with the crime of "making demon books and demon words":

First, in the case of crime, the creation and transmission of prophecy are also regarded as criminal acts, and the "demon book" is defined as the "book of ghosts and gods", and the "prophecy" is defined as the "birth of false blame" to predict the future. words ".

Second, in terms of the sentencing plot, the Song Dynasty "did not quote, but quoted" for the private collection of demon books for two years; if the speech is harmless to the regime, the rod is 60. In the Ming Dynasty, regardless of whether it endangered those in power or not, they were fined "one hundred sticks, three years of incident". If they were soldiers, they would be assigned to the frontier army;

Third, the Tang and Song dynasties also screened the effect of spreading the use of "demon books and demon words". Only those who "confuse the masses" were hanged. "Those who are dissatisfied with the masses" flowed for 3,000 miles, while in the Ming Dynasty, they were all cut,

In addition, there are many folk religious schools in the Ming Dynasty. These religions are particularly active when they oppose those in power. The article "making demon books and demon words" can no longer meet the needs of notification. For this reason, the Ming Dynasty specially established the law of "Prohibition of Witch and Sorcery" to rectify folk religions. Obviously, the above practice in the Ming Dynasty was a historical regression. The reason is that Zhu Yuanzhang, the founding emperor of the Ming Dynasty, borrowed the anti-Yuan forces that preached "the great chaos in the world, the birth of Maitreya Buddha" and "the stone man's eye, provoking the Yellow River to oppose the world". Mingjiao used "demon books" and "demon words". Zhu Yuanzhang had a deep understanding of the social influence of the use of "demon books" and "demon words" by secret folk religions. Therefore, the rulers of the Ming Dynasty attached great importance to the role of "making demon books and demon words", and decided to "seriously commit a felony", obscure the sentencing circumstances, and impose harsh punishments. In fact, in the middle and late Ming Dynasty, this kind of ideological control was impacted by the inside and outside of the state apparatus. In the system, the politics was dark and the struggle was fierce. There were often cases of "demon book and demon words". There were also folk secret religions among the people. Prevailing, such

cases are endless. It can be seen that the dynasty's ideological control of society will get out of control as the political situation changes.

In a word, with the development of autocratic society, the rulers have more and more strict control over ideological crimes such as "making demon books and demon words."

### III. "THE LAWS OF THE QING DYNASTY" "MAKING DEMON BOOKS AND DEMON WORDS"

Compared with the only legal text in the Ming Dynasty, the examples added in the Qing Dynasty broadened the scope of punishment. The Qing Dynasty clearly expanded the scope of punishment to the cultural field. At the same time, it also refined the sentencing grades and stipulated the specific sentencing corresponding to various situations. The example is the result of the rise of policy to law, and the policy is time-sensitive, which reflects the social situation at that time. The difference between the Qing Dynasty and the previous generation can be seen from the examples. Although the cultural policy in the early Qing Dynasty was very cruel, economic factors will always promote the development of culture. Coupled with historical precipitation, folk culture has developed unprecedentedly. The use of "making demon books and demon words" in the Qing Dynasty can no longer meet the needs of social control. The problem of legal lag can only be solved by using examples. The author attempts to analyze the "law of making demon books" one by one, make an evaluation, and explore its legislative purpose.

#### A. *Expand the Scope and Clamp Down on Speech*

##### *Legal section*

*Where to make prophecy, demon books, demon words* ("Reading the Law of Doubtful Points" demon book demon words: fabricating books with absurd and weird content, pretending to be ghosts and gods to talk about bad luck and bad luck), *and passing on* (passing on: spreading demon words, Use demon books) to confuse the public, all cut. prison. Those who are confused do not sit, and those who are not as good as the crowd ("Reading Law Doubts Note" is not as good as the crowd: less than three people are said to be confused. The "crowd" here refers to three or more people.) Three thousand miles, sit according to the quantity and affection. If the private demon book is passed by others, it will be hidden and not sent to officials, and it will be a hundred or three years.

"General Examination Notes of the Laws of the Qing Dynasty" (hereinafter referred to as "General Examination Notes"):

Please follow: *This article is still the original law, and its small note is the collection of people in the early years of Shunzhi.*

*Press again: The use of the prophecy and the demon book is not as confusing as the others. In the 22nd and 24th years of Qianlong, the meeting of the ministers of the military and aircraft: as usual, the ministry issued Heilongjiang and other places, and gave the armored people as slaves. In the area of migration. In the small note, the old text of "Three thousand miles, sitting according to the quantity and affection" under "those who are not as good as the crowd" should be deleted and changed to "those who are not as good as the crowd, as*

*usual, the part will be sent to Heilongjiang and other places, and the armored people will be given as slaves". Delete the place in the "making prophecy and demon books that are not as confusing as the others, and sending Heilongjiang as a slave" in the area of the migration of the disciple, so as to draw one, and to save each other [6].*

It was originally a copied Ming law, and it was added in the third year of Shunzhi (1646). The small note changed the original law of the Ming Dynasty, changed the cut to supervision, made it clear that the audience was innocent, and canceled the Ming Dynasty continuous sitting system. The spread was less than three people, and it flowed for three thousand miles, which changed the rule of not distinguishing the consequences of crimes in the Ming Dynasty. And distinguished the master's accomplices, the accomplices a hundred, and the disciples three years.

