

Source: *Neige tiben Xingfa lei* [Grand Secretariat routine memorials, Crime and Punishment] 2-34-2335-5, Yongzheng 6.10.20 (1728).

1. The ancient state of Chu was in modern Hunan; Hunan and present-day Hubei were called Huguang during the early Qing.
2. According to Article 25 of the Qing penal code, an offender who turns himself in and makes a confession before he is caught avoids punishment if the crime is minor. For major crimes such as homicide, however, he will still be punished in accordance with the relevant law for the original crime. See Jones, *Great Qing Code*, 56-58.
3. Presumably, she was sewing them out of cloth.
4. Most such market towns held periodic markets, every ten days or more frequently; as Jin San reveals below, the market was held here every three days.
5. Presumably meaning cheap incense to be used in religious rituals.
6. *Yanxun*, meaning "interrogate strenuously," is a formal term, suggesting interrogation using torture.
7. By this, he means on the third, sixth, and ninth day of every ten-day period, or *xun*, that is, the thirteenth, sixteenth, nineteenth, and so on.
8. This is in accordance with Article 282 of the Qing penal code, with no allowance for the murderer's voluntary confession. See Jones, *Great Qing Code*, 268.

## CASE 19

*Luo Fepeng: A Phony Scholar-Official (Jiangxi, 1763)*

TRANSLATED BY MARK MCNICHOLAS

During the Qing period, a serious crime did not necessarily include an act of violence. The following two documents relate the exploits of a poor but resourceful scholar on the margins of elite society who impersonated an official during the middle years of the Qianlong period.<sup>1</sup> Luo Fepeng was an unsuccessful teacher from Jiangxi, in south-central China. Teaching does not seem to have supported his financial needs, for he was twice punished for theft by the local magistrate before he set off on his new adventures.

Luo Fepeng's experiences while posing as a man of higher status and finer prospects who had fallen on hard times demonstrate the importance and usefulness of native-place solidarity and classical education in late imperial China. In planning his appeals for aid, Luo carefully targeted fellow natives of his home province. He also made good use of his education, combining the facility in writing required of

any civil-service examination candidate with a widely understood political symbol—a hat ornament indicating official rank—in weaving tales of hard luck that enabled him to obtain free food, clothing, and lodging. His experiences also reveal how position brought with it the ability to influence others in the administration: because of his supposed connections, Luo was asked to intervene in a lawsuit, which ultimately resulted in his undoing. This case exemplifies the daily struggle for food and shelter that took place at the margins of society. It also reveals an ideal of traditional social harmony: people helping a stranger in distress.

## DOCUMENT I. LUO FENPENG'S CONFESSION

This confession is quoted in the initial report submitted to the Throne by the Jiangxi provincial governor Tang Pin on May 1, 1763.

"I am from Luling District in Ji'an Prefecture. I was originally surnamed Luo, and my name is Fepeng; Li Rongzong is an assumed name. This year, I am thirty-eight *sui* old. My father is Luo Junzheng, and my younger brother is Luo Yunpeng. I have taken a wife surnamed Li, who gave birth to a son, Xunguan, only eight *sui* old. In Qianlong 24 [1759], I left home and went from Hunan to Hubei, working as a scribe along the way to get by. I did not falsely pretend to have official rank. In Qianlong 25 and 26 [1760 and 1761], I went to various places in Henan, selling calligraphy, and committed no acts of banditry or swindling.

"In the eleventh month of Qianlong 26 [late November and December 1761], I heard that THE EMPEROR was touring the south, and I wanted to go and see. After the twentieth [December 15], I arrived at Yangzhou and first stayed at the Jiangxi native Shan Zixian's needle shop on Coppersmith Street. As I saw that Yangzhou was bustling, I conceived the idea of pretending to be an official in order to swindle. So I invented the name Ouyang Zhang and said I was a vice prefect by purchase.<sup>2</sup> Then, I met Li Huancai, who had a tailor shop on Peppertree Alley and was also from Jiangxi. I told him that I was Ouyang Zhang of Anfu [also in Jiangxi, and close to Luo's home] and that because of a boating accident when crossing the Yellow River, my baggage had been swept away and lost. He believed it and borrowed sixteen *liang* on my behalf. I also borrowed a total of eighty *liang* from Shu Wen and Zeng Er, who were on a Ji'an tribute boat. I had clothing made, hired servants, and, wearing a crystal-buttoned official's hat, used the name Ouyang Zhang and went to visit the Nanchang *jiansheng* Lu Xuan.<sup>3</sup> I met him several times and also went to visit the Yangzhou subprefectural magistrate Xie Tao. He, too,

is from Ji'an, and I thought he would give me some traveling money, but he had gone off on business, and I never got to see him. There was also the Zhenjiang Transport Command company commander Ouyang Weiguo, escorting [grain boats] to Yangzhou, and his brother Ouyang Zhiping and the fellow provincial lumber merchant Xiong Wenjin. I went to see all of them. Ouyang Weiguo had already departed, and I did not swindle any money from him.

