

Imagined Violence: Representing Homicide in Late Imperial Crime Reports and Fiction

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The Textual Locations of Violence

My choice of texts for comparison here might seem odd. Of course entertainment reading and legal documents are different; why should one take further note of this fact? My purpose in doing so is to explore the culture and practice of writing in late imperial China by choosing clearly distinct types of writing about a similar topic, by expanding my attention outward from purely literary texts to those meant for far more serious purposes. In this I do not seek to show that one form has somehow influenced the other, but instead to reveal the elements shared in the greater world of writing of that time.

I observe that compilers of both fiction and crime reports necessarily wrote creatively when recording their “stories” to provoke the desired responses among their readers. Ming-Qing *xiaoshuo* 小說 or fiction is certainly “creative”; its interest lies in its ability to portray, and to make its readers imagine, events that they might never have seen themselves, as well as events that could have and probably had occurred in reality. Recently, scholars who study the penal system of late imperial China have conclusively demonstrated that testimony recorded in crime reports was carefully (re)constructed from oral and written depositions to clarify motivation and causation for the acts of violence and to eliminate redundancy and irrelevant information.¹

¹ For a description of the types of case reports, see Nancy Park and Robert Antony, “Archival Research in Qing Legal History,” *Late Imperial China* 14.1 (Jun. 1993): 93-137. Karasawa Yasuhiko 唐澤靖彦 explores the degree to which case reports shape the materials of the case in literary ways in his doctoral dissertation in progress: Karasawa, “Orality, Textuality, and Reality: Legal Case Records in Nineteenth Century China” (UCLA); his argument appears in

Simultaneously, these representations also sought to identify the accused, and often the victim as well, with conventional legal categories—that might be compared with character types in fiction. To this end, regardless of the circumstances of the interrogation, all deponents are represented as having spoken clearly and in great detail about the relevant events. At least during the later reign periods of the Qing, there were rarely any inconsistencies within or among the depositions for any one case. Case reports seemingly also seek to demonstrate the infrequency with which violence erupts in the “normally” well-governed, hence tranquil, society within the jurisdiction of the writing magistrate. Thus comparing these quite different types of materials can reveal something of the ways violence was imagined and represented in late imperial China, regardless of the specific formal considerations of the form of writing.² My study thus seeks to demonstrate the commonalities, and the differences, between the conventions of writing in these very different types of texts.

Let me begin with two terms that are not fully distinct from each other, but that may serve to demonstrate how texts were conceived and realized during the Ming and the Qing. Formally, violence as represented in the vernacular fiction of the time appears largely in *narrative*, supported by description to a small degree; whereas the violence represented in Qing period crime case reports generally appears primarily through *description*, for which narration provides only a service function, to corroborate the description. Narrative concentrates on the presentation of actions or events in sequence; it is concerned with agency and outcomes for events, and, at least in the texts considered here, always focuses on human activity. Description recounts the details, the appearance of people, actions, or objects, without necessarily foregrounding or even mentioning the causation involved in producing what is described. Human actors are only one possible subject for description. To exemplify these differences, I have chosen a small number of writings that have to do with homicide; the “violence” I will be discussing is always lethal. Although their primary function differs, narration and description each may serve the greater purposes of representation in the other. Nor are narrative and description necessarily antithetical categories. They can be, and usually are, used in hierarchical relationships within a

outline in his essay, “Hanasu koto to kaku koto no hazamade—Shindai saiban bunsho ni okeru kyōjutsusho no tekusuto sei” 話すことと書くことのはざままで——清代裁判文書における供述書のテクスト性, *Chūgoku—Shakai to Bunka* 中國——社會と文化 10 (1995): 212-250.

² See: Thomas Buoye, “Suddenly Murderous Intent Arose: Bureaucratization and Benevolence in Eighteenth-Century Qing Homicide Reports,” *Late Imperial China* 16.2 (Dec. 1995): 62-97; Matthew H. Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford: Stanford University Press, 2000). On the final point, see my “The Art of Persuasion in Law and Literature,” and Karasawa’s “Between Oral and Written Cultures: Buddhist Monks in Qing Legal Plaints,” in *Writing and Law in Late Imperial China*, eds. Robert E. Hegel and Katherine Carlitz (forthcoming). I deliberately avoid discussing Ming *gong’an xiaoshuo* 公案小說 or crime case fiction in this section; however, I will return to this genre in my conclusions.

given text, one at the service of the other.³

Conventionally, a piece of fiction follows temporal logic in two ways, the duration of time that it takes to read the text (the Discourse as it is presented, or *syuzhet*) and the sequence and duration of the basic events that it represents (the Story as it might have happened, or *fabula*). This distinction between textual representations and the events represented remains, no matter how the fiction is read: continuously or by choosing segments here or there, whether quickly or slowly, or with rereading of certain passages (which is precisely how the Ming and Qing commentators on fiction would have us read). By contrast, a crime case report need not be read from beginning to end, and I wonder whether such reports generally were. This is because each has a summary (final disposition, or *zhaochu* 照處) of all the relevant data with the judge's recommendation for punishment at the very end, written in tiny characters. To this, I would expect, the select readers of these documents would turn first, before reading those sections of the report that provided the details for this summary outline. Even so, the relevant relationships involved in case reports are not so different from those in fiction: there is the basic *fabula*, the "story" comprised of the very real events that involved a crime, and the loss of a life; and there is the Discourse, the textual means by which those events are represented in the report.

Crime reports begin with a very general outline of the case that suggests, but does not authorize, its conclusion (final sentencing in capital cases could only be presented in the name of the emperor in red ink on the cover of the report). Thereafter comes a narrative of the events of the investigation, the "story," as it were, of legal proceedings. But, in cases involving violent crimes, the crime "story" includes precise formulaic descriptions of the physical effects of those violent acts on the bodies of the victims. Such descriptions were most frequently accompanied by common variations on schematic charts of the human body on which the locations of wounds could be indicated, even though these diagrams seem to have become separated from the case records that I have consulted in the *Diyi lishi dang'an guan* 第一歷史檔案館 (First Historical Archives) in Beijing.

Recorded testimony follows descriptions of the effects of violent acts. These accounts are not direct transcriptions of testimony, but the conventions of their representation changed during the 18th century. In case reports from the Shunzhi

³ That this distinction is hardly absolute was demonstrated by Gérard Genette in his seminal essay, "Frontiers of Narrative," and his *Figures of Literary Discourse*, trans. Alan Sheridan (New York: Columbia University Press, 1982); for a discussion, see Raman Selden, Peter Widdowson, and Peter Brooker, eds., *A Reader's Guide to Contemporary Literary Theory* (4th ed.; London and New York: Prentice Hall/Harvester Wheatsheaf, 1997), pp. 76-78. One inspiration for this study was Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987), esp. pp. 1-5 for her very helpful discussion of the "crafting" of legal documents.

through early Qianlong reigns, these *kougong* 口供 (oral depositions) are prompted, and interrupted, by questions from the examining administrator, usually the *zhixian* 知縣, or county magistrate. All parties to a crime, the plaintiff, the defendant, and the witnesses, might also be reinterrogated at higher levels of the judicial review process. The oral testimony taken from a single deponent in early Qing case reports often does constitute a narrative in itself, recording the sequence of events, actions, and motivations that resulted in the homicide and represented in a voice attributed to a single, named real individual. But the several narratives given in testimony are repetitious and yet discontinuous; they constitute a “discourse” beyond which the reader must draw his own conclusions about the “story” of the crime. And, given the cross-examination by the judge as recorded in many of these records, it is clear that the interrogators often discerned “stories” in the testimony different from what the deponents wished to tell. That is, the judicial official might well have considered that the deponent was lying or at least telling less than the whole truth about what really happened. The “story” and the “discourse”—the events and the way they are retold—might vary as much in a crime report as they could in fiction. Thus to get a fuller understanding than provided in the summary paragraph, the reader of these texts would have to interpret, and perhaps reread for clarification, precisely as much as if he were reading fiction.⁴ (I use the masculine pronoun advisedly; these reports were intended to be read only by administrators, all of whom were male.)

