



The Evidence of the Dead Body. On Moral Consciousness and Legal Practice in the Qing China

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Received: 20 August 2022 | Revised: 10 October 2022 | Accepted: 7 November 2022

Abstract

The article is a case history study. Basing on a well-documented criminal case of 1809, the author explores such issues as corruption in the ranks of Chinese officials; effectiveness of severe punishments for crime prevention; the methods criminal offences were committed and investigated in the Qing empire, and the level of public awareness of these methods; principles of sentencing; and the issue of crime and punishment in the mass consciousness of the Chinese in the late 17th and early 19th centuries. Special attention is paid to a remarkable phenomenon of fictionalizing of a real incident in witness reports, i.e. the introduction of popular moral, didactic and religious motifs widely known in the folklore and literature of that time.

Keywords

Late Imperial China; Qing Dynasty; Case History; Crime and Punishment; Dead Body; Forensic Body Examination; Criminal Investigation; Legal Practice; Law and Fiction



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Свидетельство мертвого тела. Нравственное сознание и правоприменительная практика в цинском Китае

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Рукопись получена: 20 августа 2022 | Пересмотрена: 10 октября 2022 | Принята: 7 ноября 2022

Аннотация

Статья написана в жанре казусной истории. На материале подробно задокументированного уголовного дела 1809 г. автор рассматривает такие вопросы, как коррупция в рядах китайского чиновничества; эффективность круговой поруки для профилирования преступности; способы совершения и расследования уголовных преступлений и уровень осведомленности населения об этих способах; принципы наложения наказаний; тема преступления и наказания в массовом сознании китайцев конца XVII – начала XIX вв. Отдельного внимания заслуживает такое примечательное явление, как беллетризация реального происшествия в отчетах свидетелей, внесение в него популярных морально-дидактических и религиозно-мистических мотивов, широко известных по фольклору и художественной литературе того времени.

Ключевые слова

позднеимперский Китай; династия Цин; казусная история; преступление и наказание; мертвое тело; осмотр трупа; уголовное расследование; судебная практика; закон и художественная литература



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In contemporary Chinese cinema, in its popular genre of the costume detective, one of the most frequently described crimes is the murder of an honest official by his colleagues or corrupt bosses. In fact, whenever an official becomes the victim of a murder mystery, the viewer already knows roughly who the murderer is and just waits to see how he will be unmasked. However, in actual late imperial court practice such cases are extremely rare. The case of 1809 is one of the rarest examples, in which even the investigating inspectors and the imperial Board of Punishments could not entirely believe that the murder plot had indeed been organized by a magistrate. But the singularity of the crime itself does not mean that it is an isolated case that says nothing about the society and state of the Qing Empire; on the contrary, it reflects, like in a drop of water, the many trends and features of the moral, legal and even religious consciousness of the Chinese people.



Picture 1. The court hall of Qing China. Museum reconstruction. The red clubs on the right are used for torturing the suspects. The animal-figured constructions on the left are mini-guillotines for beheading. The origin: courtesy of the author's student

In 1808, a Shandong-born Li Yuchang passed the state examinations for the highest academic degree, jinshi, and received his first assignment: at that time there was a flood in the southern province of Jiangsu, and inspectors were needed



to oversee the expenditure of state funds to help those affected. But soon after arriving in Jiangsu, in Shanyang County, Li Yuchang died mysteriously – his servants found his body hanging from a beam in the morning, and the local coroner, called for an examination, attributed the cause of death to suicide. The county Magistrate, Wang Shenhan, took all the deceased's papers but, he claimed, found nothing in them to indicate a reason for such a desperate act. So the Inspector's body, in a closed coffin, was handed over to his uncle, Li Taiqing, and taken to his homeland.