The reason why the Ming law was used in the early Qing Dynasty was that the rulers of the Qing Dynasty entered the customs under the banner of revenge for Emperor Chongzhen. This was one of the sources of legitimacy of the Qing regime, and the use of the Ming law was also a way to maintain legitimacy. During the Shunzhi period, the rulers of the Qing Dynasty realized the role of ethics behind the Ming law and strengthened the idea of following the Ming law. The original intention of this article in the Ming Dynasty was to control thought. The Qing regime is a minority regime. To rule the majority with a minority, it is necessary to make full efforts in ideological control. Especially in the early Qing Dynasty, when the hearts of the people are uncertain, it is essential to adopt high-pressure cultural control. The detailed adjustment on this article is a return to the normal legislative posture, which is different from Zhu Yuanzhang's legislative thinking of "serious felony."

##### *Example section*

*Anyone who blurts evil words, writes and posts, incites people's hearts, and is the leader, cut and decide; those who follow, cut and decide.*

##### *"General Examination Notes":*

Please follow: This article is Chongde ("Tong Kao School Note" Chongde: The second reign of Emperor Taizong of the Qing Dynasty, from 1636 to 1643.) On May 12th of the first year, the Qin issued an order: "Where there is a rumor ("Tongkao School Note "false statement: that is, rumors.) Those who are executed are appointed here". Chin Zun is on the record. In the eighteenth year of Kangxi, the classics were discussed and approved, and the Yongzheng three-year law hall played the quasi-attached law. According to the sentence of "inciting people's hearts", there are words in the original rules such as "handed over to the infantry commander, the five cities, and the Shuntian Mansion from time to time. In the fifth year of Qianlong, the museum was repaired, and the people were incited with false and evil words. All provinces should be checked and should not specifically refer to the capital. Therefore, the "hand over to the infantry commander ("Tong Kao School Note "infantry commander: Qing system, command the eight banners The infantry battalion and the Jingshi patrol battalion set up the admiral nine gates to patrol the five battalions. Referred to as Jiumen Admiral or Infantry Commander, because he is in charge of the entrance guard inside and outside the capital and protects the safety of the capital, so the commanders are all the closest of the Manchu

ministers. His position is the second grade of Wu, and all the lawsuits under the crime of the stick have to be completed by himself. After the case of the crime above is tried, it is sent to the Criminal Department for drafting, so the power is very heavy.) , Five Cities ("Tongkao School Note" Five Cities: The Qing Dynasty has five cities in the central, east, west, south, and north. Each city has a yamen. Each city has a soldier and horse division, each division is divided into two workshops, with commanders and deputy commanders and officials, which are under the jurisdiction of the patrol city.) ,Shuntian Mansion ("Tongkao School Note" ShuntianMansion: At the beginning of Shunzhi, the capital set Fu Yin, Fu Cheng, and Zhizhong. In the first year of Yongzheng, the minister of the ministry supervised the Yin affairs of the government, which was used by the six Shangshu and the servant. According to the ancient customs of our country, the local official is called the local name as the abbreviation, so it is called Shuntian Mansion, so it is called Shuntian Mansion, that is, Shuntian Mansion Yin.) From time to time, strict take "and other language sections are deleted, as before.

Ruozaozhenwei ("Tongkao School Note" Zhenwei: The picture of prophecy and bad luck, the text is prophecy, the book is prophecy, and there are people who are specially used to preach prophecy. Wei, referring to the book of Wei, in the Western Han Dynasty, people were called the work of Confucius, called the book of Seven Wei, namely "Yi Wei", "Shu Wei", "Shi Wei", "Li Wei", "Le Wei", "Spring and Autumn Wei", "Xiao Wei". The Book of Seven Weites is accompanied by the scriptures, predicting the rise and fall, and there are often absurd words. It is an excuse to oppose the court, or to call on the public opinion of the people. Shenshu, Weishu is often called "Zhenwei", which prevailed in the Western Han Dynasty. Because of its harmful effect on the court, Cao Wei was banned. Emperor Yang of the Sui Dynasty sent envoys to the Quartet to search widely for the book of prophecy and explain the book of prophecy to burn it, strictly forbidden, and executed those corrected by the officials. The study of Zhenwei declined. The book of Zhenwei is mostly compiled and lost by later generations, and there is no complete copy. Because the words of Zhenwei endangered the rule of the court, since Cao Wei, they have been banned by the dynasties, and those who commit crimes will be severely punished. ), demon books, demon words ("Tongkao School Notes" demon books, demon words, weird heresies, often fooled the people, or those who write books with demon words are demon books. The demon words and demon books are mostly corresponding to the book of prophecy, which has the effect of endangering the country and the state, so they are also banned by the officials, and the sentencing taste is the same as the creation of prophecy. ), pass on ("Notes on Doubts in Reading the Law" pass on: spread demon words, use demon books.) Those who are confused, not as good as the crowd (Those who are not as good as the crowd in "Notes on Doubts in Reading the Law": There are less than three people who are confused. The "crowd" here refers to three or more people.), change back to the city, give big and small Burke and the Huizi who can control the power as slaves. To the arrogant people, make words because of things, make songs, sing peace along the street, and publish and spread them with words of disdain and