However, crime reports written during the second half of the Qianlong period through the end of the Qing period contain less recorded testimony. And virtually all of this testimony confirms the basic facts of the case: the time, the location, the actors, and the motivations for the act of violence. This was in response to a central government effort to cut down on the volume of material in these reports as they became ever more numerous.⁵

My fictional narrative examples here are taken from seventeenth and eighteenth century vernacular texts, the middle Ming novel *Shuihu zhuan* 水滸傳 in its 1641 recension by Jin Shengtian 金聖嘆 (1610-1661), a 1620s short story from the *Sanyan* 三言 collections edited by Feng Menglong 馮夢龍 (1574-1646), and the anonymous 1736 novel of military adventure *Shuo Tang quanzhuan* 說唐全傳. My

⁴ My presentation here is informed by Seymour Chatman, *Coming to Terms: The Rhetoric of Narrative in Fiction and Film* (Ithaca: Cornell University Press, 1990), see pp. 8-15 on narrative and argument, and pp. 15-21 on narrative and description. Chatman seeks a more nuanced understanding of these terms than I need here, of course. Particularly useful here might be his reference to Leni Riefenstahl’s documentary film of the 1936 Olympic Games, in which narratives of individual events are subservient to “the descriptive purport of the film as a whole” (p. 20).

⁵ I am indebted to Professor Thomas Buoye of the University of Tulsa for this observation, communicated orally in a response to an earlier version of this essay presented at the Institute of Chinese Literature and Philosophy, Academia Sinica, Taiwan, on September 1, 2003.

case materials are from two sources, the largest number are to be found in *Neige xingke tiben* 內閣刑科題本 (Grand Secretariat Memorials on Criminal Matters) that involve homicide. I also make use of *Junjichu lufu zouzhe, Falü lei* 軍機處錄副奏摺法律類 documents (Supplementary Confessions from the Grand Council Memorial File Copies) that are comprised only of testimony in which violence and great human suffering—but not necessarily loss of life—is narrated. Their unusual detail is a function of the interest of the central government, including the emperor himself, in what was feared to be a widespread conspiracy having political ramifications. These examples will allow comparisons between techniques and conventions of representing violence that appeared in a variety of writings in circulation at about the same time, during the Qianlong reign period of the Qing.⁶

Narratives Intended to Entertain

In a familiar episode of *Shuihu zhuan*, the much-admired hero Lin Chong 林冲 has been sentenced to penal servitude in the distant city of Cangzhou 滄州, the consequence of an evil plot to get him out of the way so that an official could seduce his wife. That occurs in Chapter 6 of the seventy-chapter Jin Shengtan version of the text. In Chapter 9 he is assigned to stand guard over the garrison's cavalry fodder storage area. One snowy night, the roof of his hut collapses, and Lin Chong takes refuge in a nearby temple. Before long the fodder stacks are a raging inferno. But then he hears the sound of footsteps and the voices of several men. Listening carefully, Lin overhears a former friend Inspector Lu Qian 陸謙虞候, the man who betrayed him, speaking. Lu gloats over burning down the haystacks as a way to kill Lin Chong, again to further their master's cause in seducing Lin's wife. Without hesitation Lin Chong takes his revenge.

“Where do you think you're going, knaves!” he roared.

The three, who had just been leaving, froze, too shocked to move.

Lin raised his arm and speared the head keeper to the ground.

“Spare me!” cried Inspector Lu, weak with terror.

Fu An had run only a score of paces when Lin Chong caught up. With one thrust, Lin plunged the spear into his back, and he also fell.

Lin turned. He saw Inspector Lu starting to flee. Before Lu had gone three paces, Lin Chong shouted, “Halt, treacherous thief!” He grabbed Lu by the front of his tunic and threw him flat on his back in the snow.

Lin jabbed his spear into the ground, put one foot on Lu's chest, whipped out

⁶ One might easily extend this investigation by considering any of a number of types of historical writings of the Ming and Qing (including first-hand accounts of the dynastic transition such as *Yangzhou shiri ji* 揚州十日記), the summaries of criminal cases in handbooks for administrators and their clerks, and the brief entries in *biji xiaoshuo* 筆記小說 anecdote collections that recount real or fictionalized violence.

his dagger and held it against the captain's face.

"Filthy wretch," he grated. "I never wronged you. How can you have injured me so? Truly, 'Killing can be forgiven, but never deception!'"

"This wasn't my idea," Lu pleaded. "The marshal ordered me to do it! I didn't dare refuse!"

"Traacherous knave," cried Lin. "We were friends since childhood, yet today you come to destroy me! How can you excuse yourself? Have a taste of this knife!"

He ripped open Lu's clothes, stabbed the blade into his heart and twisted. Blood spurted everywhere. Lin tore out his heart and liver.

He saw the head keeper struggling to his feet to run. Lin seized him in a flash. "Now I know what an evil scoundrel you are," he shouted. "Take that!" He cut off the keeper's head and tied it to the end of his spear.

Next, he went back to Fu An and Lu Qian and cut off their heads, too. He put away his knife, tied the three heads together by the hair, carried them to the temple and placed them on the altar in front of the mountain spirit idol. Then he put on his white tunic, tied his waist sash, clapped the broad-brimmed felt hat on his head and finished off the cold wine in the gourd bottle.

Lin tossed his quilt and the bottle aside, took up his spear, left the temple and started east. . . .

林冲聽那三箇人時，一箇是差撥，一箇是陸虞候，一箇是富安。自思道：「天可憐見林冲！若不是倒了草廳，我准定被這廝們燒死了。」輕輕把石頭掇開，挺着花槍，左手拽開廟門，大喝一聲：「潑賊那里去！」三箇人都急要走時，驚得呆了，正走不動。林冲舉手，略察的一槍，先搠倒差撥。陸虞候叫聲：「饒命！」嚇的慌了手腳，走不動。那富安走不到十來步，被林冲趕上，後心只一槍，又搠倒了。翻身回來，陸虞候卻才行得三四步，林冲喝聲道：「奸賊，你待那里去。」劈胸只一提，丟翻在雪地上，把槍搠在地裏，用腳踏住胸脯，身邊取出那口刀來，便去陸謙臉上闊着，喝道：「潑賊，我自來又和你無甚麼冤讎，你如何這等害我？正是殺人可恕，情理難容。」陸虞候告道：「不干小人事，太尉差遣，不敢不來。」林冲罵道：「奸賊，我與你自幼相交，今日倒來害我，怎不干你事？且喫我一刀！」把陸謙上身衣服扯開，把尖刀向心窩裏一剜，七竅迸出血來，將心肝提在手裏。回頭看時，差撥正爬將起來要走。林冲按住喝道：「你這廝原來也恁的歹！且喫我一刀！」又早把頭割下來，挑在槍上。回來，把富安、陸謙頭都割下來。把尖刀插了，將三箇頭髮結做一處，提入廟裏來，都擺在山神面前供桌上，再穿了白布衫，繫了胳膊，把氈笠子帶上，將葫蘆裏冷酒都喫盡了。被與葫蘆都丟了不要，提了槍，便出廟門投東去。⁷

⁷ *Shuihu zhuan huiping ben* 水滸傳會評本, eds. Chen Xizhong 陳曦鍾, Hou Zhongyi 侯忠義, and Lu Yuchuan 魯玉川 (Beijing: Beijing daxue, 1981), pp. 215-216. Variant forms of

Throughout this passage, Jin Shengtian and other commentators have drawn the reader's attention to its descriptive elements. “*Qiqing kuaibi* 奇情快筆!” (Marvelous action, succinct writing!) Jin exclaims as Lin Chong pushes the door open to challenge the villains. When they are struck dumb and motionless, the Rongyutang 容與堂 edition comments, simply, “*hua* 畫” (Like a picture!). That unnamed critic repeats the same praise three times in quick succession as the action unfolds.⁸ Even so, the scene here is presented as a fast-paced *narrative* in which events follow one after the other in quick succession. Despite the commentators' claim that this scene is like a (motionless) picture, description does not constitute a major element here, much less a digression or diversion from the plot. That is, story and discourse proceed at the same rate, if one ignores the commentary intended to force the reader to notice the discourse of the text.

