

the same terms as at lower levels of review, the Three Judicial Offices endorsed the recommended sentences. The emperor's comment on the cover of the memorial reads:

"Ms. Jia is to be confined until beheading; Duan Shizhuo should be incarcerated as suggested until after the autumn assizes, when he is to be executed. The others as recommended."

NOTES

Source: *Neige tiben Xing* [Grand Secretariat routine memorials, (Board of) Punishments] 73, Jiaqing 8.2.29 (March 22, 1803).

1. This was a common way of determining whether a person had been poisoned in late imperial China; the poison remaining in the mouth would tarnish the silver pin.

2. In the name Macunbao (Ma Village), the term *bao* indicates a walled village in contrast to others that had no such enclosure. Presumably, Ma Village was larger than many and had reason in the past to protect itself against bandits and other external threats by constructing a defensive wall of some sort. This was not a fortification having military value.

3. Article 285 of the Qing penal code prescribes dismemberment as the penalty for a wife who, after adultery, plots to murder her husband. See Jones, *Great Qing Code*, 271.

4. Presumably, she had been incarcerated during her illness; it is likely she fell ill while being transferred from one jurisdiction to another.

5. According to the Qing penal code, knowingly selling poisons to be used against persons was a very serious crime during the Qing period, see, for example, Article 289. See Jones, *Great Qing Code*, 274-75.

6. Those who were ill were exempt from legal action until they recovered.

CASE 5

Cao Ligong: Attempted Rape That Led to Murder (Zhili, 1803)

The memorial on this case is translated here in its entirety. It begins with an exceptional meditation by the magistrate on the probable events surrounding the murder; the testimony he presents thoroughly confirms his "suspicions." The redundancies

demonstrate the concurrence of each successive level of administration on the substantial facts of the case and their interpretation. The emperor, however, did not reach a conclusion on whether the murderer should be summarily executed as recommended and as the law stipulated. His decision, written on the cover of the case, was that the Three Judicial Offices should review the sentence and prepare a memorial on how and when to punish the murderer.

Bracketed headings have been added to draw attention to the structure of the report, with its several restatements of the basic facts followed by corroborative details and then a summary. The carefully constructed arguments in these reports are reminiscent of the general structure required for civil-service examination essays.¹ The first line, the list of titles held by the author of the memorial written in smaller characters, is not fully legible in this copy.

... Secretary of the Board of Punishments, Your subject Yan Jian respectfully submits this MEMORIAL to report a matter. Qing Zhang, the judicial commissioner of the Zhili Provincial Judicial Commission, reports on the submission of Yao Liang, Prefect of Hejian, concerning the detailed brief submitted by Zhao Lun, Acting Magistrate of Dongguang District, that he had investigated a complaint filed on Jiaqing 7.8.12 [September 8, 1802] by Zhu Zhaolong, a local warden in the Cao Family Manor [Caojiazhuang] area under the jurisdiction of said district:

[Local warden Zhu Zhaolong's complaint quoted in the magistrate's report:]

"On the morning of this day, a resident of said village, Cao Fugui, came in person to complain that on the afternoon of the eleventh of that month, his wife, Mrs. Cao Wang, had gone to a field north of the village carrying a square basket to pick string beans. By evening, she had not returned, and his search yielded no trace. Early this morning, he discovered his wife, Ms. Wang, lying facedown in Kang Juncheng's field north of the village; a cotton sash was wrapped tightly around her neck as she had been strangled by some person. At that time, he requested that I make a report on this matter; I thereupon confirmed the facts of the complaint and hereby request that you make an investigation of the matter, make arrests, and so on. On this same day, the husband of the deceased, Cao Fugui, brought the matter to my attention, and together we have come here to the district yamen."

[District Magistrate Zhao Lun's review:]

Thereupon, this humble magistrate, together with a clerk and the coroner, proceeded to the site. According to the preliminary report prepared at Cao Family Manor, Kang Juncheng's sorghum field is about two li from the village. The body of the aforementioned woman lay facedown in Kang

Juncheng's field with her head toward the east and her feet toward the west. Her hair was disheveled. On her body, she wore one (1) single-layered blue cotton blouse and one (1) pair of single-layered blue cotton pants, ripped at the waist and lacking any sash. Around her neck was wound one (1) cotton sash. According to the oral testimony of the bereaved husband Cao Fugui, the sash with which she had been strangled was the sash from his wife's own pants.