molestation. The local officials inside and outside immediately check and judge those who are not deceptive, and sit down and should not be a felony.

"Reading the Law of Doubts": The original system of this example is two articles: one series of Kangxi period, Qin Zunchongde's decree in May of the first year, Gong Compilation as an example, modified in the fifth year of Qianlong; one series of Kangxi sixteenth year title, Yongzheng three years Compiled and determined, (there is no such article according to the language, there is a yellow book.) Jiaqing six years of repair and merge.

Please follow: This article refers specifically to the capital, so the first offender is aggravated and a decision is proposed. He has committed a crime, and he still plans to cut it. In the fifth year of Qianlong, it was changed to a general rule. The crime is aggravated for no reason, the test is too strict, and it is no different from the crime of conspiracy, that is, the crime is particularly serious compared to those who make demon books and demons. Unscrupulously spread evil words, incite people's hearts, and create prophecies, weft, demon books, demon words, and pass on to confuse people, not as good as the others, the law should be full, and the rule should be sent to slaves. It is not as good as the crowd. There is no clear text for the crime, but the scriptures are written and posted, that is, regardless of whether it is confusing or not, it should be cut. Again, what is the difference between evil words and evil words? Making and passing, that is, writing and posting, the example is different from the crime of law, and the suspicion is different. To rebel against the Great Rebellion, to advocate the establishment of a cult to confuse the relatives in the trouble case, and to sit according to the law. This law has no chance to sit, and should also be seen. The last level, which is what the Tang law says: "The harmless person" is also (the harmless person in "Reading the Law in Doubts": Although the demon book demon speech predicts the strange changes in natural phenomena, it is not harmful to the regime at that time) [7].

Anyone who is arrogant, because of things, make words, make songs, sing along the street, and use the words of disdain and molester ("Tong Kao School Note" to disdain and molester: vulgar and light words, molester is also used as a blasphemy.) The publisher, the local officials inside and outside immediately check and sit down as not to commit a felony. Those who are not deceptive by evil words are still judged according to the law.

"General Examination Note":

Please follow: This article is the "Current Regulations" inscribed in the 16th year of Kangxi, and the Yongzheng Three Years Law Museum revised the law.

This example turned out to be two. One is in the Kangxi period, compiled as an example, revised in the fifth year of Qianlong (1740). One is the title of the 16th year of Kangxi (1677), the third year of Yongzheng (1725), and the sixth year of Jiaqing (1801). In the third year of Yongzheng, this article was designated as an example with legal effect. The intention was to strengthen ideological control and implement social control with broader legal regulations to achieve the purpose of controlling speech. This article was originally aimed at the capital, so the first offender's home was decided. Someone in other provinces violated the crime and was sentenced to prison. In the fifth year of Qianlong, it

was changed to General, which was a change in the policy of governing the country during the Qianlong period.

On the basis of the original laws, this article adds four criminal situations: fabrication, transmission of prophecy and latitude. XueYunsheng believes that this is an aggravation of the crime for no reason. It is too severe, and it is almost the same as conspiracy. "That is, it is more serious than those who make demon books and demons". Spreading "evil words" to confuse the people is an act of the same nature as "making prophecy, demon books, demon words, and passing on to confuse the public". It is similar to the harm to the ruler, but one stipulates to cut the prison, and the other stipulates according to the law. The decision has caused obvious conflicts in legal provisions.

"Making prophecy, demon books, demon words, and spreading to confuse people, not as good as the others", according to the law, the full flow should be sentenced, and sent to Xinjiang as slaves according to the regulations. Spreading "evil words", but the examples do not clearly stipulate how to punish, this is a legislative omission. "Scripture writing and posting" regardless of whether it is confusing or not, it must be decided. In addition, there is no difference between evil words and evil words? Fabricate and spread, including writing and posting, the punishment of examples and laws is different, which shows that the legislator's control of speech in the Qing Dynasty tried to reach an impermeable level.