One element that becomes obvious in contrast to the legal descriptions of violence, as we will see, is its lack of specificity in presenting the details of the violence. The narrative relates that blood did “spurt from all his orifices” (*qiqiao bengchu xue lai* 七竅迸出血來), but how hard did Lin Chong hit these men? Precisely where on their bodies? How can blood spurt from all orifices simultaneously? Which wound did them in? (Yes, of course decapitation would have that effect, but were they already dead when Lin wielded his knife the last time?) The only detail of this sort is the place where Fu An was stabbed, the *houxin* 後心, here appropriately translated vaguely as “in the back.” Nor are we readers told how Lu Qian was able to get three or four paces away before Lin Chong caught up with him—surely he must have recovered sufficiently from his initial shock to be running hell-bent to escape. Commentator Jin Shengtian identifies precisely this deliberate lack of detail as the element that makes this passage exceptional. As Lin Chong cuts off Inspector Lu's head, he observes:

At first [the author] recounted the [attack on the] head keeper and Fu An in the same way, but he recounted Lu Qian differently. Here he has recounted [Lin's attack] on the

characters given here correspond with the first edition, *Diwu caizi shu Shi Naian Shuihu zhuan* 第五才子書施耐庵水滸傳 (the Guanhuatang 貫華堂 edition with commentary by Jin Shengtian; rpt. Beijing: Zhonghua, 1975), 14.20a-21b. See also *Shuihu quanzhuan* 水滸全傳, ed. Zheng Zhenduo 鄭振鐸 (Beijing: Renmin wenxue, 1954; various reprints), pp. 155-156. Translation by Sidney Shapiro in Shi Naian and Luo Guanzhong, *Outlaws of the Marsh* (Beijing: Foreign Languages Press, and Bloomington: Indiana University Press, 1981), Vol. 1, pp. 167-168, with modification of Lu Qian's title from Shapiro's “Captain.”

⁸ *Shuihu zhuan huiping ben*, p. 215. The Rongyutang edition of *Shuihu zhuan* (published in Hangzhou in 1615) is best known for its many very fine illustrations. See my “Painting Manuals and the Illustration of Ming and Qing Popular Literature,” *East Asian Library Journal* 10.1 (Spring 2001), esp. pp. 75-77. For reproductions of its illustrations, see *Ming Rongyutang ke Shuihu zhuan tu* 明容與堂刻水滸傳圖 (Beijing: Zhonghua, 1965).

head keeper differently, but Lu Qian and Fu An in the same way. Few today could even realize how unpredictable and exceptional his writing is!

前把差撥、富安一樣敘，陸謙另敘。今又把差撥另敘，陸謙、富安一樣敘，筆力變幻奇矯，非世人所知。⁹

Clearly here, as elsewhere in his voluminous commentary, Jin Shengtian is inviting his readers to pause in reading to *visualize* the scene, to make a detailed mental picture of the action. It is this further engagement of the readers' imagination that brings the action "to life," in effect, giving it its textual power. By doing so, Jin forcibly separates the fictional discourse from the story to demonstrate how the plot is discursively constructed at this point. This is in line with the convention in fiction commentary of focusing not so much on how to read, but on how to *write*, effective fiction.¹⁰

Appropriately, the illustrations for major editions of the novel are similarly suggestive, but still imprecise in describing the violent acts Lin Chong commits. Illustration 1 (see p.86), from the 1615 Rongyutang edition, shows Lin Chong just about to strike his enemies; all details are left to be supplied by the reader's own imagination.¹¹ Illustration 2 (see p.87) is from the 1614 Sanduozhai 三多齋 edition of *Shuihu quanzhuan* 水滸全傳 published by Yuan Wuya 袁無涯. It shows the flaming fodder depot in the background, the snow on bushes, trees, and the roof of the temple, the footprints in the snow. Clearly the illustrator tried to recreate this scene from the novel. Lin Chong is in the heat of extracting his revenge: holding Lu Qian down with one foot, he draws the blade at his side to finish him off. One of his adversaries lies apparently on his chest on the ground, a leg bent unnaturally backward over the other. We might assume from this relationship that the leg is broken or that the hip is dislocated, but more likely it is simply the misapplication of an illustrator's conventional leg position—normally seen from the front, one leg crossed over the other. This figure's left arm is similarly misaligned. Even so, the details of the injuries narrated in the text are not represented here; this picture might help to visualize the *setting* for the action, but not its *effects*. And appropriately, in terms of imaginative recreation of violence, the worst comes after the instant captured in the tableau of this illustration.¹²

⁹ *Shuihu zhuan huiping ben*, p. 216.

¹⁰ See David Rolston, "Traditional Fiction Commentary," in *The Columbia History of Chinese Literature*, ed. Victor H. Mair (New York: Columbia University Press, 2001), pp. 944-945.

¹¹ For the original of this illustration, see *Ming Rongyutang ke Shuihu zhuan tu*, 10b.

¹² See *Shuihu quanzhuan chatu* 水滸全傳插圖, ed. Chen Qiming 陳啓明 (Beijing: Renmin meishu, 1955), p. 10; this illustration was reprinted in *Zhongguo gudian wenxue banhua xuanji* 中國古典文學版畫選集, ed. Fu Xihua 傅惜華 (Shanghai: Shanghai renmin meishu, 1981), Vol. 2, p. 764. See also Michela Bussotti, *Gravures de Hui: Étude du livre illustré chinois: fin du XVI^e siècle—première moitié du XVII^e siècle* (Paris: École française

For an even more terse narration, see the scene in which Yang Xiong kills his wife. The text reads, briefly: 一刀從心窩裏直割到小肚下，取出心肝五臟，掛在松樹上。楊雄又將這婦人七事件分開了。In Sidney Shapiro's translation: "He sliced her open from breast to belly, hauled out her organs, hung them on the tree, and cut her into seven parts."¹³ Perhaps even more so here, we readers are left the gruesome task of imagining what the corpse must have looked like when Yang Xiong's murderous rage was finally exhausted.

Scenes of imagined violence appear frequently in the *Sanyan* collections of short vernacular fiction compiled by Feng Menglong. One of the best known among them is in "Shiwuguan xiyan cheng qiaohuo" 十五貫戲言成巧禍 (A Joke Over Fifteen Strings of Cash Produces an Extraordinary Disaster), the 33rd story in the *Xingshi hengyan* 醒世恒言 collection that Feng published in 1627. There a not particularly talented young man named Liu Junjian 劉君薦 tries his hand in business after failing in the civil service examinations. Because his wife has produced no children, he has taken a concubine. The couple visits his wife's father on his birthday; the father gives the younger man the fateful fifteen strings of coins as capital for his business. Although the wife decides to stay overnight with her parents, Liu sets out, but he doesn't go straight home. Instead he spends a good deal of time drinking with a friend. When he finally does arrive at his own place, it is late, and Liu's concubine is slow to answer his knock on the door. In his drunken exasperation, he tells the woman that the money was payment for selling her to another man. She is aghast and leaves that very night to seek her own father's intercession with Liu, to reverse this "sale."

As fate would have it, a local no-good who has lost all his money gambling happens to pass by Liu's house. Noticing that the door is not closed tightly, he slips inside to look for something to steal. But just as the thief discovers the coins in a pile on the foot of the bed, Liu awakens and cries out, demanding that he put the money back.

Instead of replying, the man struck at Liu's face with his fist. Liu dodged to one side and then got to his feet, ready to fight with him. When the robber saw how nimble Liu was, he fled from the room. Liu raced after him out the door and straight into the kitchen where he was about to cry out for the neighbors to come and seize the thief. Becoming frantic and seeing no way out, the burglar suddenly caught sight of a gleaming axe for chopping firewood near at hand. In desperation, he picked it up and

d'Extrême-Orient, 2001), p. 98.

¹³ See *Shuihu zhuan huiping ben*, Chapter 45, p. 860; *Shuihu quanzhuan*, Chapter 46, pp. 763-764; Shapiro, trans., *Outlaws of the Marsh*, p. 747. The corresponding illustration in the Rongyutang edition merely has the maid kneeling before Yang Xiong as he grasps her by the hair, short sword in hand. His male companion reacts in horror, as, presumably, might the reader—or the author.

swung it at Liu, striking him squarely in the face and knocking him to the ground. Again he swung, chopping him on the side. Liu clearly was dead.

那人也不回話，照面一拳，劉官人側身躲過，便起身與這人相持。那人見劉官人手腳活動，便拔步出房。劉官人不捨，搶出門來，一徑趕到廚房裏。恰待聲張鄰舍，起來捉賊；那人急了，正好沒出豁，却見明晃晃一把劈柴斧頭，正在手邊；也是人極計生，被他綽起，一斧正中劉官人面門，撲地倒了，又復一斧，斫倒一邊。眼見得劉官人不活了。¹⁴

Here again the action proceeds very swiftly, with little effort expended on representing the specifics of the violence. In fact, the speed of the narration distracts from the virtually total absence of details: readers are spared all mention of precisely what wounds poor Liu suffered. Instead, the author tells us merely that the robber used an axe (or more likely a hatchet) and leaves it to the readers' creative minds to flesh out and color in, one might say, what could only have been a terribly gory scene. The fictional discourse carefully controls the story in this short narrative.

