

Reading the Narratives in Archived Crime Reports

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Note: Chinese text displayed is based on original text. Analysis and discussion in Times New Roman font; translation in Segoe font.

My introduction to the study of legal documents came via a lecture by Philip Kuhn. It was based on research that would become his monograph *Soulstealers*, and it included mention of the monks' testimony in their own words. This possibility was tremendously exciting: as a student of Ming-Qing vernacular literature, I was drawn by the prospect of seeing how real spoken language was recorded: how were different languages and dialects represented?

In 1986, armed with Professor Kuhn's introductions, I visited the First Historical Archives 第一歷史檔案館 in Beijing to find some of those records. Capital cases in the Qing Archives generally include oral testimony taken from all the principals in a case: the accused, the plaintiff, witnesses, and, often, neighbors of the deceased and of the perpetrator. Testimony is taken at the inquest with the body in view, during the magistrate's investigation of the crime at his yamen, and through subsequent stages of judicial review. I had hoped to discover a variety of speech forms represented there, but of course I quickly learned that all testimony in the final reports had been standardized to an easily read form of *guanhua* 官話 or Mandarin. In spite of the disappointment of this early discovery, I went on to realize that these documents contained more than mere language, and often included intimate details about the personal lives of men and women involved in legal cases. Because most cases involve the poor, they offer information about the lives of people otherwise individually invisible in the written record.

More importantly, however, patterns of representation appeared in the structure of these reports. As Karasawa Yasuhiko 唐澤靖彦 pointed out some years ago, all of this testimony was carefully edited, even rewritten, to make every element of the final report supportive of the magistrate's judgment. Even though the editing appears to have been done with an eye to conciseness rather than to select or distort facts, these case reports became carefully constructed narratives meant to reveal the magistrate's interpretation as well as the details of the case.

In one example, a case from Shandong dated 1696, the report records an investigation upon which hinged the life of a murdered man's widow. In both soliciting and editing the testimony, the Liaocheng 聊城縣 magistrate Jin Yingdou 金應斗 seems to have shaped his report to emphasize not only how and why the murderer perpetrated this crime but also how his paramour, Ms. Li 李氏, was guiltless in the death of her husband, Chen Wenxian 陳文現. I quote segments of the testimony of these two below. Even though the adulteress by law should have been strangled as an accessory to the murder of her husband, the testimony was carefully structured to present her as the helpless victim of her landlord, Du Huailiang 杜懷亮.

Magistrate Jin initially interrogated Du Huailiang as follows: "How old are you, and what is your native place?"

Du Huailiang testified: "Your humble servant is 26 *sui*, and I am from this District."

Further interrogation: "How did you know that Chen Wenxian was twenty-seven *sui* in age? Why did you kill him and your wife Ms. Zhang? Tell the truth."

Du further testified: "He and I have been on good terms ever since he moved into my house to live during Kangxi 31 [1692]. That's how I know how old he is. Often he and my wife Zhang had made eyes at each other. I was suspicious in my heart, but I didn't have any proof so I couldn't say anything to him about any 'smelly business' between them. During the fifth month I told him to get out, and he found a room at Widow Wei's place. He moved out on the 7th of the fifth month of this year [June 18, 1695]. On the 4th of the sixth month [July 14] I took a hatchet with me to sleep in the courtyard to guard the cattle. My wife closed the door and went to sleep inside our room. About the second watch of the night I heard a sound at the door like somebody pushing it open and then closing it. Very quietly I got up, picked up the hatchet, and went over to the door, where I stood for a good long time listening. Inside the room there were two people talking in whispers. I kicked open the door, and there was Chen Wenxian, naked, trying to get away. I blocked the door and chopped at him with my hatchet. He turned back toward the kang, where he collapsed on the floor. I caught up with him and gave him a couple more chops, and he died. My wife was sitting on the kang. With one chop I killed her, too. I called the warden and the neighbors to bear witness, and they came along with me to report the matter."

Further interrogation: "According to the complaint filed by Ms. Li, you were suspicious about her husband Chen Wenxian and you tricked him into coming to your house to drink so that you could kill him. Fearing that you would be found out, you murdered your wife and made it look like illicit sex to deceive us. What do you have to say about that?"

Du further testified: "I never did have any grudge or bad feelings about Chen Wenxian. It was just that he came to have illicit sex with my wife, and I happened to catch them at it. So I killed him and my wife as well. It wasn't at all that I was suspicious of him and lured him over to kill him."

Interrogation of Ms. Li: "What's your age? What bad feelings did your husband Chen Wenxian and Du Huailiang have about each other? Why did he trick your husband to come over so he could kill him? Tell the truth."

She testified: "Your humble servant is twenty-six *sui* this year. In Kangxi 31 my husband Chen Wenxian and I moved into Du Huailiang's house and lived there three or four years. On the 6th of the fifth month this year [June 17, 1695] they squabbled with us about the child, and on the 7th we moved into Widow Wei's house to live. Then on the 4th of the sixth month [July 14], in the evening, my husband went out, saying that he was going to Du Huailiang's house to drink wine with him. When he got to his house Du Huailiang killed my husband, but I don't know why."