Thereupon, I removed the sash from her neck and measured it; it is 3 *chi* and 5 *cun* long. I also preliminarily ascertained that to the west of Kang Juncheng's field lay a parcel of Cao Zhikang's sorghum field. West of that field is a strip of willow trees. To the south, the field abuts Cao Fugui's field. The sorghum on both sides of that field bears the traces of something having been rolled in it, and there is a trace of blood on the ground in one place there.² In addition, one (1) bone hair clasp and one (1) lock of false hair had been abandoned there. I preliminarily ordered the bereaved husband Cao Fugui to identify them, and he acknowledged that in fact they were objects formerly worn by his deceased wife. I examined the spots where the rolling around had taken place, and they were about twenty paces from the location of the corpse of Ms. Wang. The ground bore the traces of pushing and pulling. Moreover, I went to Cao Fugui's field and preliminarily ascertained that some number of string beans had been picked.

The preliminary investigation completed, I returned to the corpse and instructed that the corpse should be moved and laid on a level place for a formal inquest in the presence of the next of kin in accordance with the law. According to the coroner Yang Xing's oral report, he had ascertained that the deceased Mrs. Cao Wang was twenty-four *sui* in age. From the front, the color of her face was purple-red, with her two eyes slightly opened, her nostrils caked with clotted blood, her mouth slightly open, and her tongue pressed against her teeth. A fatal wound was on her throat, the marks of the sash wrapped around it twice, forming one (1) line 9.2 *cun* long, 3 *fen* wide, and 5 *fen* deep, a purple-red color. The two hands were lightly clutching her stomach. Her two cheeks were distended, and the hair around her face was disheveled. A fatal wound was on the back of her cranium, a round laceration. Beyond these, there was no cause of death. When the coroner's report on the cause of death was complete, this humble magistrate conducted a personal examination of the corpse and found no discrepancy. I ordered the cotton sash to be compared with the wound, and it corresponded. At the site, I filled out and annotated the chart and the list [of wounds on the corpse] and entered them into the record along with the testimony of the coroner and the deceased's next of kin. As for the corpse, I ordered it shrouded and

given shallow burial outside [the *yamen*] pending further investigation. Warden Zhu Zhaolong's testimony differed not at all from the complaint, leaving no need to question him further.

[Initial interrogation at the inquest in sight of the victim:]³

Upon questioning, Kang Juncheng testified: "I am a resident of Wu Family Village under Your Honor's jurisdiction. I make my living as a farmer. I live in the same hamlet as Cao Fugui. It has always been recognized that this plot of sorghum field belongs to my family. How anybody could have murdered Cao Fugui's wife, Ms. Wang, who had gone to her own field to pick string beans on the afternoon of the eleventh of the eighth month, in my field at that time I have no idea whatsoever. The next morning, when I heard Cao Fugui shouting, that's the first time I knew anything about it. I hurried out to look, but Mrs. Cao Wang was already dead. With a sash wrapped around her neck, she looked like she'd been murdered. But who could have strangled Ms. Wang to death, I really have no idea. And that's the truth."

Upon questioning, Cao Zhikang testified: "I am a resident of Cao Family Manor under Your Honor's jurisdiction. This year I am forty-six *sui* in age. I make my living as a farmer. The land to the west of Kang Juncheng's sorghum field has always been in my family. South of my land is Cao Fugui's family field. On the eleventh of the eighth month [September 7], Cao Fugui's wife, Ms. Wang, went to her own field to pick string beans. How she was strangled on Kang Juncheng's land, how Ms. Wang's hair clasp and hairpiece came to be left behind on my land, and how a trace of blood was left on the ground there, I really do not know. And that's the truth."

Upon questioning, Cao Fugui testified: "I am a resident of Cao Family Manor under Your Honor's jurisdiction. The dead woman, Ms. Wang, was my wife. She was twenty-four *sui* this year. On the afternoon of the eleventh of the eighth month of this year, my wife walked to our own field to pick string beans carrying one square woven basket. But by the time it got dark, she had not yet returned home. So then I went looking for her, but I could not find her. On the morning of the twelfth, I went to Kang Juncheng's land, where I saw my wife, her hair all disheveled, lying facedown on the ground. The sash from her pants was wound around her throat; she had been strangled by somebody. When I looked, I discovered that the waist of her pants was ripped and her basket was nowhere to be seen.⁴ At once, I went to inform the local warden so that he would come and investigate, and then we came into the city to file a complaint at the court. Will Your Honor favor me with your investigation? My wife has truly been strangled by somebody; I beg you to have him arrested and put to rights this evil in order to relieve this

injustice [*shenyuan*] to my wife. Please grant us this favor; my family has no neighbors to whom we can turn. And that's the truth."