Similar conciseness in narrative can be seen in *Shuo Tang quanzhuan*, "Stories about the Tang, Complete" (more literally, "Telling Stories about . . .," 1736). This novel was very popular during the Qing period; it was frequently reprinted, either from the same blocks or recarved for new editions.¹⁵ Although it is generally considered a novel of no literary pretensions and has been widely read as action fiction for its spectacular contests of strength, one can argue that it is a sustained parody of literati historical novels, those about the Sui and Tang periods in particular.¹⁶ This anonymous work introduces a number of characters including the younger brother of the Tang founding general Li Shimin 李世民, the prodigious Li Yuanba 李元霸 (further identified as the "number one doughty warrior of the Sui" 隋朝第一條好漢). This young man dies while still in his teens. Angered by the sound of thunder that seems to break over his head, he throws one of his impossibly heavy hammers (each weighing 200 *jin*, or over 100 kilos) at Heaven. As it falls back to earth it hits him full in the face, and he falls dead on the spot. Violence throughout

¹⁴ Feng Menglong 馮夢龍, *Xingshi hengyan* 醒世恒言, ed. Gu Xuejie 顧學頤 (Hong Kong: Zhonghua, 1965; rpt. 1987), p. 696; translation by Jeanne Kelly, "The Jest That Leads to Disaster," in *Traditional Chinese Stories: Themes and Variations*, eds. Y. W. Ma and Joseph S. M. Lau (New York: Columbia University Press, 1978), p. 471, translation modified from "head" to "face" in the second instance.

¹⁵ Ōtsuka Hidetaka 大塚秀高, *Zōho Chūgoku tsūzoku shōsetsu shomoku* 增補中國通俗小說書目 (Tokyo: Kyūko shoin, 1987), pp. 207-209, lists 24 editions after the first printed during the early Qianlong period.

¹⁶ See my "Rewriting the Tang: Humor, Heroics, and Imaginative Reading," in *Snakes' Legs: Sequels, Continuations, Rewritings, and Chinese Fiction*, ed. Martin W. Huang (Honolulu: University of Hawai'i Press, 2004), pp. 159-189.

this novel is similarly exaggerated, as in Li Yuanba's fateful battle with a competing general named Wu Tianxi 伍天錫. Wu has killed one of Li Yuanba's friends during a competition of military skills, and the younger man flies into a rage.

He leapt astride [his charger] Thousand Mile Cloud, raised his four hundred *jin* hammers and swung at him with one of them. Wu Tianxi could only block it with his molten metal axe, but his hands bled from the shock of it. Yuanba struck him again, and as the tiger jaws of death opened before him, Tianxi wheeled his horse and fled.

"Where're you going!" Yuanba shouted, and as his horse overtook him, Yuanba stretched out his arm and grabbed Tianxi in the middle of the back, lifting him from his horse. Hurling him into the air, he leapt down from his horse. Yuanba caught up with him, held down his feet, and with his two hands tore the man in two. What a pity that . . . Wu Tianxi should have died in Li Yuanba's hands.

把萬里雲一夾，四百斤的大錘一舉，當的一錘打來。伍天錫只得把混金鑄一架，震得雙手流血。元霸又是一錘，天錫虎口震開，回馬便走。元霸叫聲：那里走！一馬趕來，伸手照背心一提，提過馬來。往空中一拋，倒跌下馬來，元霸趕上按住腳，雙手一撕，分為兩開。可憐……伍天錫……死於李元霸之手。¹⁷

This scene may be very violent, but at least we readers are spared all details about the gory consequences of Li Yuanba's phenomenal strength. Nor are these specifics of particular importance here in the headlong dash of narrative discourse from one confrontation to the next. Instead, the purpose of this type of fiction is to create quick mental images in response to an extravagant flurry of activity in the story.

These narratives have been fictitious, despite possible historical antecedents for the "Fifteen Strings of Cash" story.¹⁸ In writing imaginative fiction with such economy of descriptive detail, one might expect that the goal of the author would be to elicit visual images in the mind of the reader, especially one who reads primarily

¹⁷ See Yuanhu Yusou 鴛湖漁叟, ed., *Shuo Tang quanzhuan* 說唐全傳, eds. Fu Cheng 傅成 and Wu Meng 吳蒙 (Shanghai: Shanghai guji, 1985), pp. 249 (Li Yuanba's death), 241 (the fateful battle). For fanciful fights involving magical powers, see pp. 328, 382-383, 390-393. The translation here is my own.

¹⁸ See Tan Zhengbi 譚正璧, ed., *Sanyan Liangpai ziliao* 三言兩拍資料 (Shanghai: Shanghai guji, 1980), p. 539; Tan here supplies a Qing period classical language version of this vernacular tale. It is even more laconic in describing the violence: "The thief then took the axe and chopped at Liu, killing him; putting all the money on his back, he left." (賊即取斧斫劉，殺之，盡負錢去。) Its author speculates that it was based on a real case of injustice from the Song period; he had read a vernacular version, he says, in *Jingu qiguan* 今古奇觀, but it does not appear in the current version of that 17th century collection. Tan Zhengbi, p. 540, notes that Jiang Ruizao 蔣瑞藻 deletes the title and substitutes the term *shuobu* 說部 or "fiction." See Jiang's *Xiaoshuo kaozheng* 小說考證 (Shanghai: Shangwu, 1935), pp. 155-156.

for his/her own pleasure.¹⁹ This is presumably why there is so little specificity of description in the narrative. But enjoyment is the exact antithesis to the function of violence as represented in case reports, regardless of whether it is narrated or simply described.

Details Intended to Convince

The First Imperial Archives in Beijing contain thousands of documents relating murder trials. These include routine Grand Secretariat memorials to the throne on criminal matters (*Neige xingke tiben*). About such documents, Nancy Park and Robert Antony observe:

Most of these were sent at the time of initial sentencing by the provincial or central government officials in charge of an investigation. . . . After the officials of the review board had determined whether the original judgment was in accordance with the law, they would submit a routine memorial recommending imperial approval, rejection, or revision of the sentence. [These] routine memorials provide a summary of an entire legal proceeding from the time when a criminal was brought to the attention of the authorities to the final decision in sentencing. Included in these memorials, many of which are extremely long, are blow-by-blow descriptions [i.e., narratives] of the investigative process, lengthy excerpts of depositions by suspects and witnesses, and discussion of the laws cited in determining a sentence.²⁰

In these archived documents, the most detailed outline of the investigation process generally comes from the section of the report attributed to the *zhixian*, the magistrate, in whose jurisdiction the criminal act occurred.

These reports follow a standard format. As I mentioned above, they begin with a summary of the facts of the case and then a narrative of all legal procedures undertaken before the case was heard at the magistrate's court. They date the initial complaint of an immoral act and incorporate the coroner's report on the physical evidence, with detailed notes about the appearance of the corpse, any weapons, and the circumstances. Then the report records the arrest procedure and incorporates sometimes extensive interrogation to clarify who was responsible for the evil deed and why it occurred. When the magistrate completed it, the case report was passed upward through the bureaucracy for judicial review, approval of sentencing, and finally the execution of the punishment—or imprisonment until the *qiushen* 秋審 (autumn assizes), when the case would be re-examined. Thereafter the convict might either be punished or held over until the following autumn review.

¹⁹ See my *Reading Illustrated Fiction in Late Imperial China* (Stanford: Stanford University Press, 1998), pp. 322-326; there I discuss Jin Shengtan's frequent invitations to the reader to visualize the violent battle between the martial hero Wu Song 武松 and a tiger.

²⁰ Park and Antony, "Archival Research in Qing Legal History": 99-100.

At each stage of the judicial review the presiding officer had to identify with precision the crime committed by all of the principals, their motivations, and what punishment was appropriate for each. Every recorded crime by necessity closely matched those acts identified as punishable in the Qing penal code and its supplementary statutes, the *Da Qing lüli* 大清律例. The Code stipulated the punishment appropriate for the perpetrators of every crime, and recommended penalties nominally conform to its standards.²¹ In order to ensure that the crime had been accurately identified and that the punishment was appropriate, all the particulars of the case were reported in very precise detail. The following is one example.