"As I had stayed at Yangzhou for a long time and feared discovery, on the nineteenth of the second month [March 14, 1762], I threw the hat button away and, taking the remaining two or three *liang*, fled across the [Yangzi] River. On the twenty-third [March 18], I reached Suzhou and, on the second of the third month [March 26], reached Hangzhou, where I amused myself for a few days on West Lake. As my traveling money was exhausted, I again thought of swindling, whereupon I bought a dark blue rank button at a stall.<sup>4</sup> Fearing that someone from Yangzhou would come searching, I dared not keep using the name Ouyang Zhang and changed my name to Li Chunguan. Saying I was a Ji'an native and a prefect by purchase, I went to visit the Hangzhou prefect Zeng Yueli, who was also from Jiangxi, but was not received. There was also the Chuzhou brigade commander Zeng Jieji, at Hangzhou on a horse-buying mission. He was a Jiangxi native, and I went to visit him, hoping he would give me some traveling expenses, but I did not meet him either. I had no money to spend, so I worked as a scribe to make a living.

"Later, I traveled on foot to Jiangning. Seeing that there were many Jiangxi lumber merchants there, I again wore the blue-buttoned hat and, using the name Li Chunguan, went to visit them. I wrote some calligraphy samples and gave them to the lumber merchants Chen Lüxiang and Huang Canxian, earning more than thirty *liang*.

"In the fifth month [late May to late June 1762], I set out from Jiangning, going north of the [Yangzi] River to the Shouzhou area [in Anhui] and, as before, getting through the days by working as a scribe. On the twentieth of the first month of this year [March 4, 1763], I arrived at Nine Temple Mountain in Tongshan District, Hubei, and stayed at Jiuyi Temple. The Daoist priest, Liu Jingting, was also a Jiangxi native, and he invited me to eat. But I had no money to donate.

Recalling that there was a fellow provincial, Li Xuan, [who] had served as district magistrate of Yuanrang [in Hunan], I wrongfully used his name to write the calligraphy for two door tablets. Moreover, I wrote the words "Rewarding the regular metropolitan graduate, Board of Revenue office

director, and Grand Master for Governance of Shaowu Prefecture, Fujian, who accompanied the IMPERIAL CARRIAGE on a southern tour, IMPERIALLY FAVORED with conferral of a court necklace, satchel, and advancement by one class." I meant only to show off to him.

Unexpectedly, when I went to stay at an inn outside the Tongshan District walls on the twenty-third [March 7], someone surnamed Yu was gambling for high stakes there with some others; they were arrested by constables, and I was taken with them for questioning. In the heat of the moment, I put on my official's cap and said I was Li Xuan and was awaiting an appointment as prefect. The Tongshan magistrate questioned me for a while and handed me over to underlings to keep in custody for further investigation. I seized an opportunity to escape.<sup>5</sup> On the sixth of the second month [March 20], I reached the Shankou area in Wuning District and spent the night at the home of one Hong Nanyang. On the seventh, the dismissed stipend student [*linsheng*] Ye Guangjia, seeing that I wore a rank button, took me to his home.<sup>6</sup> I lied that I had served as prefect of Zhangzhou, Fujian. Because his relative Nie Xianmo was in the midst of a lawsuit over the compilation of a clan genealogy, Ye Guangjia promised me eighty *liang* if I would intercede with the district magistrate on his behalf. We went to the district seat together. Considering my own false position, I dared not go to meet the district magistrate and seized an opportunity to flee. I reached the Shatian area but on the fourteenth [March 28] was caught by magistrate's runners from the two counties of Wuning and Tongshan and brought to this court. I did not receive money from either Ye Guangjia or Nie Xianmo and except for [what I have related in this confession] have not done anything illegal. Even in my home of Luling, I merely made a living by instructing the young."

*Luo's testimony was confirmed by depositions from all the persons he named, each of whom was summoned to the court for interrogation.*

#### DOCUMENT 2. GOVERNOR TANG'S FINAL REPORT

*The following is an extract from the Jiangxi governor's final report on the case, retelling the story with added details acquired during the course of his investigation.*

Governor of Jiangxi and concurrent provincial military commander, Your sub-  
ject Tang Pin respectfully submits this MEMORIAL on the matter of apprehend-  
ing, trying, and passing sentence on a false official.

