CHAPTER 6

Muslims at the Yamen Gate
Translating Justice in Late-Qing Xinjiang

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One of Gunnar Jarring’s methodological contributions to scholarship on Xinjiang (Eastern Turkestan) was to shift attention from formal language and literature to phonetics and folklore, from high politics to the perspectives of ordinary people. In one of his later works, Jarring (1991) translates the voice of Abdu Wali Ākhûnd, a minor Muslim cleric who observed the attendance of Turkic Muslims (Turki) at Chinese theatrical performances in the early 20th century. Abdu Wali’s discomfort at the spectacles, which had ritual significance for imperial rule as well as entertainment value, is readily apparent; even more apparent is his displeasure at finding his coreligionists enjoying themselves. This record of what Jarring called “culture clash” points to anxieties about the violation and policing of boundaries in the events and liminal spaces one might encounter on a regular basis in Xinjiang in the late 19th and early 20th centuries, when Turki residents came into ever closer contact with Chinese administrators and settlers. It suggests that sensitivity to the details of such contact can produce a very different history of Xinjiang, one that will lead to a better understanding of how members of differing groups of people negotiated social boundaries and quotidian power relationships.

When Jarring was writing, the available sources for the history of everyday life in Xinjiang were effectively limited to travel accounts and to the Turkic-language texts collected by members of the Swedish Mission Church. These sources are not insubstantial, and are absolutely necessary for any inquiry that values a non-Chinese perspective. Some recent landmark studies have made excellent use of such materials to provide unprecedented insight into popular cultural and social history (cf. Bellér-Hann 2008; Thum 2014). At the same time, the historian’s only other point of access to Xinjiang’s history was the Chinese-language documentary record, which strongly privileges an official perspective, emphasizing idealistic plans to the detriment of substantive procedure. There is a vast lacuna between these two source bases, as the former seems largely ignorant of the Qing or Chinese state, while the latter appears ignorant of Turkic Muslim society. While historiography on Xinjiang is explicitly concerned with the multiethnic character of the region’s population, it has been
difficult up until now to analyze the relationship and apparent tension between different communities as it played out in the everyday.

Fortunately, the past few years have witnessed the publication of sources that provide a means to understand this relationship. Extensive local Turkic- and Chinese-language documentation of the adjudication of legal cases by Qing officials in Xinjiang, when combined with the official data on criminal cases held by the Qing-era Board of Punishments in Beijing, demonstrates the ways that Chinese officials and Turkic Muslim subjects interacted and negotiated their relations. This essay makes use of such materials to attempt the beginning of a social history of late-19th century Xinjiang as understood through the mechanisms of state-society interaction. First, I will outline the judicial system of provincial Xinjiang and the formal relationship of Qing law to Turkic Muslim subjects. Then, I will clarify the relationship between crime and policy by showing how Qing officials used crime reports to understand and alleviate what they perceived to be sources of social friction in the areas under their jurisdiction. Finally, through a detailed discussion of a well-documented case from Turpan, I will explicate Qing judicial procedure as it functioned in Xinjiang with an emphasis on the Turkic Muslim experience of that process and the way that it altered and translated the voices of those subjects in order to produce an official adjudicated truth that conformed to the expectations of Qing Chinese legal culture.

Overview of the Judicial System in Provincial Xinjiang

The history of the judicial system of Qing Xinjiang is the history of the episodic jurisdictional limiting and weakening of Turco-Muslim sources of legal authority and their formal replacement with Qing institutions. Following the initial Qing conquest in 1759, the empire did away with the religious authority of the khwāja families and replaced them with the temporal authority of the begs (Sanada 1983:437–440). The begs, a hierarchy of native functionaries responsible for the administration of an area, ruled indirectly on behalf of the Qing and reported to the Court of Colonial Affairs (Chin. Lifanyuan). Day-to-day justice was handled by qādis, Islamic judges who, as elsewhere in the Muslim world, received their appointments from the local ruler, nominally on the basis of their epistemic authority, but were answerable to the communities where they worked. Ḥanafī jurisprudence, which predominated in Eastern Turkestan as elsewhere in the Turco-Mongol Muslim lands, granted significant authority

1 Ning 2012.