A Grand Secretariat Routine Memorial case report dated 1738 concerns a murder committed by a Hunan man named Hu Gongcai 胡公才. It seems that while celebrating the New Year the man's older cousin, named Pan Longyi 潘隆已, had become drunk and unruly. Hu and others had tried to calm Pan down, but to no avail. When Hu pushed Pan away from him, the drunken man fell and hurt himself. At this, Pan began to curse Hu's parents in a deliberate effort to shame him. Finding his insults intolerable, Cousin Hu hit the drunken Pan over the head with the leg of a stool. Pan subsequently died of these injuries.

Defendant Hu Gongcai tried valiantly to explain that the death occurred without premeditation, that it was the accidental consequence of the victim's own outrageous behavior. His testimony is so vivid that one of the judicial reviewers noted in his report, "*Gai fan gongtu ru hui* 該犯供吐如繪" (That criminal's testimony was just like a picture!).²² Here is the testimony that provoked his remark:

. . . On the night of the thirtieth of the twelfth month of Qianlong 2, Pan Longyi had already gotten drunk someplace else, I don't know where, and when he came home, took off his padded clothes and was cursing and shouting in the courtyard, wearing only his thin shirt and thin pants [i.e., his underwear]. But I don't know who he was cursing.

About that time Gao Shangxue came over to have a talk with him, but he paid him no mind; all he would do is curse people. I tried to calm him down, and so I said, "This is New Year's eve; it's not like other days. You shouldn't go on cursing like

²¹ Detailed descriptions of proceedings are found throughout the guidebook for lower level legal officials compiled by Huang Liuhong 黃六鴻 (1633-after 1705), *Fuhui quanshu* 福惠全書; see *Juguan fuhui quanshu* 居官福惠全書 (Jinling: Lianxi shuwu 濂溪書屋, Kangxi 38 [1699]); rpt. in *Guanzhen shu jicheng* 官箴書集成 (Hefei: Huangshan, 1997), Vol. 3. Most of the text was translated by Djang Chu as *A Complete Book Concerning Happiness and Benevolence: A Manual for Local Magistrates in Seventeenth-Century China* (Tucson: University of Arizona Press, 1984); for procedure in a homicide investigation, see pp. 319-327.

²² Grand Secretariat Routine Memorials on Crime and Punishment (*Neige tiben, Xingfa lei* 內閣題本刑罰類) (*bao* 包106), Qianlong 乾隆3.1.24 (March 8, 1738), memorial from Hebei by Minister of War 兵部尚書 Li Wei 李衛 (1687?-1738).

that. Why don't you get ready for bed?" Not only wouldn't he do what I said, he kept on cursing even louder. He even started cursing at me. I figured he was just drunk, so I went to calm him down again. But he turned his back and paid me no mind. Since he cursed me in spite of my good intentions, I was so mad that I lost my head: I put my hands on his back and gave him a shove.

He was so drunk that his legs were weak, and he fell down on his knees. There was firewood piled up all over the courtyard, and he fell into it. He struggled to get up, but he rolled around in the firewood. And because all he was wearing was his undershirt and underpants, he got bruises and scrapes on his right knee, his right cheek, over his heart, on his lower right side, and other places. Gao Shangxue hurried over and helped him up, but he still would not calm down. He grabbed onto me again and started butting me with his head. And he brought up my father and mother and started cursing them.

This made me even madder, so I picked up the leg of a wooden stool off the ground and hit him at random with it. Without meaning to, I hit him in the left temple and the side of his head. He let go of me and straightened up. Then he fell backwards into the firewood again and rolled all over, back and forth. He got scrapes from falling over both arms, on the left side of his ribs in back, on both sides of his butt, his neck, over his left kidney, his waist, and other places. That's when he finally shut up and stopped cursing. All he could do is holler out in pain.

Gao Shangxue and I picked him up again and carried him into the hut and put him on the *kang*. Then Gao went away. He was still all right at that time, and he asked me for a sip of hot water. Who'd have thought that on the first day of the New Year he wouldn't eat any more. By the second he couldn't even talk. As soon as I saw he was so bad, I went as fast as I could to report it to the ward chief. But by the time we got there to see him, Pan Longyi was already dead.

It was all because he brought up my father and mother and started cursing them that I got so mad that I gave him a shove. I hit him just once. I did not kill him on purpose. I only hit him on the head in one place; all the rest of those scrapes he got when he fell. Nobody else helped me hit him. This is the truth. Gao Shangxue can testify to that.

……乾隆二年十二月三十日晚，潘隆已不知在那裏喫醉，回家脫了錦衣，止穿著單衫單褲在院子裏胡嚷亂罵，也不知他罵的是誰。那時有高尚學來尋他說話。他也不理，只是罵人。小的去勸他說，今日是年節，比不得往日，不要罵了，收拾睡罷。他不但不聽，越大聲嚷罵，連小的也罵起來了。小的道他醉了，又去勸他。他把身子調過去了不理小的。因好意勸他，反被他罵了，氣惱得，慌用手在他背後推了一把。他是酒醉的人，腿軟，就往地下一跪。因院子裏有許多柴枝堆著，他就倒在柴枝上了。他要掙起來，在柴枝上亂滾。又因他止穿單衫單袴，所以把右膝、右眉、腮頰、心坎、左脇、等處都磕擦傷了。高尚學連忙把他扶起。他還不依，又揪住小的，用頭亂拼。牽著小

的父母大罵。小的越氣起來，在地上拾起壹根木板凳腿，隨手打去，不意打在他左額角連太陽上。他鬆手往後一仰，又跌在柴堆上亂滾。又把左右臂膊、左後肋、兩臀、項頸、右後脇、腰眼等處也跌擦傷了。他纔住口不罵，只是叫喊疼痛。小的又同高尚學把他扶進屋裏炕上。高尚學就去了。那時他還是好好的，向小的要熱水呷。不想到今年正月初一日就不要喫東西，到初二早上連話也不說了。小的見那樣子不好，連忙去通知牌頭，跟了小的看，潘隆已已經氣絕死了。小的原是因他牽罵小的父母，氣忿推了他一把，打了壹下，不意跌擦傷重死了。小的並不是有心要打死他的，只打了潘隆已頭上壹處傷，餘外都是他自己跌擦傷的。並沒別的幫打。是實。現有高尚學可證的。²³

What we have here is very clear narration with descriptions of motivations, actions, and their consequences, presented in far greater detail than similar scenes of violence in fiction. We readers even have the killer's own testimony about what he was thinking and why he lost his temper. After all, he had previously testified, this cousin Pan was living in his house, presumably for free. In his drunken state Pan was making an embarrassing public spectacle in front of Hu Gongcai's house. Worse yet, he cursed Hu's parents to provoke him.²⁴ In these regards, this testimony *seems* like a story, a dramatic piece of fictional narrative that clarifies the reasons behind actions as well as their consequences. That it was written in the first person gives the impression that the motivations are more easily comprehensible and more convincing as well. But the testimony as represented here reflects the legal requirement that the perpetrators account for all injuries on the body of the victim and narrate in precise detail the sequence of events. Although it may well be that Hu did say all of these things during his testimony, it is most likely that the deposition as represented here reflects statements that were made over a longer period of time than the discourse would indicate. Their organization and consistency most likely reflect the efforts of *muyou* 幕友, or legal clerks, in summarizing and clarifying, as we will see.

Such are the narrative portions of a case report. But considerably more important is the description of the wounds on the body of the victim, which precedes and thus takes precedence over the testimony in a case report. Not all such case reports have extended testimony, especially those from later in the Qing period, but precision in the description of the injuries suffered by the victim(s) is a regular feature in every one. Details about the wounds were generally discovered by *wuzuo* 仵作, or coroners, who were employed as needed by magistrates at the local level.

²³ *Neige tiben, Xingfa lei* (bao 106), Qianlong 1.24. Author's translation.

²⁴ Maram Epstein, "Making a Case: Characterization, Agency and Emotions," in Hegel and Carlitz, *Writing and Law*, demonstrates that cursing one's parents is a rhetorical staple in legal case descriptions of women who are out of control.

Even though the bodies of victims might be in an advanced stage of decomposition, it was the coroners' job, with the magistrates' oversight, to examine carefully all wounds on the victim, to determine which were fatal or potentially so, and to describe them thoroughly. Generally this requirement involved measuring the wounds, in length, breadth, and depth. In this homicide case, the description reads in part as follows:

. . . Wounds in five places, continuous, unable to measure, mortal, caused by a fall. . . . Broken skin in one place, measured diagonally 9 *fen* long and 4 *fen* wide; just below this, broken skin in one place, measured diagonally 7 *fen* long and 4 *fen* wide, mortal, wood scrape wounds, bright red. Toward the left kidney broken skin in one place, bright red, measured diagonally 1 *cun* 5 *fen* long, 4 *fen* wide, a non-mortal wood scrape wound. Right buttock, toward the outside, bright red, outer skin broken in two continuous places, unable to measure; non-mortal wood scrape wounds. Left buttock, close and low toward the outside, a purple red wound measuring diagonally 3 *cun* long and 2 *cun* wide, a wound from a fall. No other marks anywhere on the body.