At the family home, the uncle and widow of the deceased began to sort through his belongings, and were surprised to find that Li Yuchang's uniform, which was lying in a separate chest, had small bloodstains on the inside of the sleeves, on the cuffs. They drew the logical conclusion that such stains could only appear if the man was bleeding in his throat and wiping it off with his sleeves, which of course was not consistent with suicide in a noose. Then they opened the coffin, examined the body of their husband and nephew themselves, and saw that his face was stained with lime juice, which was used to whiten the bruises on the corpse posthumously; a yellow paper tape with Taoist incantation was glued to the body, and a small mirror was hidden in the dead man's clothes, which meant that someone had taken precautions against revenge of an enraged dead man. Moreover, when they placed a silver needle in the mouth and gullet of the deceased, the silver turned black and could not be washed off – a sure sign of arsenic poisoning in old China. Li Taiqing then traveled to Beijing and brought a formal complaint to the authorities and asked them to investigate his nephew's death.

Quite soon the matter reached even Emperor Jiaqing himself and became the subject of almost daily correspondence between him and his ministers in August and September 1809. An Investigation, overseen from capital, was launched.



Picture 2. Court session in Qing China. The origin: Internet open sources

The first important testimony was given by the servants of the late Li Yuchang, who had accompanied him on his fateful inspection trip. They said that on the last evening of his life their lord was invited to dinner with Magistrate Wang, and they noticed that Wang was having some mysterious conversations with one of his subordinate officials. As for Li Yuchang, he was, according to the servants, unusually absent-minded and even began to ramble, asking the servant if he had brought his blanket to the county office, – the evidence which should have led the investigator to believe that the victim was becoming mentally disturbed. When Li Yuchang returned to the monastery where he had lodged during the inspection, he drank tea, let people go and started working on documents. In the morning he was allegedly found already hanged. Another important detail, provided by the servants, was the report of a very formal inspection of the body by the county coroner, who arrived at the monastery together with Magistrate Wang and the provincial Governor, took a quick look at the corpse and did not even undress it, being satisfied with pulling down a stocking from one leg. The “yin and yang expert” who also came with them then glued a spell on yellow paper to the body and placed a mirror in the coffin, and the servants did not dare ask about the reason and necessity of these actions.

The coroner admitted his negligence, but explained it as a direct order of Magistrate Wang, who told him that “there was no need to go further” (Hegel, 2009, p.231). Wang Shenhan, himself an elderly official in his late eighties, endured several interrogations, but then, under torture, which included twisting his ears and kneeling on chains, revealed that he had devised and successfully carried out



a scheme to embezzle public funds meant for flood victims: he inflated the number of victims to pocket the difference. He invited Li Yuchang, who had come for an inspection, to take part in the scheme, but got an indignant refusal. Thereafter, Wang bribed one of Li Yuchang's servants to spy on his master, and soon learned that the young Inspector was writing a report of his criminal activities. He then panicked and decided that his only option was to kill Li.



Picture 3. Court session in Qing China. The origin: Internet open sources

Li Yuchang's servants confirmed this version of events under torture. The same bribed servant, Li Xiang, had slipped arsenic into his master's tea. However, a few hours later, when the Magistrate sent his confidant Bao Xiang to inquire whether he had succeeded in his plan, they found out that Li Yuchang was very ill, but still alive and it was unclear whether he would die at all. Then Bao Xiang promised Li Xiang and his companions hundred liang of silver each if they agreed to kill the Inspector immediately. The reaction of one of the servants, Ma Liansheng, was astonishing. On learning that Li Xiang had already poisoned their master, he exclaimed: "Why did you decide to ruin our master? I'll go and get someone to help!" But they argued: "If you call for help, you will be implicated. If you don't, you are taking part in it!" (Hegel, 2009, p. 234). And this proved enough to make Ma Liansheng cast aside all doubts as he followed his accomplices to Li Yuchang's bedroom, where four servants grabbed and hanged the hapless Inspector. By the way, they claimed they were never paid for the murder. Instead, Magistrate Wang gave huge sums to his superior, the provincial governor, as well as



the coroner and some of his subordinates. He insisted that he had not revealed the assassination plan to them, and that he had given the gifts just in case, so that they would be more inclined to trust him and not interfere in his affairs.