These were all the available details. Thereupon, I took the sash and other objects with me for storage in the *yamen* repository. At the same time, I offered a reward and selected constables to go separately to arrest the evildoer and to collect any relevant evidence. Then this humble magistrate filled in the picture of the corpse, recorded the [initial] testimony, and submitted the requests. Having received the rescripts of authorization, I began the formal inquiry concerning this case.

At the site where Mrs. Cao Wang had been murdered, I had ascertained that the waist of her pants had been ripped, the sash with which she held them up having previously been removed. This woman being only twenty-four *sui*, I suspect that, given the circumstances, this is an obvious case of murder as a result of attempted but unsuccessful rape. Since the corpse of Ms. Wang was in Kang Juncheng's field, why were the hairpiece and the hair ornament she had worn found in Cao Zhikang's field? We can generally conclude that the primary culprit in this case could not have been some stranger. Likewise, at the time Ms. Wang was murdered, with her life hanging in the balance, she must have cried out loudly, screaming for help. Why did no one working in the fields that day hear her? There must be one among them who is hiding his evil deed. Consequently, I sent out constables to look for evidence and to make arrests. At the same time, I personally went to the aforementioned hamlet to make detailed inquiries.

Thus, on 10.4 [October 30], I ascertained that on the day Mrs. Cao Wang was murdered, Cao Ligong, son of Cao Zhikang of Cao Family Manor, had also gone to work in the fields north of the hamlet. Furthermore, after the aforementioned woman was killed, Cao Ligong hid at home and dared not show himself. Therefore, I ordered the arrest of Cao Zhikang and Cao Ligong and commanded the bereaved husband Cao Fugui to appear in court. I observed that on the back of Cao Ligong's right hand there was one (1) scar of a scratch wound. Thereupon, I questioned them.

Cao Fugui testified that he had heard that on the afternoon of 8.11 of this year, at the time that his wife, Ms. Wang, had gone to the field to pick string beans, Cao Ligong, a distant relative in a younger generation, had also gone to the fields to chop sorghum leaves. No one else had gone to work in those fields on that day. Inevitably, he would have been able to hear as his wife was being strangled. Moreover, Cao Fugui begged for a strenuous investigation of whether or not his wife had been strangled by Cao Ligong. His wife had up to that time never had any friendly relations with Cao Zhikang's family.

Upon questioning, Cao Zhikang testified that he had a son, Cao Ligong, who is twenty-five *sui* this year. Cao Fugui is his distant relative in the same generation, but normally they do not have friendly relations with him. His field adjoins that of Cao Fugui. On the afternoon of 8.11 of this year, his son Cao Ligong had gone to the field north of the village to chop sorghum leaves. He returned around dusk. Whether on that day Cao Fugui's wife had cried out as she was being murdered and whether his son had heard her, he really did not know. But he also said that his son was now in court and could be questioned about the matter.

Thereupon, Cao Ligong was brought before the court for questioning, but the culprit's testimony was confused, and he refused to confess his guilt. This humble magistrate examined him repeatedly until Cao Ligong testified: "All right, I'll tell you the truth. I am a resident of Cao Family Manor under Your Honor's jurisdiction. This year I am twenty-five *sui* in age. Until now, I've always earned my living as a farmer. Cao Zhikang is my father. Cao Fugui is a distant relative in my father's generation, but we've had neither good nor bad relations.

"On the afternoon of the eleventh of the eighth month of Jiaqing 7, I went to our own field north of the hamlet to chop sorghum leaves. At that time, Ms. Wang, Cao Fugui's wife, had brought a square basket and was picking string beans in her own field. I noticed that she was young and was sort of attractive, and all of a sudden I was moved by an evil thought [*yishi dongle xienian*], and I wanted to have illicit sex with her. So I walked into her field and took her left hand in my right hand and asked her to have sex with me. Ms. Wang refused and began to shout and curse at me. Seeing there was no one else around, I conceived the idea of raping her.