Your subject ventures to report on the case of the Wuning District magistrate apprehending Luo Fepeng, also known as Li Rongzong, who pretended to be an official. I immediately forwarded the criminal and evidence to the provincial capital. I also immediately ordered the Nanchang and Jiujiang prefects to conduct investigations on the details of the depositions. Your subject further led commissioners and intendants one by one in rigorously investigating all the particulars. On 3.19 [May 1, 1763], I respectfully memorialized for YOUR MAJESTY'S information, at the same time speedily sending communications to the governors-general and governors of Jiangnan and Zhejiang to make clear through investigation whether Li Huancai and others were in fact defrauded and moreover to obtain the truthful, personal depositions of Zeng Yueli, Zeng Jieji, and other civil and military officials and moreover requested investigation into the details of the crimes at Tongshan District, Hubei, so as to compile evidence. Now the various provinces have one after another responded. Beginning on the twenty-fourth of the fourth month [June 5], Your subject led Provincial Administration Commissioner Fuming and Anhui provincial judicial commissioner Yan Xishen in personally bringing Luo Fepeng to my court in order to interrogate him with torture and, layer by layer, get to the root of the matter.

The said criminal is a native of Luling District [in Ji'an Prefecture, Jiangxi]. Never content with his lot in life, he twice committed theft and was punished by the district magistrate, as is on record. Then, in Qianlong 24 [1759], he left home and worked his way to the Hubei-Henan area via Liling District [Hunan], working as a scribe along the way and every day obtaining twenty or thirty coppers for his living. In the eleventh month of Qianlong 26 [December 1761], he arrived at Yangzhou [in Jiangsu] and saw that the place was thriving, whereupon he conceived the idea of swindling. He bought a hat bearing the crystal rank button and invented the name Ouyang Zhang. Learning that the Jiangxi native Shan Zixian operated a needle shop in Yangzhou, and that the brothers Li Jingting and Li Huancai had a tailoring business there, the criminal first went to Shan Zixian's needle shop and spent the night. The next day, he went to Li Huancai's home and falsely claimed that he was a vice prefect by purchase whose boat had been damaged and luggage swept away on the Yellow River and that now he was sending a letter home to press for money to be sent to him. Li Huancai, long knowing of the great Ouyang clan, believed it and took him to the Quelling Monsters Temple [Fumomiao] next door to stay. From beginning to end, he lent the criminal sixteen *liang*.<sup>7</sup>

The criminal bought clothing and hired Xiao Shun and other servants to

accompany him. He asked Li Jingting to act as guarantor and borrowed a total of eighty *liang* from the Ji'an [his home prefecture] traveling boat merchants Shu Wen and Zeng Er. He also borrowed three *liang* and six coppers from Xiao Shun's father, Xiao Yu. Then, he asked Li Huancai to advance twelve *liang* for him as security on boots and hats and, further, claiming to be purchasing a concubine, asked Chen Laosan to act as matchmaker, make a match with a Miss Zou, and give two *liang* in betrothal money as well as earrings, rings, and so on. Moreover, he borrowed silver from the temple monk Jie'an and asked Jie'an to act as guarantor to borrow eight thousand coppers from a squad commander [*bazong*] Xu, who was also staying at the temple.<sup>8</sup> Jie'an, seeing that he lived there for some time with no sign of the [expected] letter from home, inquired about it morning and night. The criminal feared that he would be exposed, and on the nineteenth of the second month of Qianlong 27 [March 14, 1762], he used the pretext of an excursion to flee. Squad Commander Xu demanded his money from the monk. Jie'an, together with Li Huancai, sold the bedding the criminal had left behind for five *liang*, two coppers. Jie'an further pawned his own clothing to raise enough to pay off [the debts]. The amounts that Jie'an had lent and spent [on Luo Fepeng's behalf], including rent, added up to a total of fifteen *liang*. Li Huancai drew up an agreement pledging to repay it.

The criminal took his remaining silver and, during the second and third months, wandered along the road from Suzhou to Hangzhou. In the fifth month, he arrived at Jiangning. With his traveling money exhausted, he again conceived the plan to swindle, bought a dark blue hat button, invented the name Li Chunguan, and claimed he was a prefect by purchase whose servant had absconded with his baggage, leaving him stranded. He walked to the Twisting Dragon Monastery at Shangxin River [in western Jiangning Prefecture] in search of lodging and encountered the Jiangxi raft-maker Zeng Wenmao. They talked about their longing for home, and Zeng Wenmao let him stay at the monastery, on various occasions lending him silver and cash and giving him food, spending a total of twenty-some *liang*. The criminal also wrote calligraphy samples and gave them to [Jiangxi] lumber merchants conducting trade at Jiangning; of these, Chen Lüxiang gave him a *liang* and two coppers and Huang Canxian gave eight coppers. By the eighth month, Zeng Wenmao had spent much money and told him to borrow elsewhere. The criminal falsely claimed that although he had several friends in this place, it would be difficult to go call on them without [proper] clothing and headwear. Zeng Wenmao then had clothes and a hat made for him. The criminal again feared exposure, and on the tenth of the eighth month [Sep-

tember 27, 1762], he left the temple, hid the blue hat button, and escaped, going north of the Yangzi River toward the Shouzhou area and again working as a scribe along the way.