Thereupon [the coroner] filled out and annotated a diagram and registry of wounds. Together with my [the magistrate's] affidavit that the coroner neither overlooked nor concealed any wound or mark, they are appended below.

……傷伍處相連難量分寸跌傷致命……破傷壹處量斜長玖分闊肆分近下皮破傷壹處量斜長柒分闊肆分木擦傷赤紅色致命。腰眼偏右赤紅皮破傷壹處量斜長壹寸伍分闊肆分木擦傷不致命。左臀偏外赤紅浮皮破傷貳處相連難量分寸擦傷不致命。右臀近下偏外紫赤傷壹處量斜長參寸闊貳寸跌傷。其餘沿身上下俱無別故。隨即填註圖格。并取具件作不致隱掩傷痕甘結附卷外。²⁵

One cannot fail to notice the extreme precision of this description. Clearly the magistrate sought veracity through detail and its legal interpretation (as mortal or non-mortal wound). His observations conform to the standard textual authority on which portions of the body can sustain mortal wounds.

This section of the memorial refers to the *tu* 圖 diagram and accompanying *ge* 格 or register of body locations indicating where injuries were discovered on the corpse (such registers were followed in writing up the verbal description of the injuries). All of these visual records seem to be variations on the same model, the famous Song period study of forensic medicine by Song Ci 宋慈, the *Xiyuan ji lu* 洗冤集錄 (Collected Notes on Exposing Wrongs) of *circa* 1247. Various editions of this text served magistrates as the standard reference throughout the Qing. The reasons are not hard to see. First, its diagrams of the body were sufficiently detailed to make precision in identifying the location of wounds seem within the grasp of the generally

²⁵ *Neige tiben, Xingfa lei* (bao 106), Qianlong 1.24. Author's translation.

untrained functionaries whose job it was to examine the victim's remains (coroners often were undertakers).²⁶ Illustrations 3 and 4 are views of the human body from a late Qing version of *Xiyuan lu* (see pp. 88-89). Such drawings had been in use since 1204 when a regional official proposed that inquest officials be provided with ventral and dorsal views of the human body on which to record wounds and injuries in red ink. Moreover, the *Xiyuan lu* emphasized just how important it was to take care with such examinations, a point made clear as well in the Qing penal code.²⁷

Taken together, the verbal description, the diagram, and the register of body sites constitute the core of the evidence: case reports hinge on these descriptions. For fiction, description—explicit or imagined—supplements narrative, but in these legal documents, narrative merely corroborates and supports the descriptions by contextualizing them in the action narrated by principals and witnesses to create a “story” around these facts. Obviously nothing could be left to fertile imagination in such serious business as a homicide case; the illustrations, both verbal and graphic, were designed to preclude any fanciful interpretations beyond what their authors intended.

Violence Narrated in Passing

In the case above, and in thousands of others like it, violence is described through its effects on the body and narrated through the testimony of participants and witnesses. But there is another aspect of violence to be explored here, the application of torture during the courtroom proceedings themselves. Judicial punishment of this sort appears regularly in the *gong'an xiaoshuo* 公案小說 or courtroom fiction of the Ming and Qing. However, to judge from my limited sample of cases, for the most part chosen at random from capital crimes documented in the Beijing Archives, torture was not often used. It would seem relatively conventional in judicial reports to

²⁶ Sung Tz'u (Song Ci), *The Washing Away of Wrongs: Forensic Medicine in Thirteenth-Century China*, trans. Brian E. McKnight (Ann Arbor: Center for Chinese Studies, University of Michigan, 1981), p. 1: “[A] functionary called the *wu-tso* 仵作 . . . performed the actual forensic procedures at inquests . . . [They] were lowly figures, most often undertakers, and who might more accurately be called ‘coroner’s assistants’.” They had none of the authority of “crowners” as officials deputed by the king that English coroners had. For modern editions, see Song Ci 宋慈, *Chongkan buzhu Xiyuan lu jizheng* 重刊補註洗冤錄集證, comm. Ruan Qixin 阮其新 (1807; Taipei: Wenhai, 1968); Song Ci, *Xiyuan ji lu* 洗冤集錄 (Shanghai: Shanghai kexue jishu, 1981); models of *tu* and *ge* appear on pp. 67-68 and 61-63 respectively.

²⁷ See Sung Tz'u, *Washing Away of Wrongs*, p. 13. The penalties for failure to record such details are outlined in the Qing penal code; see Xue Yunsheng 薛允升, ed., *Du li cunyi* 讀例存疑, 1905; rpt. as Hsüeh Yun-sheng (Xue Yunsheng), comp., *Du li cunyi chongkanben* 讀例存疑重刊本, ed. Huang Tsing-chia 黃靜嘉 (Taipei: Chengwen, 1970), *juan* 49, Article 412, pp. 1267-1275; William C. Jones, trans., *The Great Qing Code* (Oxford: Clarendon Press, 1994), pp. 394-395.

narrate interrogation in which the magistrate merely *threatens* to apply the instruments of torture in order to extract confessions without actually applying those frightful instruments.²⁸

Descriptions of the effects of torture are even less common. One exception is to be found in the form of “Supplementary Confessions” in the Grand Council Memorial Files on legal matters (*Junjichu lufu zouzhe, Falü lei*) concerning a 1768 case from Zhejiang. At a time of great national tension, a group of monks gathered by chance to beg alms, their separate home areas having all been struck by famine. One of them was a 48-year-old monk named Jucheng 巨成 who had taken the tonsure in Hangzhou seven years previously—after his parents, his wife, and his children had all died. Quite innocently the travelling monks asked directions from a young boy, whose parents flew into a panic and began screaming for the monks’ arrest. The monks had wandered into the middle of the infamous and widespread soul-stealing scare that the throne feared held the potential to become a rebellion. Since no one recognized them, the monks were immediately taken off for interrogation. Jucheng later testified about that initial courtroom session in these words:

Because I wouldn’t confess, the County Governor had me squeezed. When I couldn’t stand the torture any more, I couldn’t help but make a confused confession. But he said what I said was wrong, and he kept squeezing me, squeezing me three times with the pressing beam until my leg bones were all crushed. That day Jingxin was also squeezed once with the beams. Later, and also when I was investigated at the Shaoxing District court, because my legs were already crushed neither of the two courts used any torture instruments; they just gave me ten slaps across the mouth. . . .

……縣官因我不認，把我夾起來。我受刑不起，隨口混認。又說我說的不是，一連把我夾了三夾棍，把腿骨都夾壞了。當日淨心也夾了一夾棍。後來紹興府審過。兩堂因我腿子已壞，沒有動刑，打了十個嘴巴……²⁹

²⁸ Wang Huizu 汪輝祖 (1731-1807), a man who had worked for many years as a *muyou* or legal secretary before becoming an administrator himself, provided advice on judicial proceedings to other such secretaries in his *Zuozhi yaoyan* 佐治藥言 (1785), rpt. in *Guanzhen shu jicheng*. In Section 25, “*Xu wei fanren zhaoxiang*” 須為犯人著想, he recorded his general success when withholding torture and thereby winning the cooperation of the person under interrogation. See the translation by Sybille van der Sprenkel in her *Legal Institutions in Manchu China: A Sociological Analysis* (London: University of London, Athlone Press, 1962), p. 148.