Further interrogation: "According to Du Huailiang's testimony, your husband really went there in order to have illicit sex with his wife. He happened to catch them at it, and he killed them. How can you say that he tricked your husband there in order to kill him?"

Ms. Li further testified: "But Du Huailiang did trick my husband there in order to kill him. He was afraid that he'd be found out, and he made it look like my husband was having illicit sex with his wife in the hope that he could cover it up. If you'd just question the two neighbors you'd find out."

訊審問杜懷亮你年多少歲是那裡人

據供小的年二十六歲是本縣人

又問你如何知道陳文現是二十七歲爲什麼事將他合你老婆張氏殺死從實說來

又供陳文現自康熙三十一年間搬在小的家住小的合他相厚知道他是二十七歲他合小的老婆張氏時常眉來眼去的小的心裡疑他沒有實跡待要說他又是醜事今年五月裡叫他搬移他尋了魏寡婦家房子五月初七日搬去了至六月初四日夜間小的拿着一把斧在當院裡睡覺看守牲口小的老婆撩着門在屋裡睡覺有二更天小的聽的屋門像有人推開有掩上的小的悄悄的起來手提着斧子到屋門間站了老大一會聽的屋裡兩個人唧唧噥噥的說話小的一腳踹開屋門見陳文現赤着身子往外跑小的堵住門砍了他一斧子他隨退回炕前去跌倒在地小的趕上又亂砍了幾下子他就死了小的老婆在炕上坐着小的把老婆一頓斧也砍死了叫起[] 隣來驗明同來稟報了

又問據李氏狀告你與他丈夫陳文現有嫌叫他丈夫吃酒誑在你家將他殺死恐怕問罪將你老婆殺死埋姦抵賴你怎麼說呢

又供小的與陳文現並沒有仇嫌他原去姦小的老婆被小的撞見連老婆一併殺死的並不是合他有嫌將他誑去殺死

審問李氏你年多少歲你丈夫陳文現與杜懷亮有何夙嫌他怎麼將你丈夫誑去殺死從實說來

據供小的今年二十六歲康熙三十一年間小的同丈夫陳文現搬在杜懷亮家住了三四年今年五月初六日他為孩子合小的吵嚷了初七日小的就搬到魏寡婦家住去了到六月初四日晚上小的丈夫往外走着說往杜懷亮家吃酒去到了他家他不知怎麼將小的丈夫殺死了

又問據杜懷亮供你丈夫原是姦他老婆去被他撞見殺死的你怎麼說是將你丈夫誑去殺死呢

又供杜懷亮原是將小的丈夫誑去殺死的他恐怕問罪假捏姦他老婆希圖抵賴如今只審兩隣就明白了

The testimony recorded next, from the perpetrator's neighbors, reveals that Du's wife is crippled (and he later describes her as homely) and has a reputation for scrupulous uprightness, which thoroughly undermines his first statements. Magistrate Jin then threatens Du Huailiang with torture, which provokes a full confession.

Interrogation of Du Huailiang: "In previous interrogations you said that you were sleeping in the courtyard when Chen Wenxian came to your room to have illicit sex with your wife. You heard someone talking inside, and you went into the room and killed them. If you were sleeping in the courtyard, when Chen Wenxian came in he naturally would have seen you. How did he dare go into your room to have illicit sex? How did he dare to talk aloud in your room? Clearly you're just making this up. Tell the truth about why you killed Chen Wenxian and you can avoid the instruments of torture."

Du further testified: "You don't need to squeeze me—I'll tell the truth, that's for sure! Chen Wenxian and Ms. Li lived with me ever since they moved into my house in Kangxi 31. Later Chen Wenxian went to work for the Wei family as a farm hand. When the farm work was busy, he often didn't come home to sleep. In the eighth month of Kangxi 31 [late September, 1692] during the time for preparing jujubes, I don't remember the date, Chen Wenxian didn't come home. About the first watch of the night Ms. Li came into my room to get a light from the fire. I saw that there was nobody else around so I pulled her to me and wanted to have some illicit sex. She went along with it, and we had illicit sex on the kang where the jujubes were being prepared. After that she had illicit sex with me either in her room or mine. I don't remember how many times we got together."

"This year my mother figured it out. On the 6th of the fifth month about noon I came home from the slope where I'd been cutting wheat, and because my wife didn't have the meal ready I gave her a couple of slaps. My mother saw me slap my wife so she came after me and hit me; she said that Ms. Li had put me up to it, and she cursed her, calling her a slut and a bitch. Ms. Li heard her and she went back into the back room and started a squabble with my mother. Sun Erchen's wife and Du Weiyuan came over to make peace between them. When Chen Wenxian came home that evening and heard they'd been squabbling, he beat Ms. Li for a while. Then on the morning of the 7th Chen Wenxian was getting ready to move out. I told Sun Erchen to try to get him to stay until we had finished cutting the wheat and then he could move, but Ms. Li said she was too ashamed to stay there so they moved away."