"Then I dragged Ms. Wang into our sorghum field and forced her face-down onto the ground, giving her a bloody nose. At that time, I used my left hand to hold her body down while I untied the sash on her pants with my right. Then I turned her over and pulled down on her pants, ripping them at the waist. Mrs. Cao Wang struggled, and she scratched a gash on the back of my right hand. I let go of her, and Mrs. Cao Wang used the chance to hold up her pants with both hands and cry out in a loud voice. I was afraid, and I got up, without having raped her. How could I know that Mrs. Cao Wang would sit up and just keep on yelling. I was afraid that somebody might hear, and I was also afraid that if Ms. Wang went home and told her husband, he'd not forgive me for it.

"All at once, I conceived the idea of strangling her. So I picked up the sash of her pants from the ground, walked around behind her and grabbed her

hair with my right hand, and pulled her backward down to the ground, pulling loose her hair clasp and her hairpiece, which fell to the ground. I stepped on her hair with my right foot and wrapped her sash around her throat twice. Ms. Wang was yelling and pulling at the sash with her right hand and struggling to get free with her left. So I tramped down on her left hand with my left foot and quickly made the sash into a slipknot and pulled it tight as hard as I could. After a while, Ms. Wang stopped breathing and died.

"Since Ms. Wang's body was in my field, I was afraid that someone would figure it out. So I dragged the corpse over to Kang Juncheng's field and laid her facedown on the ground. I also hid her basket full of string beans among the willow trees. Then I went home. The next day, I heard that Cao Fugui had found her body and had reported it for investigation. I was scared, so I hid out at home. I never thought that Your Honor would be able to figure it all out. But I haven't given any false testimony. I never succeeded in raping her, nor was anybody else involved. My father didn't know about it or try to hide it. And that's the truth."

Thereupon, I deputed a constable to go to the willow copse west of the culprit's field, where he discovered one (1) square basket, which he delivered to the court for inspection. The basket was filled with string beans; I selected a few pods, and all were dried out. I showed the basket to the bereaved husband Cao Fugui for his inspection, and he affirmed that it was the same basket his wife had been carrying before her death and that the string beans inside it were the product of their field. Thereupon, I immediately provided him with a release to take them and added all these facts to the record.

Thereafter, I remanded Cao Ligong to jail, released his relatives and the others on bail, and continued with my investigation. The [attempted] rape having failed, he conceived the idea to take her life to silence her. The true facts of whether or not the rape had been completed and whether there had been an accomplice should be matters for a separate decision, and I recommended punishment based on confessions and what I have been able to learn from others.

[The formal hearing at the district magistrate's court:]

The culprit having been examined at my humble court, and having recorded that testimony, I requested permission for a formal investigation. Having received the rescript with that authorization, I at once assembled at the *yamen* the people who should be examined along with the jailed Cao Ligong. Subsequently, I questioned and released the local warden Zhu Zhao-long, the neighbor Kang Juncheng, the bereaved husband Cao Fugui, and the

father of the culprit Cao Zhikang. Since the testimony of each of them fully corresponded with my original questioning, I did not question them again on any other matters.

Cao Ligong testified: "I am a resident of this district. I am twenty-five *sui* in age this year, and I make my living by farming. Cao Zhikang is my father. Cao Fugui is a distant relative in my father's generation, but we've had neither good relations nor bad.

"On the afternoon of the eleventh of the eighth month of Jiaqing 7, I went to our own field north of the hamlet to chop sorghum leaves. At that time, Ms. Wang, Cao Fugui's wife, was carrying a square basket and picking string beans in her own field. I noticed that she was young and was sort of attractive, and all of a sudden I was moved by the evil thought that I wanted to have illicit sex with her. So I walked into her field and took her left hand in my right hand and asked her to have sex with me. Ms. Wang refused and began to shout and curse at me. Seeing there was no one else around, I conceived the idea of raping her.

"Then I dragged Ms. Wang into our sorghum field and threw her facedown onto the ground, giving her a bloody nose. At that time, I used my left hand to hold her body down while I untied the sash on her pants with my right. Then I turned her over and pulled down on her pants, ripping them at the waist. Mrs. Cao Wang struggled, and she gave me a scratch on the back of my right hand. I let go of her, and she used the chance to hold up her pants with both hands and yell at me in a loud voice. I was afraid, and I got up, without having raped her. How could I know that Ms. Wang would sit up and just keep on yelling and cursing? I was afraid that somebody might hear, and I was also afraid that if she went home and told her husband, he'd not forgive me for it.