The emperor was furious and demanded the criminals get the harshest punishment possible under the law. On 21 August 1809 sentences were handed down whereby the Magistrate's servant Bao Xiang was to be beheaded immediately; the servants of Inspector Li, who had taken the life of their own master, were to be taken to Shandong to his grave, where they were to be executed after tortures, and their heads were to be sacrificed to the spirit of the murdered man. On the same day an administrative decree was issued blaming of negligence Wang Shenhan's immediate superior and the governor-general of Liangjiang province, who had conducted a preliminary investigation of this case and failed to find out the whole truth, and removing them from their respective offices. Moreover, the unsuccessful investigator was exiled to Urumqi, in the far west of the empire, as did Wang Shenhan's eldest son – in line with the law that extended the punishment for particularly grave crimes to the immediate family of a criminal. But there was no further investigation into the embezzlement of state aid funds, and the court seemed to fully believe that other officials in Jiangsu province and Shanyang County were not involved in the killing of Inspector Li. And in a somewhat ironical twist, the murder mastermind himself received a disproportionately light sentence: he was formally sentenced to be beheaded after the Assizes, but as he was already very old, tradition dictated that his sentence be lightened by one degree. Thus, actually Wang was sentenced to one hundred strokes with a heavy stick and an exile of three thousand li from home, which in his case, oddly enough, brought the criminal almost to the capital – the city of Shuntian near Beijing.

The murdered Inspector was honored by the Emperor with a personally composed poem, "I mourn the Loyal one" (Hegel, 2009, pp. 226-241).

This criminal case is of interest to the researcher in several ways. Firstly, there is corruption within the Qing officialdom and the central government's attitude towards corrupt local officials. The Qing laws on corruption were extremely strict, treating as a bribe any receipt of a benefit by an official, be it a holiday gift or direct payment for pre-arranged services. A separate article of the law stipulated the so-called "trading in influence", which referred to the giving of a gift by a private person or a lower official to a higher one, without any requests or conditions, and made for the sake of establishing a good relationship that could be used in the future. Such an act was also treated as a bribe, and carried criminal penalties for both the bribe-giver and the administrator who accepted such a gift (Park, 1997, p. 970-972). Wang Shenhan's numerous cash gifts to his provincial governor, colleagues and coroner could well have been regarded as 'influence peddling' and punished accordingly. Why was this not done, even in spite of the head of state's obvious anger and desire to deal harshly with all the perpetrators of the incident?



Picture 4. A Chinese courtier in court attire. The origin: Internet open sources



The fact is that the actual law enforcement practices in Qing China were sometimes strikingly different from the written law. In particular, the government preferred, for the most part, to ignore corruption in the ranks of the officialdom. As Nancy Park shows in her work “Corruption in Eighteenth-century China”, virtually all the high-profile corruption cases of this period were politically motivated: charges of bribery, extortion, illegal bribes and embezzlement were brought only against members of the ruling elite on the wrong side of the political fence, while no such acts were attributed to others (Park, 1997, p. 997-998).

The Chinese culture as a whole can be considered one of the reasons for this discrepancy between the codified law and its practical application, for it has always attached great importance to gift exchange – it is still almost impossible to express respect and goodwill to another person or to establish close relations without regular exchange of gifts for every holiday or significant event in the life of the giver. Another, no less important, reason for the Qing government's tolerant attitude towards dignitaries was the government's own economic benefit. The local administrations were constantly underpaid; the magistrates always had to look for finance wherever they could find it, or else they could not pay salaries to their subordinates and wages to the runners. More than that, even the routine duties of the offices had to be funded by bribes and irregular additional taxes. Even the Great Qing emperors themselves were not squeamish about replenishing their coffers in this way. For example, the Qianlong emperor issued a special edict prohibiting the officials to travel around their administrative areas to collect donations from the local population, and at the same time he made – and probably with the same purpose – 72 trips across the empire, of which the 6 longest were to Jiangnan – the richest region in China. According to contemporaries, these voyages literally bankrupted Jiangnan, but the emperor considered them, along with the conquest of Xinjiang, the main achievements of his reign (Elliot, 2009, p. 69). It was this political practice that prevented the government from punishing bribe-takers with due severity for the fear of paralyzing the administrative apparatus nationwide.