On twentieth of the first month of this year [March 4, 1763], he arrived at Jiuyi Temple in Tongshan District, Hubei, cheating the Daoist priest Liu Jingting out of food by writing calligraphy for a door tablet. Recalling that his fellow provincial Li Xuan had been magistrate of Yuanrang District, he assumed his name and wrote the words "accompanied the IMPERIAL CARRIAGE on the southern tour, IMPERIALLY FAVORED with conferral of a court necklace, satchel, and advancement by one class" and gave it to the Daoist priest to store. On the twenty-third, he went to a restaurant outside the walls of the Tongshan District seat, wearing the blue-buttoned hat and falsely claiming to be a prefect. When the owner Yan Guoxiang informed patrolling runners that there happened to be one Yu Lijiu and others gambling heavily at the restaurant, they were all taken to the magistrate for interrogation. In the deposition that the Tongshan District magistrate immediately had him write, [Luo] claimed that twice, at Jiangning and at Huai'an, he had received the EMPEROR, and that moreover Junior Vice-Minister [of the Board of Personnel] Cheng Yan and Grand Secretariat [Neige] Academician Shuangqing had presented him at audience, and again that he had, accompanying the EMPEROR, arrived at the capital on the fourth of the fifth month [June 14] and received the IMPERIAL benevolent conferral of a promotion by one class and so on. The Tongshan magistrate handed him over to underlings to guard, but the criminal escaped.

On the sixth of the second month [March 20], he fled to the Shankou area of Wuning District. The dismissed stipend student Ye Guangjia detained him at his home, promising to give him eighty *liang* if he would go to the district magistrate and intercede in the matter of his relative Nie Xianmo's lawsuit over the compilation of a clan genealogy. The criminal, considering his own false position, escaped to Shatian. On the fourteenth, Wuning District learned [of his whereabouts] and sent underlings to apprehend him. It happened that Tongshan District runners also arrived in Wuning, and they collaborated in his apprehension. This is the true tale of the said criminal repeatedly pretending to be an official and lying and swindling in various localities.

*The governor concluded his report by noting that Luo Fensheng's confession was as clear as a picture in every detail and recommended that Luo be beheaded after the autumn assizes in accordance with the law on impersonation of an official. The doc-*

*ument ends with the emperor's decision in red: "Let the Three Judicial Offices make a recommendation and memorialize accordingly." Presumably, Luo was executed.*

#### NOTES

Source: For document 1, Guoli Gugong bowuyuan [National Palace Museum], ed., *Gongzhongdang Qianlongchao zouzhe* [Secret palace memorials of the Qianlong reign] (Taipei: Guoli Gugong bowuyuan, 1982-89), vol. 17: 243-46, memorial dated Qianlong 28/3/19. For document 2, *ibid.*, 566-70, memorial dated Qianlong 28/4/27.

1. In accordance with Article 360 of the Qing penal code, punishments for impersonating an official ranged from beheading with delay to beating with the heavy staff. See Jones, *Great Qing Code*, 343-44.

2. At various times throughout the Qing period, the government sold official ranks (and sometimes even posts) as a temporary revenue-gathering expedient. Even a purely honorary rank enhanced the purchaser's social status.

3. In the Qing period, the button at the top of one's hat designated official rank. The colors assigned to each rank were, from highest (rank one) to lowest (rank nine), ruby, red coral, transparent blue, dark blue, crystal (transparent), opaque white, golden, gilded, and silvered. Thus, Luo's hat button indicated the fifth rank. Brunner and Hagelstrom, *Present Day Political Organization*, 507-8. The *jiansheng*, a purchased degree, was generally equivalent to the lowest of the three regular civil-service degrees.

4. Dark blue is the color for the fourth-rank button.

5. Article 389 of the Qing penal code stipulates increased penalties for those who escape from jail; Article 392 outlines punishments for jail guards who fail to prevent such escapes. See Jones, *Great Qing Code*, 362, 366.

6. A stipend student attended a government school, received a stipend, and was certified to take the provincial civil service examination. Hucker, *Dictionary of Official Titles*, 313.

7. The temple was dedicated to Guan Gong, patron deity of merchants and warriors. Lord Guan was the historical general Guan Yu of Shu Han who lived during the Three Kingdoms period (third century).

8. During the Qing period, the squad commander led ten soldiers in charge of protecting a fortification. These minor military officers were also charged with protecting transports along the imperial waterways. See Hucker, *Dictionary of Official Titles*, 360-61.