

## **China: Exile in Traditional China**

Joanna Waley-Cohen

In China exile was almost always internal and involved removal within the frontiers of the state, not beyond. By no later than the eighth century Tang dynasty, the code of criminal law established 5 broad levels of severity in punishment. The first was the death penalty; the second was indefinite internal exile to a remote location at a specified distance from home, accompanied at least theoretically by hard labor; the third was penal servitude within one's native province for a specified term of years; and the remainder involved various gradations of beatings. This codification in many ways formalized practices that had existed since antiquity, and it formed the foundation for all later forms of punishment in imperial China. This essay focuses on the punishment of exile in Qing China (1644-1912).

### **Forms of Exile**

Under the Manchu Qing empire in China, the statutory punishment of exile came to have 3 tiers: regular life exile, military life exile, and banishment to the frontier. Those frontiers were unprecedentedly distant because the Qing Empire made many conquests of contiguous territory and at its height governed the largest empire ever ruled from Beijing. Regular life exile, following precedent, consisted of three degrees of severity. All endured for life, but they were differentiated by reference to the distance of the destination from the offender's native place. The most severe punishment involved the greatest distance. The specified distances, which may have been more symbolic than literal, ranged from around 1125 to 1600 kilometers; officials determined the location of exile by consulting a detailed compendium that listed the 3 appropriate destinations – one for each degree – for criminals from every prefecture in the empire.

The second tier of exile under the Qing, military life exile, used terminology derived from earlier models of conscription as punishment, but no longer included a requirement of service in the army, whether or not as a combatant. Military exile consisted of 5 degrees, each of which was known by a descriptive name (“to a distant frontier;” “to the furthest frontiers;” “to an insalubrious region in [the southwest or southeast] etc.”). These degrees, as in the case of regular exile, each corresponded to a specific distance from the offender's native place. The first 3 degrees involved the same distances as those required for regular exile, while the last 2 each involved a distance of just under 2,200 kilometers. As in the case of regular exile, a compendium guided officials seeking to determine the appropriate destination for a particular offender.

The main purpose of these forms of exile was the imposition of punishment by permanent removal of offenders from their native areas. Although both regular and military exile theoretically involved close surveillance and labor in public works, in practice individual exiles often were left to blend with the local population in their new place of residence. Except for the 2 most severe degrees of military exile, which involved greater distances, there was little practical difference between regular and military exile.

The system had some imbalances. First, some provinces, such as the area adjacent to the capital in Beijing, and Taiwan, long a base for insurgency, were exempt from receiving exiles, presumably for

“security” reasons. Second, while those banished from desirable interior provinces generally were sent to a far frontier, offenders from outlying provinces might end up somewhere much more desirable. Also, adjustments to the stipulations set out in the compendia sometimes were necessary to avoid, for example, banishing counterfeiters to areas rich in copper deposits or salt-smugglers to salt-producing areas.



The third and most serious form of internal exile under the Qing involved banishment to the frontier, specifically the remotest parts of the empire, which with ongoing conquest became ever more remote. These furthest frontiers at first denoted the Northeast (“Manchuria”), the homeland of the ruling family, and then, after its annexation in the mid-eighteenth century, Xinjiang. Banishment to Manchuria did not at that point come to an end but it dwindled noticeably because the Qing made deliberate use of convict labor to settle the Xinjiang frontier.

In the Northeast most convicts went to Heilongjiang near the Russian border or to Jilin, further to the south, while in Xinjiang most went to the Wulumuqi and Ili areas of the northern regions while a few were sent south to the Altishahr area. Exile destinations in both areas were located well beyond the maximum distance stipulated for those sentenced to regular or military exile and were reserved for the worst offenders. These included murderers, bandits, robbers, smugglers, counterfeiters, thieves, pirates, deserters, and those involved in groups such as religious sects that periodically rose up against the empire. Such groups normally were allowed to function so long as their activities remained peaceful, but any inkling of rebellion was harshly suppressed. Laws assigning collective responsibility to family members also meant that many relatives of executed rebels, including women and children, were punished by being banished to the frontier. Exile also offered an alternative to execution in cases where the number of offenders was unusually high, since mass executions both presented logistical problems and suggested that the rulers themselves might be in

some way at fault. So quite a few exiles had had their death sentences commuted to frontier banishment.