"After they moved I couldn't get together with her at all, but because I had been having illicit sex with Ms. Li, I thought about her all the time. On the 4th of the sixth month [July 14] I invited Chen Wenxian over to drink wine. He said, 'I don't have any free time in the daytime, but in the evening after I've fed the cattle I'll come over to your house to have a drink.' That made me think about how I feel about his wife and about how I can't even see her now that they've moved away. The best thing would be to take advantage of his coming over in the evening to drink to say he was having illicit sex with wife and kill him along with my crippled wife so that I can get back together with his wife. When I'd made up my mind, I went home and got a hatchet and put it in my room and waited for him."

"About the time of the second watch Chen Wenxian came over. I showed him into the room; he sat on a plank stool, and I brought out something for him to smoke. When he got good and drunk I took out my hatchet and aimed a good chop at his head. He cried out once, and then he fell down on the floor. I gave him a few more chops and then he died. My wife was sleeping on the kang there. Then I immediately chopped her to death, too. My mom and dad both live in the back. I went into the back and shouted for my dad to get up. I told him that the Chen Wenxian who lived in our house for three or four years and who had moved out for good had come back looking for trouble, so I killed him and my wife as well, and that I wanted to go to the magistrate's court to turn myself in. My dad called Du Weiyuan to come to the house and take a look. I told Du Weiyuan that Chen Wenxian had come to have illicit sex with my wife and so I had killed him and my wife as well. Du Weiyuan said, 'Since you killed them, there's no problem. You can go report it at the District tomorrow.' After daylight I went along with the neighbors to turn myself in at the magistrate's court. These are the true facts."

Further interrogation: "Since you had already killed Chen Wenxian, why did you also kill your own wife?"

Du further testified: "Since I'd had illicit sex with Ms. Li, if I killed her husband Chen Wenxian I was afraid there'd be a murder investigation. My wife was crippled, and also homely, so I killed her as well. I hoped that if I killed them while they were committing adultery I wouldn't be charged with a crime."

審問杜懷亮先審你說在天井裡睡覺陳文現來你屋裡姦你老婆你聽的屋裡有人說話進屋裡去殺的你既是在天井裡睡覺陳文現走來自然看見他如何還敢進屋去行姦如何還敢在屋裡說話這明是你的謊話你實說是爲甚麼事將陳文現殺死免得受刑

又供不用夾小的實說就是了陳文現合李氏自康熙三十一年間搬到小的家合小的同院住後陳文現雇給魏家做活農忙時候不多回家來睡覺三十一年八月內做棗的時候不記得日子陳文現沒回家來有一更天李氏往小的屋內掏火去小的見傍邊沒有人拉着他要行姦他依從了在做棗的炕上姦了他以後或在他屋裡或在小的屋裡通姦也不記得遭數了

今年被小的母親看破形踪到五月初六日晌午小的自坡裡割了麦子來家因老婆沒做出飯來把老婆打了兩下子小的母親見小的打老婆就趕着小的打說是李氏唆挑小的罵出淫婦忘八的話來李氏聽見就走到後邊合小的母親吵嚷孫二臣媳婦合杜維元來勸開散了晚上陳文現來家聽說吵嚷打了李氏一頓到初七日早晨陳文現要搬小的叫孫二臣留他說等收割完了搬罷李氏說沒臉面在那裡住就搬去了

小的因與李氏有姦他搬去了不能合他往來時常想念到六月初四日小的邀陳文現吃酒他說白日不得閑晚上我喂飽了牲口往你家吃去罷小的那時想起合他老婆的情來他搬去了走動不得不如趁他晚上來吃酒只說他姦我老婆連我癩老婆一齊殺了好尋他老婆主意定了回到家裡將一把斧子放在屋裡等着

將到二更時候陳文現來了小的讓進他屋去在板櫬上坐下拿烟給他吃了見他辭昏昏的小的就拿斧照他頭上砍了一斧他哎哟了一聲跌倒地下小的又連砍了幾下子他就死了小的老婆在炕上睡覺隨即連老婆都砍死了小的娘老子都在後邊住小的到後邊叫起來老子來說陳文現偕家住了三四年搬去罷了還來按我的頭我把他連我媳婦子都殺死了要赴縣投首去小的老子喊叫起杜維元來家看小的向杜維元說陳文現來姦我老婆我把他連我老婆都殺了杜維元說殺了不妨明日報官去天明就同地鄰赴縣投首了這是真情

又問你既殺死陳文現爲何又將自己老婆殺死呢

又供小的合李氏有姦將他丈夫陳文現殺死恐怕問了死罪因老婆是癩子又醜所以連老婆都殺死好賴是殺死姦夫姦婦希圖脫罪的意思

The magistrate proposed that Ms. Li be strangled in accordance with the Qing Code prescription for an adulteress involved in a homicide. Even so, the reviewing officials granted Ms. Li a full pardon—even though a fortuitously timed general amnesty would normally have reduced her sentence by only one level of severity—while Du Huailiang was executed as Jin Yingdou had originally proposed. This variation from normal sentencing would seem to have been the consequence of sympathy for Ms. Li provoked by the compelling narrative of her victimization that Magistrate Jin created from the testimony he included here.

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