

1. Theiss concludes that when confronted with the murder of an elder male who had raped his daughter-in-law, the highest authorities during the Qing regularly overlooked his sexual predation and punished his killers, often the son or other male relatives, with the harshest penalties for their crimes against the patriarchy (*Disgraceful Matters*, 116–17). For the commentary on Article 366 of the Qing penal code that outlines the requirements for evidence of rape, see Sommer, *Sex, Law, and Society*, 89. Sommer notes that punishments for rape grew in severity over time and reached a new level during the Qing (*Sex, Law, and Society*, 70–71).

2. She uses the northern pronoun *wo* rather than some more deferential form.

3. He goes out the window in order to avoid going through his parents' room, which lies between the couple's room and the outer door.

4. She also uses the general northern pronoun *wo*.

5. Reference is made here to Article 285 of the Qing penal code. See Jones, *Great Qing Code*, 271.

6. References are to Articles 368 and 9 of the Qing penal code. See Jones, *Great Qing Code*, 349, 42. This is a clear example of preferential treatment under the law for bannermen.

CASE 14

Ms. Ma: Disguised Poisoning (Shandong, 1795)

TRANSLATED BY MARAM EPSTEIN

Of interest in this case are the details that designate the victim a shrew. The emplotment in the summary constructs Ms. Ma as the primary agent in the events—it is her resentment of her husband's poverty that sets the conflict in motion. Her husband, who admits to premeditated homicide, is presented as a secondary character and a victim of her shrewish behavior. The real issues in their marital conflict seem to be Ms. Ma's resistance to her marital family and her close relationship with her mother. Her mother was willing to shelter her from an unhappy marriage and supported her for long periods of time. Her mother's deposition repeats none of the details about her daughter playing the shrew. She only provides the dates of how frequently and how long her daughter ran "home." Even though daughters were said to be temporary residents of their natal homes, this case illustrates that a young wife might resist the expectation that she transfer her filial loyalties to her husband's family.

Several other facts are of particular interest here. For one, it never occurs to Wang You that he could divorce his wife and send her back to her parents as a way of light-

ening his burden. Likewise, no one seems interested in pursuing the degree of Wang Deshun's knowledge of what happened that night (popular understanding of poisoning by arsenic is that it is extremely painful, so it is unlikely that Wang You's father did not hear any moans). Finally, the more serious crime of premeditated poisoning is elided into a less serious charge of homicide as a result of a husband striking his wife (even though the punishment remained the same for husbands who struck their wives with intention to kill).¹ As can be seen from Wang You's final explanation of what he did with the arsenic that poisoned his wife, the possession of compounds that could be used as poison was tightly regulated by the state.

Your subject Agui [here follows a long list of titles in very small characters] respectfully submits this MEMORIAL to clarify a matter.

Jiang Lan, former recording secretary for the governor of Shandong now serving as judicial commissioner, records a matter according to the memorandum submitted by Acting Judicial Commissioner Cedan based on documents first processed under the previous judicial commissioner and transferred over to him. This report states that Wang You of Putai District poisoned his wife, Ms. Ma, and disguised it as suicide by hanging. According to the detailed report submitted by Prefect Xiang Lin of Wuding Prefecture, Liu Fushan, the magistrate of Putai District, reported:

On Qianlong 59.4.9 [May 7, 1794], the local warden Lu Haoshun reported that the villager Wang You had reported that his wife, Ms. Ma, had hanged herself on the evening of the eighth. When [Lu] inspected the corpse, he saw that she had already been laid out but there were no markings on her neck. As appropriate, he reported this for investigation. I [Magistrate Liu Fushan] then proceeded to where the corpse lay and in accordance with the law conducted an investigation.

In his oral report, the coroner declared: "According to the questioning, the deceased, Mrs. Wang née Ma, was nineteen *sui* in age. From the front, her complexion is dark, and blood is coming from her nostrils; her upper and lower lips are contorted and purplish black. Her mouth is open, and her tongue has contracted and is showing pustules. Her ten fingernails are all cracked and blackened. Her torso, chest, and abdomen are all black in color. There are no other injuries. Indeed, she was poisoned while still alive. Unquestionably, her death could not have been caused by suicide by hanging."

I [Magistrate Liu] personally examined the body and found no discrepancies. The testimony of the local warden Lu Haoshun corresponded with the written plaint.

The deposition made by Mrs. Ma née Lin states: "The deceased Mrs. Wang Ma was my daughter.² She was married to Wang You for more than two years. Because Wang You's family was bitterly poor, my daughter was not willing to live with him. She ran away and came home twice last year, but I sent her back. This year, over the New Year [around February 1, 1794], my daughter again ran back home and stayed for more than two months until I sent her back on the seventeenth of the third month [April 16]. Early on the ninth of the fourth month, my son-in-law went to say that my daughter had hanged herself and died. When I hurried to see, her body had already been taken down, but there were no marks on her neck. Today, after this examination, it is clear she was poisoned. I beseech you to investigate this injustice thoroughly."