Another noteworthy aspect of the above story is the status-based, Confucian ideology-driven principle of imposing punishments. According to Confucian philosophy, all relations between people are described in terms of status pairs: subject and sovereign, father and son, elder and younger brothers, husband and wife. These pairs are organized hierarchically, and it is the very inequality of rights and duties that is seen as a guarantee of social stability. And, although on the declarative level it is recognised that the main responsibility in a pair lies with the superior member, in practice this inequality always imposes increased duties on the inferior one – it is he (or she) who must obey, serve, sacrifice, and receive severe punishments for not fulfilling their duty. In all the Chinese codes since ancient times the murder of a superior by someone with the inferior status was treated as the gravest of all possible crimes (Zhang, 2011, p. 47)



Pictures 5-6. Chinese officials in official gowns. Late Qing period.
The origin: Internet open sources

Therefore, of the four immediate perpetrators of Inspector Li's murder only one, Bao Xiang, was given a relatively light execution by beheading because he was another man's servant and did not raise his hand against his own master. The other three murderers were regarded as maximum risk offenders and received the harshest penalty of torture and execution. In stark contrast to this severe sentence stands the leniency with which the law treated the mastermind of the killing, Magistrate Wang Shenhan, who survived and was allowed to live the rest of his life in relative comfort near the capital. One can surmise that, from the point of view of the Qing judges and the Emperor who approved the sentence, the official who organized the murder of another official was an ugly aberration, an exception to the common order, an example of moral failure rather than a real social danger. Whereas the servants who murdered their master were a public menace, a challenge to all the cosmic and social foundations.

And yet this case shows that neither the severity of punishments, nor the principle of collective responsibility could serve as an effective preventive measure for crimes. The ease with which servant Ma Lianshen agreed to participate in the murder of his master cannot but impress. He went to kill a man who did him no wrong and for whose murder, if exposed, he would face a painful execution,



simply to avoid the police interrogation and suspicion of complicity. Yet we insist that this fatal decision was not as much a result of servant Ma's stupidity, as it was a deliberate and pretty rational strategy for a man in this position.

As we have already proved in one of our previous works, the leading reaction of ordinary Chinese to any problem requiring state involvement in private affairs was fear ranging from quiet avoidance to terror (Sarakaeva, 2021, p. 114). The law and the common court practice were to subject witnesses and litigants to forensic torture to verify their testimony; the interrogation system was based on psychological pressure and intimidation, the judge was supposed to display anger and distrust to any testimony and require all litigants to immediately stop lying and confess to everything; and more than that – all persons of interest were to be jailed awaiting trial to ensure their presence at the next hearing, and could thus spend as much as several month in prison leaving their families without support.



**Picture 7. Torture hall adjusting to a court building. Museum reconstruction.
On the rafts one can see hooks for hanging bounded prisoners.
The origin: shot by the author in Jiangxi province**



So by poisoning Inspector Li's tea, servant Li Xiang put his other two companions before an extremely difficult choice: either post factum approve of his actions and take part in the murder, or run for help and later end up as witnesses or even defendants in a trial presided by Wang Shenhan – the commissioner of the crime, where Li Xiang and his accomplice Bao Xiang would surely name them as co-conspirators. In other words, the choice could be described as either guaranteed torture and death in the unlikely case they get caught, or a guaranteed trial with torture and possible death in case they run for help. So Ma Lianshen's choice to kill the master was, in its own way, quite logical, as it gave him at least some chance of not getting hurt at all.

A rather interesting detail of this case also is the carelessness and the lack of sophistication of the murderers in covering up their crime, and conversely, the high level of crime awareness of the victim's relatives. Preparing the murder in haste and panic, Wang Shenhan may not have had chance to figure out the time frame in which arsenic acts on a person and how much of it should be given so that the victim dies quickly. But after Li Yuchang's death, all of Wang's actions appear suspicious, from the outright grabbing of the deceased man's papers to magical rituals designed to appease the murder victim's resentful spirit and prevent his revenge. He not only gave Li Yuchang's family the coffin with his body (and the lime stains on his face), but even his blood-stained clothe. On reading these details, it is hard not to agree with the Qing investigators who thought an official in the role of assassin was something of a rarity and a curiosity. It is sufficiently obvious that Wang Shenhan, himself an ex officio investigator and judge of criminal offenses, nevertheless did not know how to conceal his own atrocity, or was absolutely convinced that his high position, in itself, would shield him against any suspicion.