### *B. Strictly Check Books and Periodicals and Control Culture*

#### *Example section*

Fanfangsi City sells Yiyang obscene words and novels, internal communication and the Eight Banners Dutong ("Tong Kao School Note" Eight Banners Dutong: Qing TaizuNurhachi pioneered the Eight Banners system, which began as an integrated organization of administration, production, and military. It gradually evolved into a pure military organization, known as the unique Eight Banners military system of the Qing Dynasty. The Eight Banners system has changed a lot before and after. Its establishment was originally compiled into a cow record for three hundred people, with a real one. The original four colors were yellow, white, red and blue. Later, the military power expanded, and four colors of inlaid yellow, inlaid red, inlaid white, and inlaid blue were added, a total of eight flags. The system is that every five cows are recorded as one Jiala, and the commander is called JialaErzhen. Wujiala is a Gushan, the commander is called GushanEzhen, and GushanEzhen has left and right Mailer Ezhen as the assistant. In Shunzhi, DinggushanEzhen was named Dutong, and Mailer Ezhen was the deputy Dutong. Later, the Eight Banners of Mongolia and the Eight Banners of the Han Army were added, and their system was the same as the Eight Banners of Manchuria. The taste of Dutong has been changed many times. The final rule is that Dutong has one person for each flag, from the first grade; the deputy Dutong has two people for each flag, and the second grade is in charge of the military, political and household registration in the flag. ), the Metropolitan Procuratorate ("Tong Kao School Note" Metropolitan Procuratorate: In the Qing Dynasty, the Metropolitan Procuratorate was the central procuratorial department. Set

up the DuchayuanZuoduYushi, from the first grade, one man and one man and one man and one man and one man and Han. In the six subjects (officials, households, rituals, soldiers, punishments, and labor), there are one person in Manchu and Han. In addition, there are fifteen roads, each road has a palm seal to supervise Yushi, one man and one man, and generally supervise Yushi, and the number of people in each road is different. The five-city inspection court has one commander and one deputy commander. There are also the Imperial History Office of the Clan and the Imperial History Office of the Internal Affairs Office. The Metropolitan Procuratorate specializes in national discipline, supervision of political gains and losses, and evils of officials. All national economy, people's livelihood, and national interests should be admonished to the emperor to correct their losses. Of course, in the era of imperial rule, this function is difficult to fully play.), Shuntian Mansion, in the diplomatic governor, etc., it is strictly forbidden to transfer to the official division, search the blackboard, and destroy it. There are those who still make imprints, who are officials and dismissed; soldiers and civilians, one hundred sticks, three thousand miles. Market seller, rod one hundred, three years. For those who buy and see, the staff should be in charge of the official department. If they cannot find out, they should be handed over to the department and discussed separately according to the number of times. They are still not allowed to use the first blackmail.

"Reading the Law in Doubt": This article is the fifty-third year of Kangxi, and the Ministry of Rites is a quasi-rule.

Please press: This should not be accused, it seems too serious. This article and the next article have crimes, the official is dismissed, and the military and civilians are full, which is different from the law of other crimes. Written the secret book of the litigator ("Notes on Doubts in Reading the Law": People who wrote petitions and helped litigators in the old days), see the instigation of litigation, you should refer to it.

"General Examination Note":

Please follow: This article is an example of the prohibition of obscene novels by the Ministry of Rites in April of the 53rd year of Kangxi.

This article is very strict, distinguishing the jurisdiction of the central and local governments, and limiting every link of publication, even punishing buyers, and determining the accountability system for officials. XueYunsheng pointed out: "This should not be charged, so it seems too heavy"

Opera, Zaju and novels in Qing Dynasty were very popular in the lower class of society, which attracted the great attention of the rulers and raised the control of the bottom culture to the political and legal level. Kangxi told the Ministry of Rites in the 53rd year (1714), saying that he found that there were many novels about prostitution in the market. Kangxi believed that the content of these books was very absurd and contrary to the right reason. It would not only incite the ignorant people, but also shake the intellectuals. The orthodox concept, "It's a good idea to visit Ergu. The customs concerned; if it is not fine, it should be passed and strictly prohibited ". So there was a Jiuqing discussion: "Fanfang Si should deal with the obscene words in the novel, strictly investigate and ban, and destroy the books together, and the violators will be punished. The imprinted staff flow, the market seller staff ". For a time, the imperial court was

working hard to deal with this type of case, and finally formed an example of the policy on the treatment of popular literary works. This is a situation that did not exist in previous generations, revealing the ruler's high vigilance against popular works. This is a great obstacle and blow to the development of popular novels. Therefore, later generations have said: "According to this, novels have not been passed down to the world since the next season. In fact, Kangxi has this strict ban". After the peak of the literary prison in the Qianlong Dynasty, the Jiaqing Dynasty shifted the focus of cultural control to popular novels. During the Jiaqing period, policies were issued many times to prohibit all workshops and families from collecting novels. Of course, this practice has also dealt a blow to some written works that are not conducive to a good atmosphere, which has a certain positive significance.