"All at once, I conceived the idea of strangling her. So I picked up the sash of her pants from the ground, walked around behind her and grabbed her hair with my right hand, and pulled her backward down to the ground, pulling loose her hairpin and her hairpiece, which fell to the ground. I stepped on her hair with my right foot and wrapped her sash around her throat twice. Ms. Wang was yelling and pulling at the sash with her right hand and struggling to get free with her left. So I tramped down on her left hand with my left foot, quickly made the sash into a slipknot, and pulled it tight as hard as I could. After a while, she stopped breathing and died.

"Since her body was in my field, I was afraid someone would figure it out. So I dragged the corpse over to Kang Juncheng's field and laid her facedown on the ground. I also hid her basket full of string beans among the willow

trees. Then I went home. The next day, I heard that Cao Fugui had found his wife's body and had reported it for investigation. I was scared, so I hid out at home. I never thought that Your Honor would be able to figure it all out. But I haven't given any false testimony. I never succeeded in raping her, nor was anybody else involved. My father didn't know about it or try to hide it. And that's the truth."

Through repeated interrogations, the culprit maintained that he had not carried out the rape and that he had no accomplices.

[The magistrate's summary and recommendations:]

In summary, I, Zhao Lun, Acting Magistrate of Dongguang District, have investigated the case of subject Cao Ligong who, because he failed at the attempted rape of Mrs. Cao Wang, on the spur of the moment strangled said woman. To wit:

Cao Ligong is registered as a resident in this district, and he makes his living as a farmer. He resides in the same hamlet as Cao Fugui, his distant relative in his father's generation, but normally they did not have friendly relations with each other. Cao Fugui's family owns a piece of land contiguous with a field owned by Cao Ligong's family. On the afternoon of Jiaqing 7.8.11, Ms. Wang, wife of Cao Fugui, took a square basket with her and went to her land to pick string beans. At that time, Cao Ligong had also gone to his field to chop sorghum leaves. He espied that Ms. Wang was somewhat fair, and there being no one else around, he suddenly conceived an evil thought. At once, he proceeded to Ms. Wang, pulled on her hand, and demanded illicit sex. Ms. Wang did not accede and cried out and cursed him. Overcome by immoral desires, he conceived the idea of raping her. He dragged Ms. Wang over to his own land and threw her facedown onto the ground, thereby causing injury to her nose. Then Cao Ligong held her down with his left hand while he untied the sash of her pants with his right. Turning her over on her back, he pulled on her pants until he ripped them at the waist. Ms. Wang struggled and with her hand scratched the back of Cao Ligong's right hand. Cao Ligong released his grip, and Ms. Wang pulled up the waist of her pants with both hands, shouting loudly. Fearful, Cao Ligong got up without having raped her. Shamed and unwilling to submit, Ms. Wang sat there on the ground, shouting and cursing ever more loudly. Cao Ligong feared that someone might hear her. Likewise, considering that when Ms. Wang returned home and told her husband, her husband would not forgive him, Cao Ligong conceived the idea of taking her life in order to silence her.

Thus, he picked up the sash he had removed, went around behind Ms. Wang, and grabbed her hair with his right hand, pulling her head backward

until she fell down. This disheveled her hair, and her hairpiece and bone hair clasp fell to the ground. With his right foot, Cao Ligong tramped down on her hair as he wrapped the sash around her throat. With her right hand, Ms. Wang held the sash, preventing it from being wrapped firmly, while she struggled to get free with her left. Again, Cao Ligong used his left foot to stamp down on her left hand as he tied the sash into a slipknot. Then he pulled hard on the sash to strangle Ms. Wang, and she presently expired. Fearing that he would be easily exposed if Ms. Wang's body were discovered on his land, he dragged the corpse over to Kang Juncheng's land and laid it facedown on the ground. He also hid Ms. Wang's basket of string beans among the willow trees. Then he immediately went home. His father Cao Likang knew nothing of the matter.