By contrast, the Li family not only knew the signs of arsenic poisoning – which were known to most people in China because arsenic was the only poison widely available – but also knew how to hide the bruises and abrasions on a dead body. They were also able to correctly interpret the nature and location of the bloody marks on their relative's clothes. And this level of understanding seems strange because Li Taiqing was a military man, his career had nothing to do with criminal investigation, and his daughter-in-law was a domestic recluse as was expected of an upper-class woman in old China. So we might, with a certain amount of assumption, guess that such knowledge could only have been gained by them from literature.



**Picture 8. Torture instrument. Museum reconstruction.
The origin: shot by the author in Jiangxi province**

And this brings us to the last – but not the least important – conclusion from the described story case – namely, the observation about the high role of literature in the daily life of Chinese intellectuals and the belles-lettretization of real-life incidents in the court reports and memoirs of the participants.

This phenomenon and its influence on business documentation have already been highlighted by scholars of Chinese literature, such as Robert Hegel, who has edited an entire collection of research articles entitled “Literature and Law in Late Imperial China”. He notes: “The authors of legal texts displayed a creative flair for drafting reports addressed to higher authorities. This is not to say that Qing Chinese officials and their legal advisers deliberately distorted their material. However... They had to redact important information..., which involved creative rewriting of oral testimony” (Hegel, 2007, p. 83). Daniel Youd in the same collective monograph explores the mutual influence of fiction and descriptions of authentic court cases, in particular he mentions famous writers of the Qing time such as Li Yu (1610-1680) and Li Liuyuan (1707-1790), who in addition to fiction prose also compiled judicial collections or personally served as county officials (Youd, 2007, p. 216).



And yet these scholars mainly compare the stylistics of legal and fiction texts, whereas my case lets us to speak of an even deeper penetration of literature into the field of practical jurisprudence – of the ways the reality is perceived, interpreted and memorized.

First of all, I would like to remind the reader about the reference to darkening silver as an indicator of arsenic poisoning. In fact, silver does not change color when it touches the esophagus of a poisoning victim, so it is highly unlikely that Li Taiqing and his daughter-in-law could have observed such a phenomenon. It is also unlikely that they deliberately intended to deceive the authorities to who they were petitioning, for the purpose of their complaint was precisely to reopen the investigation, i.e. to re-examine the corpse in the first place, at which moment any lies would have been exposed. Nevertheless, they confidently asserted that the silver had darkened and could not be washed. These people, who knew from numerous literary descriptions what the signs of poisoning should look like, simply modeled and conceptualized reality according to the literary canon.





Pictures 9-10. Prison buildings. Museum reconstruction.
The origin: shot by the author in Jiangxi province

But an even more colorful story line is provided by the twice-recorded accounts of Jing Chunfa's visions. The first time they are briefly recounted by Governor-General Te (the man who would later be exiled to Urumqi for failing to investigate). It is mentioned in his report to the Emperor that on 7 March 1809 Jing Chunfa, an old friend and classmate of Inspector Li Yuchang, suddenly began behaving strangely, fell to the ground and declared: "I am Li Yuchang, I have returned from Shanyang, where I died a cruel death!" and then began to weep bitterly until he stopped breathing (Hegel, 2009, p.227). Unfortunately, it is not known where the Governor-General's information came from.