C. *Even Sit Down and Severely Punish, Suppress Rumors*  
Example section

"Provincial banknote houses ("Notes on Doubtful Points in Reading the Law" banknote houses: that is, the institutions that copied houses, transcribed bulletins and other matters in the provincial yamen of the Qing Dynasty.) Those who to listen to the incident in Beijing, fabricated quotations and reported everywhere, were dismissed as officials, and the military and civilian staff flowed for three thousand miles. If the administrator fails to find out, he shall submit it to the Ministry for discussion according to the number of times. The family members and children of the ministers in Jinggui, if there are promiscuous bandits, the former incident will not restrain the family members and children from the house owner and will be punished as usual."

"Notes on Doubtful Points in Reading Law": This article is a three-year rule in Yongzheng.

Please follow: fabricate false statements, publish and engrave, see the leakage of military affairs, but the other is two thousand miles away, this is full of flow, there are also different, it seems that it should be revised and merged into one. This example seems to be based on the above article, the crime of the first stream is reduced to death, and the quotation is fabricated, that is, the full stream is too heavy. And fabricate, there must be something to do, and there is no difference.

"General Examination Note":

Please follow: This article is the record of the Yongzheng three-year law hall, and it is included in the imperial regulations, and it is still there today.

This article is accurate for the Yongzheng Three Years Law Hall. All dynasties have attached great importance to political rumors. The Qing Dynasty specifically included them in the felony. It can be seen that the rulers of the Qing Dynasty were very afraid of political rumors. We are a nation with political enthusiasm, but we are also a nation with suppressed enthusiasm. In an opaque political environment, political rumors spread quickly and are easy to be false. If they are not properly controlled, they will soon spread widely and suffer. This article is complementary to the upward adjustment, and both have restricted cultural communication and ideological progress. The article also led to a blow to the publishing and printing industry. This article is different from the previous article, which stipulates that the social status is

different but benign, and officials and civilians are punished differently for the same crime. From a modern perspective, officials should be punished more for committing this crime, because their subjective malignancy is stronger. However, the punishment received as an official is only dismissal, which shows that the legislator's class concept misplaced the intensity of punishment. In addition, this article provides for the accountability of officials, and it will also punish the families of the Semitic people and implement a system of sitting.

IV. THE APPLICATION OF THE "LAW OF MAKING DEMON BOOKS" IN THE "LAWS OF THE QING DYNASTY"

As the highest peak and declining instrument of the ancient autocratic society, the Qing Dynasty has the advantage of "seeing the whole leopard at a glance" by examining the law of "making demon books and demon words" during this period. The implementation of the "Law of Making Demon Books" can be divided into peak periods and disintegration periods. Due to the rise of literary prisons in the early Qing Dynasty, the application of the "Law of Making Demon Books" was relatively frequent. After Qianlong, the rulers of the Qing Dynasty changed their ruling strategy, and the number of demon books and demon words cases was also decreasing.

The so-called "demon books" and "demon words" in the eyes of the rulers of the Qing Dynasty can be divided into the following categories according to the logic of the law and judicial practice:

A. *The Case of "Making Demon Books and Demon Words" Related to Politics*

Political "demon book demon words" has always been the focus of the ruler's attack. This type of written works and speeches can easily arouse the recognition of the ruled and easily incite people's hearts. In the fourth year of Shunzhi (1647), Han Ke, a monk who was a survivor of the Ming Dynasty, wrote books such as "Change". There were some words in the book that missed the Ming Dynasty and undermined the legitimacy of the Qing Dynasty regime, which violated the urgency of being the ruler of the Qing Dynasty. The case was convicted and sentenced according to the "Law of Making Demon Books. It can be seen that in the early Qing Dynasty, there was a literary prison that used the "demon-making book and demon language law" in an attempt to eliminate the national thoughts of the Han people, strengthen the control of ideology, and maintain the long-term stability of the regime.

The last literary prison case in the Qing Dynasty was Su Bao [8], in the twenty-eighth year of Guangxu (1902), the "Su Bao" located in the British Concession of Shanghai published anti-Qing works by Zou Rong and others, which directly triggered the opposition to the Qing government. The climax of public opinion. In the twenty-ninth year of Guangxu (1903), at the request of the Qing government, the patrol house in the British Concession of Shanghai arrested the persons involved in the case, and the "Su Bao" was immediately sealed up. The case was finally judged by the "demon book demon speech law. At this time, the Qing government was already on the verge of collapse. In addition

to the concession factors in this case, foreign countries interfered in the judiciary, and the sentence of the person involved was very light. This case completely exposed the autocratic ruler's reactionary mentality towards the progressive political "demon book", and also showed the decline of the autocratic dynasty and the loss of control of its code.

