The many activities of all sorts taking place within the southern frontier meant that the imperial and royal courts outside this frontier strived to reach into its open space and gain a degree of control. The space allowed refuge, heterodoxies, and indigenous culture, not to mention what the courts deemed criminality, to exist and at times to thrive. Here, I examine Qing-Vietnamese legal interactions across this frontier during the Qianlong period (1736–1796). These legal interactions were quite common, and I have found forty three such legal cases from printed and archival sources of Qing China. We may categorize them into two major types. First, thirty in my sample show subjects of one
state being tried for committing crimes against subjects of the other state or in the domain of the other state. Here, both the criminal act and the judicial process had interstate implications, and this type is designated as cases of interstate crime. The second type of case, thirteen in my sample, involved fugitives of one state trying to find refuge in the other state. In these cases, only the judicial process had interstate implications, and they are referred to as cases of interstate justice. Among the cases of interstate crime, Qing subjects initiated crimes in twenty-one cases and Vietnamese subjects in nine. Among the cases of interstate justice, ten involved Vietnamese fugitives while only three involved Qing fugitives.

These legal cases, because of their interstate characteristics, bring attention to the meaning of jurisdiction, boundary, and subjecthood within and across this frontier. In analyzing them, my first goal is to understand how these legal concepts were interpreted and materialized in asymmetric legal processes involving a hegemonic empire and its neighboring tributary state. Edwards, in his study on Qing China's control over borders with its Asian neighbors (Korea, Vietnam, Siam, and Burma), listed impartiality, reciprocity, and equality in Qing foreign relations as the three core principles of Qing border control law. He portrayed the Vietnamese and the Qing judiciaries as equals that tacitly acknowledged the personal jurisdiction of one state over its own subjects by extraditing fugitives back to their own countries. He also maintained that the Qing had a strong sense of territoriality and territorial sovereignty, imagining there to have been a clear geographical and legal boundary between the two states. I argue throughout this paper that legal relations between them were much more complicated than what Edwards would have us believe. The Vietnamese judiciary, at least when it came into contact with the Qing judiciary, did not always enjoy equal standing. Also, the geographical and legal boundary between the two states was not as clear-cut as Edwards imagined. There existed many different conceptualizations of the Qing-Vietnamese boundary that constantly fluctuated, and the Qing state often forced its own interpretation on the Vietnamese state. Lastly, while it was generally recognized that subjects of each state belonged to their own ruler, some Vietnamese subjects could be “naturalized,” that is, accepted by the Qing state as its own subjects. In contrast, no Qing subject could ever be “naturalized” as a Vietnamese subject in the eyes of the Qing state. In the following sections, each of these claims on jurisdiction, boundary, and subjecthood will be elaborated with a careful analysis of relevant cases as they existed within the Qing tributary system and its rule of ritual.

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