Wang Deshun's deposition states: "I am sixty-eight *sui* in age. My wife died young, and I have only one son, Wang You. The deceased Ms. Ma was my daughter-in-law and entered our house two years ago. Ms. Ma resented the bitter poverty of my family and frequently yelled about not being willing to live in my household. Last year, she ran home twice; each time, her mother sent her back. This year, over the New Year, she again ran home and stayed there for more than two months. It was not until the seventeenth of the third month that her mother sent her back. Ms. Ma frequently fought with my son. I was unable to discipline her. On the eighth of the fourth month, when Ms. Ma was about to run away again, I saw her and prevented it. Ms. Ma had a fit, crying and screaming (*sapo kunao*); my son hurried over to beat her, but I told him to leave her alone. At dusk, when my son came home, my daughter-in-law was lying on the *kang* and was not willing to make supper, so my son made supper for me by himself. Then I went to sleep. On the morning of the ninth, I got up and saw that Ms. Ma was dead on the *kang*. I questioned my son in detail, and he informed me that he had mixed leftover arsenic with the rice and had left it for Ms. Ma. She ate it and died from the poison. I was afraid my son would be charged with a crime, so I told him to claim that Ms. Ma had hanged herself to death in the hope that we could cover it up. Now, after the inquest, it's not possible to cover it up; I have no choice but to confess the truth. In fact, I only learned of it after the fact and did not conspire to kill her. That is the truth."

Wang You made full oral confession of his plotting to poison his wife Ms. Ma and of disguising it as hanging. On this basis, I jailed Wang You, recorded the depositions, and filed my report. Having received authorization to carry out a full investigation, I proceeded to interrogate strenuously all related parties. The statements were in agreement with the previous depositions.

Wang You's deposition states: "I am eighteen *sui* in age. My father Wang Deshun is sixty-eight *sui*, and my mother died early. I have no brothers. The deceased Ms. Ma was my wife; she married into my family two years ago. We had no children. Ms. Ma resented my family's bitter poverty and was unwilling to live with me. She often quarreled with me. In Qianlong 58, she twice ran home; each time, my mother-in-law personally sent her back. During the first month of Qianlong 59, she ran away again. Only on the seventeenth of the third month did my mother-in-law send her back. Ms. Ma frequently quarreled with me; my father tried to discipline her, but she wouldn't obey.

"On the afternoon of the eighth of the fourth month, my wife again tried to run away, but my father prevented her, and she had a fit, crying and screaming. I hurried over to beat her, but my father shouted at me to leave her alone. About dark, I came home, and my wife was lying on the *kang* and hadn't even made supper. I made supper myself and ate together with my father. Because I was thinking that I would have to put up with a lifetime of my wife being a shrewish woman (*pohan*), I came up with the idea of finishing her off. I remembered that there was some arsenic left over from wheat planting last year. I took advantage of my father being asleep and found the arsenic and mixed it in with the leftover rice and placed it on the stove beside the pot. I was thinking that my wife would eat up the rice when she got hungry; it would then poison her, and I'd be rid of my troubles. I lay down in an outer room and pretended to be fast asleep. After a while, I made out the sound of my wife getting up and eating the rice. She slept until the middle of the night on the *kang* and then called out for some water to drink. I didn't give her any. My wife vomited for a while, and then she stopped breathing and died. The next morning, my father got up and asked me all about what had happened. I told him the truth. My father was worried that I would be charged with a crime and told me to claim that my wife had hanged herself and to report it to the warden. Now that the wounds on the corpse have been discovered by the examination, I can't blame anyone else and have no choice but to confess the truth. I came up with the idea of poisoning my wife all by myself; my father knew nothing about it.

"As for that arsenic, I bought it last year from the stall of a dry-goods vendor whose name I do not know. The rice bowl in which I mixed the arsenic has already been washed. That's the truth."

The magistrate of Putai District, Liu Fushan, investigated and judged Wang You according to the statute for a husband who hit and killed his wife, provisionally sentencing him to strangulation. Since it was intentional homi-

cide, the laws on strangulation stipulate a sentence of strangulation subject to review at the autumn assizes.³

The documents were transferred to the prefectural *yamen*. A further detailed investigation was made, and there were no discrepancies in the findings. . . .

The facts, depositions, and provisional sentence are repeated from investigations at the prefectural and provincial levels. The imperial decision on the cover of the memorial confirms the sentence of strangulation with delay. Because Wang You was the only son of an aging widower, his life might have been spared.

NOTES

Source: *Xingke tiben* [(Board of Punishments) Office of Scrutiny routine memorials] 2/1941/7, dated Qianlong 60.2.13 (1795).

1. This is Article 315 of the Qing penal code. See Jones, *Great Qing Code*, 300.
2. She uses the deferential pronoun *xiao furen*.
3. This apparently refers to Article 315 of the Qing penal code. See Jones, *Great Qing Code*, 300. Article 290, on intentionally killing another, prescribes beheading with delay. See *ibid.*, 276.

PART V

CONTROL OF POLITICALLY MARGINAL GROUPS AND INDIVIDUALS

The Manchus established the Qing empire by the same means that all their Chinese predecessors had used, military conquest. Fighting continued sporadically for decades, first with local rebels and the armed remnants supporting Ming pretenders in Taiwan and southwestern China, next with breakaway commanderies in the south, and later with Central Asian peoples, the Mongols and their Turkic neighbors farther west, where fighting continued until 1784. Even long after the conquest was complete in China proper, the barest shred of evidence might provoke imperial fears of plots and uprisings, such as the "soulstealing" scare of the 1770s. Such fears provoked the empire's lack of tolerance for any religious movements not recognized by the state (see, for example Kuhn 1990). The following cases highlight official responses to marginal peoples, Zhuang at the frontiers of the empire and followers of the White Lotus Teachings (Bailian Jiao) at the fringes of Han society. Neither could have presented any real threat to the state at this time, although in nineteenth-century China, the Qing was nearly overthrown by a combination of the two: a marginalized ethnic group, the Hakka, led by a new type of religious leader, Hong Xiuquan (1814–1864), and his Christian Taiping Heavenly Kingdom (see Spence 1996).