### **Numbers of Exiles**

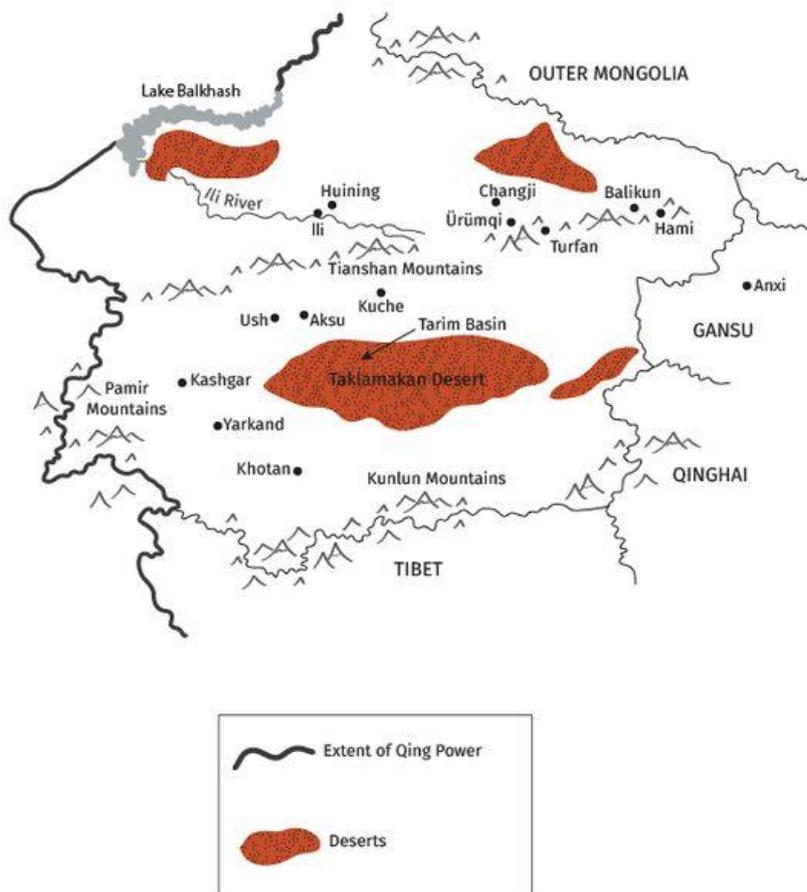
After the conquest of Xinjiang it became the more usual exile destination, but even so the Northeast sometimes was said to be reaching saturation point with criminals. That was undesirable because of the not unusual incidence of rioting by exiles, for example in 1813. Around that time, over 6,000 convict slaves lived in Heilongjiang, and another 2,700 lived in Jilin.

In Xinjiang the number of exiles rose sharply once the Qing incorporated the region into the empire in the mid-eighteenth century. In the 1760s the annual flow of convicts ranged from 600 or 700 to over 1,000; by the end of the decade it was said there were several thousand around Wulumuqi, in northern Xinjiang. Those numbers appear to have remained fairly steady at least through the turn of the century, although numbers of convict slaves were recorded more closely than those of convicts who were not enslaved. A small number of convicts was sent to southern Xinjiang, probably never exceeding a few hundred at any given time, in part because the Qing's hold on that region was a good deal less secure than in northern Xinjiang. Although anxieties about saturation sometimes surfaced in Xinjiang as in the Northeast, especially after occasional riots and other disturbances, as a percentage of the total population in Xinjiang convicts likely never exceeded 5%, not including their families and emancipated ex-convicts.

### **Banished Officials**

In addition, a few hundred disgraced former government officials were banished to Xinjiang; none were accompanied by family members. In 1794, one of the few years for which figures exist, 455 such exiles were living in Xinjiang, out of perhaps 20,000 officials in the empire. These men were banished for a minimum of 3 years to work in an administrative capacity on the frontier (where normally all senior official positions were reserved for Manchus or Mongols). Completion of a sentence, and earning the right to return home, depended on completion of a process of "self renewal" or redemption, which of course was a highly subjective process susceptible to abuse, especially for those exiled as the result of a political dispute. More common offences committed by banished government officials included corruption on a grand scale; judicial malfeasance or misfeasance, unexplained tax shortfalls, and inability to maintain law and order in one's jurisdiction. Banished officials were employed drafting, checking and transmitting documents, advising on administrative matters, and eventually populating the different agencies of the frontier government as these developed. Others were assigned to supervisory work on the farms and on construction sites.