The way of dealing with political "demon book and demon words" in the whole Qing Dynasty was very harsh, which was a phenomenon that would inevitably occur when the autocratic society developed to its peak. Therefore, in the Qing Dynasty, it often broke through the legal provisions and forced heavy sentences. However, a heavy sentence will also be far-fetched to meet the legal provisions. At this time, the method of "comparison and attachment" will become popular. In the Qing Dynasty, there were not many cases that directly applied the "demon book and demon speech law", and more cases were used. For example, in the 33rd year of Qianlong (1768), in the draft of Wang Daoding Khan's roaming, "there is no right rule to punish the law, there is no reference to the law, and the use cases have to be compared, ask the criminal of the proposed king Daoding, please refer to the law of making evil words and confusing the public..." [9] The use of this kind of comparison method has its political purpose. The case occurred at the peak of the literary prison. The conviction and sentencing of local officials are obviously following Qianlong's policy. However, the cases that could have been applied to the "demon book demon speech law" are directly attached as "great rebellion". In the 22nd year of Qianlong (1758), Yu Shi Tang Xianjia proposed to modify the criminal law. He believed that cases such as making "demon words" and collecting unofficial history were directly attached to the "great rebellion". As a result, he was reprimanded by Qianlong and returned. Shen Jiaben believes that this is "the prison of words and the same subject as the great rebellion, the world of heavy law, fierce" [10].

#### *B. The Case of "Making Demon Books and Demon Words" Related to Superstition*

Superstition is the product of ancient people's ignorant thoughts and an indispensable part of their lives. The rulers themselves are also using their weaving superstitions to rule. However, the ruler also has the ability to create superstitious speech. At this time, the ruler must maintain his own right to speak and suppress other speech on the grounds of clearing the source. "Banyan Tree Quotations · Twenty Dao Shi" records a strange event during the Kangxi period: A Beijing official's wife was seriously ill for a long time, and many treatments were ineffective. The official went to ask Zhu Fangdan, a well-known "master" at the time, to treat his wife. Zhu Fangdan said: "Don't need to come, the patient knows it", the patient recovered the next day. This kind of subversive common sense was actually entered into his handed down works by Li Guangdi, a philosopher in the Qing Dynasty, which shows how much influence Zhu Fangdan had at that time. Zhu Fangdan also wrote a book and said that he received a wide range of disciples, which was very high-profile [11]. In the twenty-first year of Kangxi (1681), Wang Hongxu went to participate in Zhu Fangdan's "treacherous heresy, false words and blame, incite the foolish people, falsely disobedient", Zhu Fangdan was judged to be

cut according to the "law of making demon books" [12].

In the thirty-third year of Qianlong (1768), Li Hao, a native of Fujian, was arrested for selling superstitious books. The officials who handled the case believed that the person involved "spreading news for profit" was a restless behavior. This presumption of guilt reveals the attitude of officials to abuse the law by voting for what they like. In the forty-fourth year of Qianlong (1779), Chen Xisheng falsely accused Deng of collecting banned books. It was mentioned in the case: "Although the fortune-telling of hexagrams is actually the art of Yin Zi QimenDunjia,

#### *C. The Case of "Making Demon Books and Demon Words" Related to Mental Illness*

Inhumanity is a major feature of social autocratic social laws. It is common to treat mental patients inhumanely in autocratic societies, and it is not uncommon for mental patients to be convicted of words. Behind the case, there are deep-seated reasons.

In the 16th year of Qianlong (1751), the mental patient Wang Zhaoji presented poems to the empress dowager, seeking fame. Qianlong believed that like Wang Zhaoji, "the fashion of illness and abolition of such behavior can be seen in the past, and the restlessness and adultery can be seen in the past", so he ordered "to stand up and die under the rod", the purpose is to "give up the wisdom of the foolish people". This is an obvious case of literary prison. Originally, the emperor would not notice such as Wang Zhaoji, but the problem lies in the time of the crime. In the sixth year of Qianlong (1761), the people suddenly rumored that they were signed by Sun Jiajin's memorial, accusing Qianlong of having "five inexplicable ten past", which made Qianlong very angry. Sun Jiajin was a member of the Yongzheng and Qianlong dynasties. He has served in important positions. He is known for his outspoken and admonishing, and has high social prestige. Qianlong thought that this was a provocation against him and his imperial power, so he searched the writers in all aspects, which lasted for nearly two years. Wang Zhaoji's poem was discovered during the search for the fake manuscript. At this time, Ma Chaozhu gathered a crowd to rebel. Although Wang Zhaoji was a mental patient, Qianlong believed that his administration had a lot of power to him, and Qianlong was determined to change the "benevolent government" in the past and strengthen the rule of the ideological field. Flagrantly ordered Wang Zhaoji to be killed in public, trying to deter opposition forces. Since then, the literary prison cases in the Qianlong Dynasty have come one after another. In addition, according to the records of "Criminal Cases Review III", there are several kinds of mental illness punished for this crime.