Toward evening, because his wife had gone out to the field and had not returned, Cao Fugui went looking for her but did not find a trace. The following morning, he discovered the corpse of his wife in Kang Juncheng's field. He made an outcry to the local warden, who reported it to the district for investigation. Having made inquiries, I deputed a constable to make arrests. I summoned Cao Ligong to court to ascertain the true facts of the case. Moreover, I recovered the square basket and other items. I examined the depositions for all significant details, and having received the rescript of authorization with orders to try the case, I immediately subjected the culprit to successive strenuous interrogations. According to the culprit, he conceived the idea of rape, but when she did not comply, he took her life to silence the victim. He acknowledged the accuracy of each detail of the case without objection and confessed that he had not succeeded in the rape attempt, nor had he any accomplices. I conclude that Cao Ligong, failing in his attempt to rape Mrs. Cao Wang, decided on the spot to strangle her, having been overcome by immoral desires. Because Mrs. Cao Wang is an aunt by marriage to a distant relative, her murder should be considered the same as an ordinary murder.⁵ Disregarding the relatively minor offense of moving a corpse, for which he should be forgiven, I recommend that he be punished according to the law concerning the immediate murder of a woman after failing in an attempt to rape her, the penalty for which is beheading without delay.⁶ In accordance with the substature, the culprit should first have the characters "vicious criminal" [*xiongfān*] tattooed on the left side of his face. Because she had resisted rape even unto her wrongful death, Mrs. Cao Wang was most certainly an exemplar of chastity. Therefore, I recommend that the request be appended that IMPERIAL RECOGNITION be awarded her in order to further public morality.⁷

I have determined that Cao Zhikang had no knowledge of the affair, nor did he attempt to hide any details about it. He ought not to be sentenced; I recommend that he be released without involvement at the provincial level. As for Mrs. Cao Wang's coffin, I ordered the bereaved husband Cao Fugui to take charge of its burial. As for the murder weapon, the cotton sash, after the investigation was concluded, it was returned to the district storeroom to await further examination. Whether or not I have fulfilled my duties, this recommendation together with the criminal I hereby send forward to the prefecture to await further evaluation.

[Review by Yao Liang, Prefect of Hejian Prefecture:]

The magistrate's report having been received at the prefectural *yamen*, I, Yao Liang, Prefect of Hejian, submit that I have again examined the criminal and have no disagreement with the recommended sentence. I hereby send this case, the sentence together with the criminal, forward to await further evaluation, and so on, at the offices of the provincial judicial commission.

[Review by Qing Zhang, Provincial Judicial Commissioner of Zhili:]

The prefect's report having been received at the commission, I, Qing Zhang, Provincial Judicial Commissioner of Zhili, submit that I have again examined the criminal and have no disagreement with the recommended sentence. The sentence together with the criminal I hereby send forward for the personal evaluation and a MEMORIAL

Furthermore, starting from Jiaqing 7.10.4 [October 30, 1802], the day on which the criminal was arrested, through the date when the relevant district sent forward the criminal through the prefectural to the provincial levels, the route has totaled 327 *li*, which according to the statute is within the assigned time limitations, six days should be deducted from the time allotted in addition to an additional day for attaching the seal. On Jiaqing 8.run 2.10 [April 1, 1803], the limitation was met, according to the clarification, and so on. Because the report having been received by Your subject, who has examined it himself and has no disagreements with it, said subject considers that in the case of Cao Ligong, resident of Dongguang District, because he attempted to rape Mrs. Cao Wang but failed and at that time strangled her, to wit:

[Final summary of the facts of the case as corroborated at the provincial level of review:]

Cao Ligong is registered as a resident in Dongguang District, Zhili, and he makes his living as a farmer. He resides in the same hamlet as Cao Fugui, his distant relative in his father's generation, but normally they had no rela-

tions with each other. Cao Fugui's family owns a piece of land contiguous with a field owned by Cao Ligong's family. On the afternoon of Jiaqing 7.8.11, Ms. Wang, wife of Cao Fugui, took a square basket with her as she went to her land to pick string beans. At that time, Cao Ligong had also gone to his field to chop sorghum leaves. He espied that Ms. Wang was somewhat fair, and there being no one else around, he suddenly conceived an evil thought. At once, he proceeded to Ms. Wang, pulled on her hand, and demanded sex. Ms. Wang did not comply and cried out and cursed him. Inflamed by immoral desires, he conceived the idea of raping her. He dragged Ms. Wang over to his own land and threw her facedown onto the ground, thereby hitting and causing injury to her nose. Then Cao Ligong held her down with his left hand while he untied the sash of her pants with his right. Turning her over on her back, he pulled on her pants until he ripped them at the waist. Ms. Wang struggled, and with her hand scratched the back of Cao Ligong's right hand. Cao Ligong released his grip, and Ms. Wang pulled up the waist of her pants with both hands, shouting loudly. Fearful, Cao Ligong got up without having raped her. Shamed and unwilling to submit, Ms. Wang sat there on the ground, shouting and cursing. Cao Ligong was fearful that someone might hear her. Likewise, considering that when Ms. Wang returned home and told her husband, her husband would not forgive him, Cao Ligong conceived the idea of taking her life in order to silence her.