The second time we learn about Jing Chunfa's astonishing accident is from the testimony of the victim's uncle, Li Taiqing, when he came to Beijing with his complaint. He claimed that Jing Chunfa was riding a donkey in his hometown when he was met by a procession carrying some official in a sedan-chair. Jing customarily dismounted and greeted the official with a bow. When the official stepped out of the sedan-chair to greet him in return, Jing was surprised to recognize the man as his friend Li Yuchang, who had recently left for his duty in Jiangsu. Li explained that he was on his way to his home county in Qixia to take over as the patron god of the city. From this, Jing Chunfa realised he was talking to a dead man, got terrified and ran home. After telling his wife about his terrible encounter, he complained of a sharp headache and asked for tea, but when she brought him a cup he could not



drink: “Looking at this tea reminds me of drinking that poisoned tea and dying in agony!” To his wife, his voice sounded unfamiliar and she asked who he was, to which he stated, “I am Li Yuchang. I was on my way to my duty station in Qixia County when I bumped into my classmate Jing Chunfa, then I invited him along to help me manage.” And with these words Jing passed away. This evidence, according to the testimony of Li Taqing, was given by Jing Chunfa’s wife (Hegel, 2009, p. 237).



Pictures 11-12. Buguai – the court executors, who stood by the right and left of a Chinese judge armed with wooden clubs and ready to use them against any uncooperative witness or prisoner. Museum reconstruction. The origin: shot by the author in Jiangxi province.

This is a popular story in Chinese short stories: the soul of a wrongly murdered person moves into another person, most often into a murderer to punish him, or into any stranger to complain about the offense suffered and to punish the wrongdoer according to the law. I will not enumerate in detail all the variants of this plot in the works of Chinese authors, suffice will be to mention only a few. In Feng Menglong's collection (1574-1646) “Thrice revived Sun”, the soul of a clerk killed by his wife possesses a maid to ask for help from the famous judge Bao (Feng, 1989, p.61-80). In the collection of the Qin author Ji Yun's “Notes from the Thatched Cottage” this surprising phenomenon is described and discussed on the theoretical level; here the spirit of the deceased is “looking for a replacement”, that is he takes hold of other people and encourages them to suicide, or, having been killed, a person turns into an evil spirit and runs amok until his murderer is exposed and executed, and only then he calms down (Ji, 1974, p.361). In Shi Yukun's novel “Three Knights and Five Gallants” the spirit of the murdered woman inhabits the man, and the spirit of the murdered man – the woman, in the hope that the strange behavior of



the possessed will attract the attention of a wise judge who will avenge their untimely death (Shi, 1974, p.15)

Inspector Li Yuchang's spirit in this report behaves similarly: he possesses the body of an old friend, probably getting such an opportunity because the friend was already secretly ill, his vital energy was exhausted and he was especially close to the world of the dead. Borrowing Jing Chunfu's mouth he gives important information to the living: firstly, about the place and circumstances of his death, and secondly, that he has been posthumously appointed god of the city and, therefore, he should be prayed to and given offerings. But after the case is closed and the murderers punished, Li's soul stops communicating with the living, the main reason for this is that the injustice done to him has already been remedied.

I find it significant that not only the dead man's uncle but even the provincial Governor-General considers the strange incident with Jing Chufu credible enough and – more important still – a sufficiently characteristic sign of a hidden crime to include it in his reports. Assuming that nobody in this case is outright lying, I can only guess how the sudden death of a friend was combined in the minds of people with a mysterious death of another, how Jing's wife's story about his last moments in Li Taiqing's account acquired the usual features of a plot about a murdered man coming back from the other world to denounce a murderer, the story everybody was already familiar with from literary works. But no matter how exactly it happened, no matter what psychological mechanisms were involved, under whose pen the reality got reinterpreted, the important result was a belles-lettrezation of the real incident. And what is more, the literary formula itself was apparently so ingrained in people's lives and minds that it became virtually invisible to them, since neither the authors nor the addressees of these court reports expressed the slightest doubt that such literary accounts could be true, and not produced by excessive reading or imagination.

Thus, on the material of a single court case we have traced how social and interpersonal conflicts were refracted in the minds of early 19th century Chinese, who was considered guilty of crime by morality and law, and what was seen as the just punishment for guilt and a deserved posthumous reward for virtue.



**Picture 13. A Chinese judge ready to open the court session. Museum reconstruction.
The origin: shot by the author in Jiangxi province**

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