The ruthless killing of mental illness is a manifestation of the inhumanity of the ancient autocratic rulers. The outcome of such cases is directly related to the personal character of the ruler, and it is basically to meet the needs of the rule. Although the ruler dealt with the criminals in his eyes in accordance with the regulations, he was very reluctant to consider the case. It can be seen that when the ruler monopolizes the interpretation of the law, he will interpret the law at will, leading to obvious unjust cases. This situation reveals the ruler's contradictory mentality towards the law. On the one hand, he hopes to use the law to advertise that he

is fair and legal, and on the other hand, he wants to break through the regulation of the law and abuse his power. In this case, "breaking the law by example" and "replacing the law by example" has become a means to solve this contradiction.

## V. CONCLUSION

The legislation and justice of "making demon books and demon words" in the Qing Dynasty revealed the anxiety of the autocratic rulers. Behind these behaviors of the rulers, there are some historical experiences worth summarizing and learning from. Make the following reflections on this:

### A. *The Monster of Fighting Chaos*

The Qing Dynasty was the most prosperous period of economic and cultural in ancient society, and there were still people's demands that could not be realized in a better way. Their dissatisfaction will be expressed in "demon book demon words. This kind of speech is easy to cater to the ideas of other ruled people. In order to control the situation, the rulers of the Qing Dynasty mechanically copied the law of "making demon books and demons, and the application and interpretation of the law are relatively casual. This kind of legal instrumentalism, on the one hand, maintains the right to speak, but on the other hand, it dispels the seriousness of the law." The most powerful binding force for crime is not the seriousness of punishment, but the certainty of punishment... "[13], the cruel punishment and uncertain legal interpretation of the rulers of the Qing Dynasty on the "demon book demon speech "made the" demon book demon speech "repeatedly banned. The ruler's idea of "one chaos, one governance" led to "one governance, one chaos". The law has also fallen into this vicious circle and has become more and more harsh. To jump out of the strange circle, we must have reasonable satisfaction with the demands of the people, and we must take into account the certainty of the law and the appropriateness of punishment.

### B. *Degree of Relaxation*

The control of the ruled and the anti-control of the ruled in ancient society repeatedly interpreted the class contradictions of the autocratic society. The degree of relaxation of control tests the level of governance of rulers. Take the case of "making demon books and demon words" as an example. The rulers of all dynasties have tried to curb the occurrence of such cases, but it is counterproductive. In the view of the rebels, "the greater the harm of crime to the public interest, the stronger the power to prompt people to commit crimes...", this is because the class contradiction could not be solved at that time, and the seizure of power was the greatest benefit, so there are all kinds of "demon book and demon words" both inside and outside the ruling machine ". In addition, there was a chaos of "the upper is good, the lower is bad" [14], which led to the occurrence of unjust cases. This has further stimulated social conflicts and increased the strength of resistance, which directly causes the law to become more cruel and social control to be stricter. The key to mastering the degree of relaxation lies in a thorough understanding of the problem. In the authoritarian ancient times, ideological progress was very difficult. It is difficult for anyone to put forward a systematic and profound view on the relaxation of

punishment control society. To be more important, the progress of the legal system is, first and foremost, the progress of ideology.

### C. *Contradictions of Ideas*

Cultural concepts have changed with the changes in society. At first, the Qin and Han dynasties said that "monarch power is granted by gods", and the supreme ruler is the "son of heaven". However, with the change of dynasty, this concept was shaken. Chen Sheng of the Qin Dynasty shouted out, "Kings and princes would rather have seed?". The regime of ethnic minorities in the Qing Dynasty subverted this concept, and the traditional "monarch power grant" was strongly refuted at the end of the Qing Dynasty. The change of concept will inevitably promote the change of ideology. Ideology is one of the sources of legitimacy, and its change will lead to changes in the way of establishing legitimacy. The ancient rulers monopolized the discourse power of ideology on the one hand, and suppressed the opponents of the theory on the other. This paradox is one reason for the fragile legitimacy of rulers. In addition, the poor effect of social governance will also impact the legitimacy of the regime, especially when the people's livelihood is declining and political corruption, the people will question the regime in concept, which will cause the rapid spread and change of "demon book and demon talk. Once there is a problem with the ruler's own state apparatus, it will cause political "demon book demon talk" to wreak havoc. The ruler will definitely use heavier penalties to control the situation.