Thus he picked up the sash that he had removed, went around behind Ms. Wang, and grabbed her hair with his right hand, pulling her head backward until she fell down. This pulled loose her hair and bone hair clasp, and her hairpiece fell to the ground. With his right foot, Cao Ligong tramped down on her hair as he wrapped the sash around her throat. With her right hand, Ms. Wang held the sash to stop it from being wrapped firmly while she struggled to get free with her left hand. Again, Cao Ligong used his left foot to stamp down on her left hand as he tied the sash into a slipknot. Then he pulled hard on the sash to strangle Ms. Wang, who presently expired. Fearing that he would be easily exposed if her body were discovered on his land, he dragged the corpse over to Kang Juncheng's land and laid it facedown on the ground. He also hid Ms. Wang's basket of string beans among the willow trees. Then he immediately went home. His father Cao Likang knew nothing of the matter.

Toward evening, because his wife had not returned, Cao Fugui went looking for her but could find no trace. The following morning, he looked in Kang Juncheng's field, where he discovered the corpse of his wife. In person, he reported this to the district for investigation. Having made inquiries, [the

magistrate] arrested Cao Ligong and brought him to court for repeated examinations. In his confession, he testified that he had not succeeded in the attempted rape, nor did he have any accomplices on the scene.

I conclude that Cao Ligong, failing in his attempt to rape Mrs. Cao Wang, decided on the spot to strangle her, having been overcome by immoral desires. Because Mrs. Cao Wang is an aunt by marriage to a distant relative, her murder should be considered the same as an ordinary homicide. Disregarding the relatively minor offense of moving a corpse, for which he should be forgiven, he should be punished according to the law concerning the immediate murder of a woman after failing in an attempt to rape her, the penalty for which is beheading without delay. In accordance with the statute on beheading without delay, the culprit should first be tattooed with the two characters "vicious criminal" on the left side of his face. Mrs. Cao Wang, because she had resisted Cao Ligong's attempted rape even unto her wrongful death, was most certainly an exemplar of chastity. Therefore, I append my request that IMPERIAL RECOGNITION be awarded her in order to further public morality. As a matter of course, then, I submit this MEMORIAL, humbly begging YOUR IMPERIAL MAJESTY to command the Three Judicial Offices to verify and to carry out a reexamination of this case. Starting from Jiaqing 7.4.II, the date when the criminal was apprehended, excepting the period of transportation and attaining the seal, which should be deducted from the total, this date of Jiaqing 8.run 2.10 [March 31, 1803] falls within the statute of limitations, and further deducting the day that YOUR SUBJECT submits this MEMORIAL as within the limitation, together with a clear explanation, I respectfully submit this MEMORIAL begging for YOUR EDICT [on the proper punishment].

[The synopsis, written in smaller characters:]

Your subject Yan Jian, Secretary of the Board of War, with simultaneous appointment as Censor of the Right of the Censorate, Governor-General, and so on, respectfully submits this MEMORIAL to report a matter.

Your subject, having evaluated the case of Cao Ligong, resident of Dongguang District, because he attempted to rape Mrs. Cao Wang and failed and at that time strangled her, to wit: Cao Ligong resides in the same hamlet as Cao Fugui, his distant relative in his father's generation, but normally they had no contact with each other. Cao Fugui's family owns a piece of land contiguous with a field owned by Cao Ligong's family. On the afternoon of Jiaqing 7.8.II, Ms. Wang, wife of Cao Fugui, went to her land to pick string beans, carrying a square basket. At that time, Cao Ligong had also gone to his field to chop sorghum leaves. He espied Ms. Wang and suddenly con-