²⁹ *Junjichu lufu zouzhe, Falü lei* 軍機處錄副奏摺法律類, No. 122, Qianlong 33 (1768). Philip A. Kuhn paraphrases much of this testimony in his *Soulstealers: The Chinese Sorcery Scare of 1768* (Cambridge, Mass.: Harvard University Press, 1990), pp. 9-22, where he puts it in the larger context of the soulstealing hysteria whipped up locally but ultimately utilized by forces surrounding the imperial court. I have carefully compared his lively versions with the original (which he kindly supplied); where my translation seems to follow his it is simply because his

Ostensibly the purpose of the *jiagun* 夾棍 or pressing beam was to crush either the ankles or to fracture the shinbones in order to induce complete and truthful testimony. Undoubtedly, when force was applied to the victim's legs the pain became unbearable long before the bones were actually broken. Despite what is generally known of the inability to speak when torture reaches this level of intensity, testimony is represented in case reports as if the deponent were speaking normally, albeit with great earnestness.³⁰ The monk's description merely confirms what the intended readers of these case reports would inevitably already know, that the pain was crippling, and that truth would still be discovered thereby. In this case, the veracity of the monk's deposition is confirmed by his unwillingness to give false testimony, even under torture. The violence is reported only historically, and then only in the most general ways. As with the scenes of killing in fiction, this testimony, as narrative, leaves all details to the imagination of the reader. We readers have to imagine for ourselves whether *huai* in this case means that the hapless monk was permanently crippled, or only severely injured by this brutal judicial torture. The narrative recorded here, probably summarized from actual testimony, is as succinct, and as suggestive, as if it were fiction. The existence of this text—and the intensity of the torture—are probably both due to the imperial court's exceptional interest in the case.

rendition cannot be improved. Kuhn, *Soulstealers*, pp. 15-17, provides both verbal and pictorial descriptions of the torture devices mentioned here.

³⁰ Elaine Scarry, *The Body in Pain: The Making and Unmaking of the World* (New York: Oxford University Press, 1985), esp. pp. 5-6, 12-18, 35-37. On the uses and limitations of torture during the Qing, Ch'ü T'ung-tsu, *Local Government in China Under the Ch'ing* (Stanford: Stanford University Press, 1962), p. 125, notes: "A magistrate, during interrogation, was allowed to use torture to obtain a confession from the suspect, except when the person interrogated was over seventy, under fifteen, or an invalid. The forms of torture permitted by law were flogging, slapping, squeezing the fingers or ankles, and other forms described below. All instruments of torture had to accord with standard sizes and forms and they had to be examined and branded by the superior yamen. Officials were prohibited from making unlawful instruments of torture. Among the lawful instruments of torture was the ankle-squeezer, which could never be applied to a woman. It could be used only in cases of homicide and robbery, and officials were required to report to the governor-general and governor whether they had used it in a particular case. It was legitimate to have a person kneel upon an iron chain or to press a stick against the back of his knees only in cases of robbery or homicide where the suspect refused to confess." See also: Derk Bodde and Clarence Morris, *Law in Imperial China: Exemplified by 190 Ch'ing Dynasty Cases* (Cambridge, Mass.: Harvard University Press, 1967), p. 98; Ch'ü T'ung-tsu, *Law and Society in Traditional China* (Paris: Mouton, 1965), pp. 273-279; Madeleine Yue Dong, "Communities and Communication: A Study of the Case of Yang Naiwu, 1873-1877," *Late Imperial China* 16.1 (Jun. 1995): 79-119.

Textual Strategies

Although I have presented here only a few examples from an enormous body of material,³¹ still a few conclusions can be reached about the differing textual strategies of these two types of writing. First, and most clearly, narration and description had quite different functions in the hands—and minds—of late imperial Chinese writers. Writers were able to manipulate them separately or together for their various ends. Narration was the primary type of writing in fiction; its sequence of many events recounted one after the other in causal sequence presumably enabled the reader more easily to visualize a scene, such as violent actions involving homicide. But on the other hand, narration was also the logical choice for representing testimony in a courtroom, because these accounts centered on the relevant *action*, rather than the appearance of either the actor(s) or those acted against. Description of the physical effects of violence on the human body found its greatest use in the court case records. There the reader's imagination was not to be stimulated; he was to be provided with all the details he might need to reach one specified conclusion concerning action, motivation, and, most importantly, how this act could be defined in legal terms. As in the example above, the intended effect of these legal documents was not to hasten reading; instead it was to slow reading down, to cause one to check and to recheck the data so presented. Like interlinear fiction commentary, these case reports foregrounded their discourse over the story itself.

To this end legal report language was formulaic, the data presented in incomplete sentences, as if in a table (like the list of possible sites for wounds presented in tabular form in forensic medicine handbooks). By necessitating slow and deliberate reading, legal writers encouraged their readers to discern how specific constellations of elements—the wounds, the actions, and the motivations—corresponded most closely to one of the transgressions identified in the Qing penal code. When a correspondence was achieved, then one could express some confidence in the judicial opinion that completed each stage of the review process, even when violence in the form of torture was invoked to determine the full story behind a fatal violent act.

One might conclude, then, that details of “imagined” or fictional violence—which might be entertaining in its *unreality*—were best left to the reader to fabricate for himself. This allowed multiple versions of the “action scenes” to be created in the reader's imagination by separate readings. The specific effects of real, and thus necessarily punishable, violence had to be carefully measured and plumbed. The act that produced lethal damage to a human body had to be circumscribed by sufficiently redundant detail to allow the reader to reach only one interpretation of the

³¹ I refer to the large number of novels and short works of vernacular fiction (including *gong'an xiaoshuo*) that narrate violent acts, historical texts, and of course the thousands of memorials and depositions concerning violent crimes among the Qing imperial archives stored in Beijing and Taipei.

responsibility incurred by its perpetrator. Thus the separate conventions for representing of “real” versus “imagined” violence serve to distinguish “factual” events and effects from those created in fiction. But, I would submit, the distinction is more a matter of form than it is the difference between factual and fabricated action. The role of imagination is central in the intended response to all of these texts.

Despite the contrasting ends and narrative techniques of these two forms, as we have seen, parallels exist in their reading. Legal historian Chiu Peng-sheng 邱澎生 explains that the production of crime case reports was a collective process. He speculates that scribes working from oral testimony and other sources (including the coroner’s running commentary during a forensic examination) may have produced the raw text. This text was then submitted to the magistrate who, after modifying its content, would pass it on to his *muyou* for rewriting in proper format and standard style. But given his personal culpability for any errors or oversights a report might contain, the magistrate surely edited the prepared report himself before entrusting it again to the scribe who produced the clean final copy. The completed report would then be referred upward through the judicial review process.

At district and provincial levels a similar process of shuffling the report between various readers and writers must have been repeated before each of the responsible officials in turn felt satisfied with its representation of the case and submitted it to the next higher level. Thus, Dr. Chiu concludes, many hands and eyes were involved in producing the documents found in the archives today.³² Consequently it is not surprising that they are so standardized in form, content, and language. As mentioned above, the collective aim of all involved in the judicial review process was to enhance clarity and to eliminate ambiguity from readings of the text.

Ostensibly, fictional texts are the product of individual minds. But this was not always literally so in late imperial China. Literary theorists point out that self-consciously or unwittingly each writer’s work reflects the texts he has read before. This is particularly evident in China in the developing traditions of vernacular fiction from the middle Ming period onward. Popular writers frequently rewrote earlier texts, borrowing, adapting, and emending freely to shape a new narrative of their liking. This practice gave rise to the use of ambiguous terms to indicate the role of author, compiler, editor, redactor, and the like when these texts came to be printed. The addition of one or more prefaces and especially the growing fashion to include commentary in printed works of fiction only complicated this situation.

Although they had a far less serious purpose than those employees of the state and their assistants who compiled reports on criminal investigations, the words of commentators served to restrict, or at least to lead, readers to a certain kind of

³² Chiu Peng-sheng, oral response to an earlier version of this paper presented at the Institute of Chinese Literature and Philosophy, Academia Sinica, Taiwan, September 1, 2003. The author gratefully acknowledges Dr. Chiu’s clarifications on this point.

understanding of the events narrated there and of the characters involved. Their instructions guided the reader on what to enjoy and the meaning to draw throughout the text. Sometimes commentary focused on moral instruction, but other times it might be hints to help the reader to learn to write well—suggesting that the reader vicariously “rewrite” the story by anticipating how the author will shape events in the pages ahead.³³

Thus the production of both fictional and judicial texts could involve varying degrees of collective authorship; this is because the producers always knew the importance of control over the reading process. Mature fiction published from the Chongzhen 崇禎 period of the Ming through the end of the Qing almost always contained commentary that directed the reader’s attention beyond the story to the discourse that shaped it. Handbooks for magistrates and legal secretaries served a similar purpose. Knowing the proper discourse in which one was writing was obviously crucial.