### D. *Distinguishing between Good and Evil*

With the increasingly meticulous thinking of unified rule, autocratic rulers have developed a set of ideological systems to maintain rule, namely ethics. Since the Han Dynasty, ethics has been officially recognized as an orthodox thought in ancient China. Although it has the advantages of maintaining social order, it also has the disadvantages of confining thoughts. Human nature itself has a desire to break through, and the deepening of social contradictions will prompt someone to stand up and challenge orthodoxy. Regardless of whether the thoughts of these fearless people progress, they will be regarded as heresy by the practitioners of despotism. The confrontation between orthodox and unorthodox will give rise to crime and punishment. The Qing Dynasty "making demon books and demon words" is the product of ideological struggle.

To sum up, there are many aspects of the control of society by the autocratic dynasty, of which ideological control is the most important, and ideological control through the law is also essential. The "Law of Making Demon Books and Demon Words" in the Qing Dynasty was the final form of the ancient legislation against ideological crimes. It was the legal way for the rulers of the Qing Dynasty to control their thoughts, and the relevant penalties were very cruel. Behind the ideological control is the ethics that safeguards the imperial power. The autocratic ethics is incompatible with dissent, which prompted the imperial power to create the "law of making demon books and demons".

The Qing Dynasty paid more attention to the law of making demon books and demons than in previous dynasties, because the Qing Dynasty was a regime established as an



alien, and was more willing to use severe penalties to punish those who violated the law, purify their thoughts, and maintain the rule of the regime. Regarding the legitimacy of rule, Marx Weber proposed three ideal types: Karisma, traditional customs, and rule of law. Karisma is based on personal authority; traditional rule is based on customs and the value system behind it; while rule of law is ruled through a set of systematic and predictable rules. It can be seen that the legitimacy of the Qing Dynasty mainly comes from a set of traditional customs, and the main components are Confucian ethics, patriarchal organizations and small-scale peasant economy. These three provided the support of ideology, social structure and economic foundation for the rule of the dynasty. However, when the Manchurian nation was the victorious conqueror, when there was a rift on the core ideological issue of imperial rule, it was difficult to reconcile and compatible between the defense of Yi Xia and the righteousness of the monarch. The kings of the Qing Dynasty who are familiar with Confucian classics naturally understand the thoughts of Han scholar-officials. If they want to mix up in the world and embrace the Confucian tradition, they may fall into the Manchurian nation and adversity; if the Qing Dynasty emphasizes the fundamentals of Manchuria, but it is true that they are The people who are outside the world have the reason and even the responsibility to question and oppose or even overthrow the dynasty. How to obtain the cooperation and even support of thousands of scholars who have read poems and books and abide by Confucian teachings is undoubtedly the key to the stability of the Qing Dynasty's rule. Through the analysis of the article "making demon books and demon words" in the "Laws of the Qing Dynasty", it can be seen that the regulations on "demon books" and "demon words" in the past dynasties are all aimed at the rulers, and their standards are also It is defined by the ruler, that is, whether it is harmful to the political rule of the current dynasty, rather than seriously reflecting on the shortcomings of the ideological rule education method of the dynasty, the simple and rude use of the method of killing and killing did not fundamentally solve the people's ideological desires, resulting in the root cause of the repeated prohibition of "demon books" and "demon words. From this, we can reflect on the ideological education of the ancient traditional society of our country. Since the Han Dynasty, Confucianism has been the mainstream, and the thought of "the noble people and the emperor" represented by the Yasheng Mencius has put the people's place very high. The courtiers are more focused on respecting the emperor's life and serving the people, although Mencius's theory of official labor is the same as Confucius's "Tao for the emperor, however, in essence, it is just" If you have a big demerit, you will remonstrate, and if you repeat it without listening, you will change your position." Or the negative admonition effect of

"If you have a great demerit, you will remonstrate, and if you repeat it without listening to it", it did not change the essence of the feudal monarchy where the monarchy is supreme. This is also the later "Heaven and Man are one" and "The reason for the germination of the idea of" monarchy "has a certain positive effect on the restriction of monarchy. At the same time, the Confucian classics have repeatedly emphasized the concept of loyalty to the emperor and patriotism more than once. From the "Book of Rites · King System" to the "Three Guidelines and Five Constants", a basic fact is clarified, that is, the power of the monarch is supreme. The monarch and the people are the metaphors of the boat and water, and the "demon book and demon words" often occur in the people's mouth. For example, the waves of water are surging, the boat is difficult to walk without waves, and the waves are easy to overturn the boat. On the balance shaft of the central government and the "demon book and demon words", perhaps the "etiquette and law" of the ten-day situation is the best balance weight.

#### CONFLICT OF INTEREST

The author declares no conflict of interest

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