### Xinjiang circa 1800



Laura Vann © www.convictvoyages.org (2015)

Many disgraced officials, by definition highly educated, understood their predicament as exiles to fall squarely within a long-standing tradition that had given rise to a genre of literature. Much of this genre focused on the myth of loyalty and dissent associated with the third century BCE poet Qu Yuan, whose enduring reputation was due both to his literary skill and to his persistent loyalty even in banishment. Qu committed suicide in exile; his example pointed a path to a literary immortality that some regarded as a worthy substitute to the political success that their disgrace had brought to an end. Exiled scholar-officials thus were self-consciously sensitive to their role and monumentalized their exile in poetry and prose. In the pantheon of famous exile writers, in addition to Qu Yuan, were the exiled Tang intellectual Liu Zongyuan (773-819); the Song statesman Su Dongpo (1037-1101); and Qing officials Ji Xiaolan (1724-1805); and Hong Liangji (1746-1809), sometimes called “the Chinese Malthus” for his predictions about population growth; and many other well-known scholars.

### **Enslavement of Convicts**

The more serious offenders, including a majority of convicts exiled for political reasons, were enslaved as part of their punishment; those not enslaved were kept under close surveillance. This

public slavery existed in parallel to private slavery, in which the slave was either sold or born into servitude. The government retained ultimate responsibility for such enslaved convicts but assigned the immediate tasks of supervision and control to others. Convict slaves were not permitted to purchase their freedom nor were their masters (who had the use of their labor but did not own them) allowed to sell or manumit them. If a master died or was transferred, the convict slave was reassigned to a new master. Government slaves had no legal protection; an official, or their master, or any other free person could abuse or, when the slave had had a death sentence commuted, even kill them with impunity.

### The Route to Xinjiang



Laura Vann © www.convictvoyages.org (2015)

Convicts enslaved to the troops normally worked on the state's agricultural colonies, but they sometimes were assigned other duties. Those enslaved to Xinjiang natives, a practice that ended in 1787, performed a variety of tasks, including farming and clerical work. Some enslaved exiles worked in the mines and boatyards.

Enslavement of a convict did not mean that family members who voluntarily accompanied him into exile were also enslaved; they were registered as free settlers at the place of exile and were free to leave if the convict died. Where the banishment of complete families was mandated, all family members were enslaved. Children born to enslaved exiles normally had free status. Sons could seek a livelihood elsewhere, although certain restrictions were placed on their ability to, for instance, register their place of abode (they had to choose); daughters could be married or adopted away from the place of exile. Enslaved women convicts and the daughters of those exiled by virtue of collective responsibility could be betrothed by the slave master to other convicts prohibited from returning home. In most cases where the status of a married convict slave couple was different, the man's status prevailed.

## **Convict Labor**

While banished government officials contributed to the settlement of the frontier through their administrative work, convicts sent out to the Northeast and Xinjiang were expected to help accomplish the goal of making the frontiers self-sufficient. In Xinjiang convict labor generally fell into the four categories of agriculture, industry, defense, and clerical work. Farming and land reclamation were major projects to which convicts were particularly assigned. Many worked on the agricultural colonies under military supervision. They were assigned varying amounts of land, starting at just under 2 acres; those accompanied by their families usually received a small extra land allocation to enable them to be self-supporting. Soldiers also were expected to support themselves through farming, but, as did civilian settlers, they generally received more substantial land grants. The government issued seed, tools, and livestock (ranging up from 1 ox per 3 convicts) and provided food for new arrivals until the first harvest, as well as tax exemptions for the first few years as an incentive. But not all convicts were effective farmers, and some were reassigned to other tasks. Some convicts were assigned to mining, primarily in local lead and iron mines (providing the raw material for farming tools and military supplies) and, less often, in copper and gold mines. A few mined coal in the mountains, while some worked as boatmen and trackers on the rivers. Military service was rarely required of convicts, except sometimes when no one volunteered for especially dangerous tasks such as scaling the walls of a besieged city. Finally, literate convicts occasionally worked as clerks in local government offices.

## **The Legacy**

Successive governments of the People's Republic of China have transferred both political and criminal offenders to remote places. This occurred, for instance, during the anti-rightist movement of 1957-58, while during the Cultural Revolution of 1966-76, numerous intellectuals and young people were "sent down to the countryside to learn from the peasants." Some eventually returned to the heartland while others remained for decades or even permanently. Many invoked the literature of exile ingrained in the earlier tradition. Thus the deeply rooted idea of forcible relocation as a means of control and/or as a path to personal redemption continues to resonate in Chinese culture.

## **Further Reading**

James A. Millward, *Beyond the Pass: Economy, ethnicity, and empire in Qing Central Asia, 1759-1864* (Stanford: Stanford University Press, 1998).