Finally, a test of these conclusions. When fiction and legal cases are so antithetical in their purposes, which model could the writer follow when the two forms of writing intersect, in the creation of crime case fiction, *gong’an xiaoshuo*? Other scholars have explored in some detail the conventions of this genre of fiction.³⁴ But of course we all know that stories of Judge Bao 包公, for example, focus on his imaginative approaches to identifying the guilty parties in a case. The stories are narratives involving little description; like other fiction, the emphasis is on action. Appropriately, this leaves the details of the violent act to the reader’s own creative participation in imagining the story’s details. If such fiction were to represent accurately painstaking crime investigation—much less the writing practices of real court documents—such stories would not stimulate the reader half so much.³⁵ They would be dull by comparison, the sort of text to occupy bureaucrats at work, not the reader at leisure seeking diversion from the tedious details of reality. After all, who would find a checklist of wounds and a chart of bones to be half so much fun to read as the adventures of a wily judge who consults the gods for assistance? And don’t we all want to see legal cases that really turn out right, in which the guilty are

³³ See David Rolston, *Traditional Chinese Fiction and Fiction Commentary: Reading and Writing Between the Lines* (Stanford: Stanford University Press, 1997).

³⁴ See Patrick Hanan, “Judge Bao’s Hundred Cases Reconstructed,” *Harvard Journal of Asiatic Studies* 40.2 (1980): 301-323; and James St. André, “Picturing Judge Bao in Ming *Shangtu Xiawen* Fiction,” *Chinese Literature: Essays, Articles, Reviews* 24 (Dec. 2002): 43-73.

³⁵ See my *Reading Illustrated Fiction*, pp. 322-326, on entertainment reading during the late Ming and Qing.

appropriately punished and the innocent fully exonerated? For this, one could only rely on imaginative fiction.³⁶

³⁶ I must take this opportunity to thank the two anonymous reviewers engaged by the editors of this journal. Their perceptive comments have been extremely helpful in forcing me to clarify my thinking, hence my comments, on several key points above. Likewise, I am very grateful to Dr. Lawrence C. H. Yim 嚴志雄 of the Institute of Chinese Literature and Philosophy, Academia Sinica, for his encouragement and his assistance throughout the process of preparing this manuscript.



Illustration 1: Lin Chong about to strike his enemies.
From the *Ming Rongyutang ke Shuihu zhuan* (1615).



Illustration 2: Lin Chong takes revenge.
From the 1614 Sanduozhai edition (rpt. in *Zhongguo gudian
wenxue banhua xuanji*).

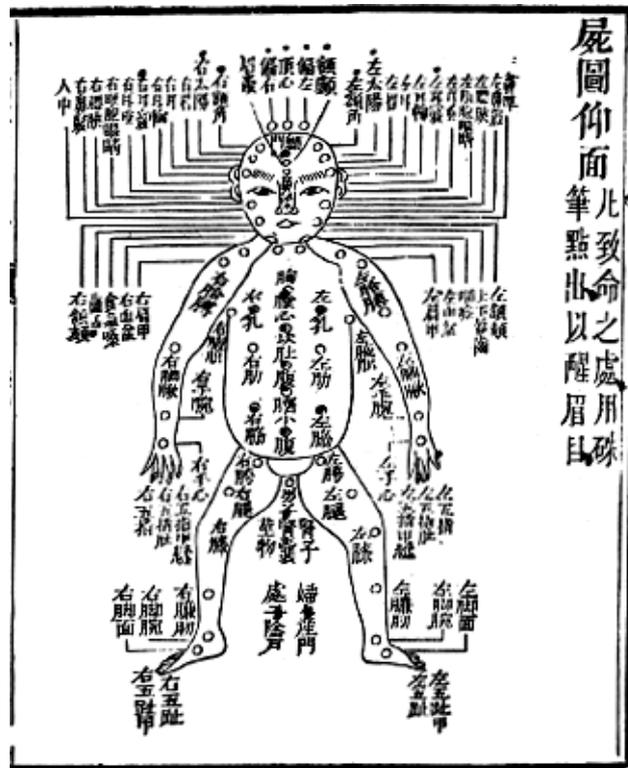


Illustration 3: Ventral view of the human body from *Xiyuan lu*. 1807 edition, rpt. Taipei, 1968.

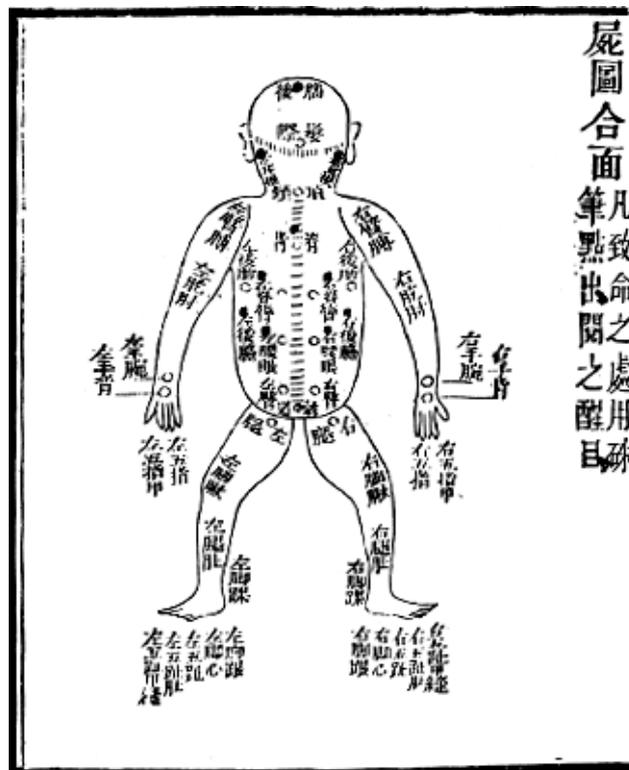


Illustration 4: Dorsal view of the human body from *Xiyuan lu*. 1807 edition, rpt. Taipei, 1968.

想像的暴力

何谷理

本文嘗試透過研究暴力的再現這一課題探討中國明清時代的書寫文化。研究材料包括：流行於清代的明清白話小說、清代刑科題本及清代的相關檔案文獻。通過分析這些材料如何再現憤怒的情狀、爭奪武器而導致命案以及勇士間的械鬥，我得出結論，認為小說作者對暴力的敘述是最簡潔的方式進行的；他們把對細節的想像留給了讀者，這種寫法用意在於讓讀者通過積極參與對現場的創造而獲得審美愉悅。與小說相比，對受傷身體高度細節化的描寫構成清代刑科題本的核心證據，這些描寫被置於官方調查的敘事模式和主犯及目擊人敘事性證詞的脈絡中，其預設效果，是排除讀者想像性解釋證據的可能性，即，只能存在一種讀法：這種讀法必須直接導向對「大清律例」中所描述的、應受到特定刑罰的特定暴力行為的識別。檔案文獻中敘事性證詞的再現與小說敘事有一些共同特點，如二者均缺乏對暴力的細節化描寫。我將摘錄三種清代刑科題本來支持上述論點。對比而言，似乎是將以上兩種寫作方式相結合的明清公案小說在形式上更接近其他小說而非法律文獻：公案小說強調對暴力的敘事而非對暴力的描寫，為的是激發讀者的創造性想像。

關鍵詞：想像的暴力 描寫體 敘事體 細節 書寫用意 再現

Imagined Violence: Representing Homicide in Late Imperial Crime Reports and Fiction

Robert E. HEGEL

This essay seeks to explore the culture of writing in late imperial China by focusing on one common topic: the representation of violence. Materials examined here include vernacular fiction of the Ming and Qing periods that continued to be popular through the Qing period, and crime case reports and related documents from the Qing. Through examinations of the effects of violent rage, a struggle over a weapon that ends in death, and a battle between heavily armed warriors, I conclude that writers of fiction narrated violent acts in the most concise manner possible, leaving the details to the imagination of the reader. This technique is intended to entertain by actively involving the reader in the creation of the scene.

By contrast, descriptions of wounded bodies form the central evidence in Qing period crime case reports. These highly detailed descriptions are contextualized by using the narrative of the official investigation and the narrative testimony of the principals and the witnesses of the crime. The intended effect is to preclude imaginative interpretations of the facts; there could be only one reading, which had to lead directly to an identification of the violent act, with a punishment as described in the *Da Qing lüli*, the Qing penal code. Narrative testimony as it was represented in legal documents shares some characteristics with fictional narrative, namely its lack of detailed description. Excerpts from three Qing crime cases support these conclusions. Ming-Qing *gong'an xiaoshuo*, the legal fiction that would seemingly combine these two approaches to writing, in formal terms is clearly more like other fiction than like legal documents: it emphasizes narration rather than description of violence to spark the readers' creative imagination.

Keywords: description details imagined violence intention in writing
narrative representation