ceived an evil thought. He approached Ms. Wang, pulled on her hand, and demanded sex. Ms. Wang did not comply and cried out and cursed him. Inflamed by immoral desires, he conceived the idea of raping her. He dragged Ms. Wang over to his own land and threw her facedown onto the ground, thereby hitting and causing injury to Ms. Wang's nose. Then Cao Ligong held her down with his left hand while he untied the sash of her pants with his right. Turning her over on her back, he pulled on her pants until he ripped them at the waist. Ms. Wang struggled, and with her hand inflicted a scratch injury to the back of Cao Ligong's right hand. Cao Ligong released his grip, and Ms. Wang pulled up the waist of her pants with both hands, shouting loudly. Fearful, Cao Ligong got up without having raped her. Ms. Wang sat on the ground, shouting and cursing. Cao Ligong feared that someone might hear her. Likewise, considering that when Ms. Wang returned home and told her husband, her husband would not forgive him, Cao Ligong conceived the idea of taking her life in order to silence her. Thus, he picked up the sash he had removed, grabbed Ms. Wang's hair with his right hand, and pulled her head backward until she fell down. This disheveled her hair, and her bone hair clasp and hairpiece fell to the ground. With his right foot, Cao Ligong tramped down on her hair as he wrapped the sash around her throat. With her right hand, Ms. Wang held the sash to prevent it from being wrapped firmly while she struggled to get free with her left. Again, Cao Ligong used his left foot to stamp down on her left hand as he tied the sash into a slipknot. Then he pulled hard on the sash to strangle Ms. Wang, who presently expired. Then Cao Ligong immediately went home. Toward evening, because his wife had not returned, Cao Fugui. . . .⁸ The following morning, he discovered her and reported this to the district for investigation. Cao Ligong was arrested and brought to court for examination; there, he confessed without prevarication. Interrogation revealed that he had not succeeded in the attempted rape, nor did he have any accomplices on the scene. He should be punished according to the law concerning the immediate murder of a woman after failing in an attempt to rape her, the penalty for which is beheading without delay. In accordance with the statute, the culprit was tattooed. Mrs. Cao Wang, because she had resisted rape even unto her wrongful death, was most certainly an exemplar of chastity. Therefore, Your minister appends my request that IMPERIAL RECOGNITION be awarded her in order to further public morality. I respectfully submit this MEMORIAL begging for YOUR EDICT [on the proper punishment].

NOTES

Source: *Neige tiben Xingfa anjian* [Grand Secretariat routine memorials, Crime and Punishment case records], *juan* 73, "Marriage and Adultery," Jiaqing 8 (1803).

1. For an extensive examination of the system and the essays it required, see Elman, *Cultural History*.
2. Sorghum at that time of the year would have been nearing maturity and would have been taller than an adult person, thus making a convenient hiding place for the intended crime.
3. Huang Liuhong, in his 1694 handbook for magistrates and their legal advisers, strongly endorsed the importance of these initial interrogations. See Huang Liuhong, *Complete Book*, 325. In the presence of the victim (in this case, her corpse) and very soon after the crime was committed, emotions run very high. Consequently, it is much more likely that the perpetrator of the crime will confess on the spot rather than later, in the yamen, after he has had time to make up a story. Likewise, witnesses' memories will never be fresher than at this moment.
4. Her ripped clothing is mentioned repeatedly throughout the report as evidence of attempted rape; for a translation of the standard commentary on the penal code regarding such evidence, see Sommer, *Sex, Law, and Society*, 89.
5. As opposed to a different level of punishment for the murder of a close relative.
6. Several laws in the Qing penal code seem relevant here: Article 316, "Relatives of the Same Surname Who Strike One Another," stipulates that if there is intentional killing, the penalty is beheading. Article 290, on intentional homicide, stipulates that the penalty should be beheading but with delay. See Jones, *Great Qing Code*, 301, 268.
7. For a detailed discussion of the problems created as women who died to maintain their chastity were given imperial recognition, see Theiss, *Disgraceful Matters*.
8. The text is missing a clause here.

PART II

INTERROGATION TECHNIQUES

Although clever interrogation formed a central part of the highly romanticized contemporaneous fiction about crime and detection, these case reports represent working magistrates as taking their investigative duties very seriously. As we have seen in the preceding section, some forensic examinations could be extremely detailed and interrogation extensive before all relevant details could be discovered. During the middle of the eighteenth century, pressures to streamline crime reports forced magistrates and their superiors to include only the most essential testimony. Even so, in the cases presented in this section, magistrates sought to establish the culprit's motivations beyond doubt, through repeated interrogation and threats, in order to ascertain the appropriate punishment.

CASE 6

Du Huailiang: Adultery That Brought Disaster (Shandong, 1696)

In this case, relationships within a household, especially between a grown son and his mother, had been strained beyond the breaking point. A distraught lover (Du Huailiang) killed the husband (Chen Wenxian) of his paramour (Ms. Li) and then his own wife (Ms. Zhang) in the vain hope that with these people out of the way, he