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Examining Homicide Victims in the Qing: Between Bureaucratic Routine and Professional Passion

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Documents excavated from tombs suggest that examining the corpse of homicide victims or of persons having died in suspicious circumstances in order to ascertain the exact causes of their demise was practiced by local officials since the beginnings of imperial times. We know little of the early development of forensic principles, techniques and regulations, however.¹ By Song times it had reached an obviously high level of sophistication, as is attested by the first known handbook on forensics, Song Ci's 宋慈 *Xiyuan jilu* 洗冤集錄 (1247 preface), which, as indicated by its name and confirmed by its preface, was in part drawing from previous texts. Various recensions of the work, usually entitled *Xiyuan lu*, as well as parallel texts inspired by it, were in circulation during the following centuries. Their authority was practical, not legal. However, this changed with the appearance of a standard recension prepared in 1742 by the Ministry of Justice, the *Lüli guan jiaozheng Xiyuan lu* 律例館校正洗冤錄.² From then on forensic reports and judgment proposals based on them were expected to rely exclusively on this official version of the *Xiyuan lu*, which had an authority equal to that of the Penal Code.

Yet improvements to the body of knowledge featured in the *Xiyuan lu* continued to be made by scholars and practitioners. Many of them were incorporated in private enlarged editions of the standard *Xiyuan lu*, typically entitled *Xiyuan lu jizheng* 集證 (“with collected evidence”), in the form of annotations, additions, commentaries, and cases. These private editions, which started multiplying in the late eighteenth century, testified to an ongoing and lively interest in forensic knowledge among at least some official circles.³

¹ Reportedly, the procedure and standard documents used in autopsies during the Qing period went back to the Northern Song and were perfected in the Southern Song. See Xue Yunsheng 薛允升 (1820-1901), *Tang Ming lü hebian* 唐明律合編, ed. Huai Xiaofeng 懷效鋒 and Li Ming 李鳴 (Beijing: Falü chubanshe, 1999), 805-806. The Tang Code has no statute directly comparable to the statute on “Not Being Sincere in Examining the Wounds of a Corpse”, discussed below, though the phrase “not being sincere in an autopsy [report]” (*jianyan bu shi* 檢驗不實) does appear in an article on faked illnesses, wounds, and deaths (ibid., 667, and *Tanglü shuyi*, art. 384).

² The compilation of the official Qing recension of the *Xiyuan lu* is usually dated 1694 in the secondary literature, though there is no hard evidence in support of this. Chen Chongfang has convincingly argued in a recent study that it is most probably 1742. See Chen Chongfang 陳重方, “Qing *Lüli guan jiaozheng Xiyuan lu* xiangguan wenti kaozheng” 清《律例館校正洗冤錄》相關問題考證, *Youfeng chuming niankan*, 6 (2010), 441-455. My thanks to Xie Xinzhe for calling my attention to this study.

³ For a more detailed history of the *Xiyuan lu* text, see my essay, “Developing Forensic Knowledge through Cases in the Qing Dynasty”, in *Thinking with Cases: Specialist Knowledge in Chinese Cultural History*, ed. Charlotte Furth, Judith T. Zeitlin et Ping-chen Hsiung (Honolulu: University of Hawai'i Press, 2007), 69-75; and my more recent considerations in “Forensic Science and the Late Imperial Chinese State”, paper presented at the workshop on “Science and Confucian Statecraft in East Asia”, Seoul National University, December 2012. One

This paper is not concerned with the nature and development of forensic science, however. It deals with forensic examinations (or autopsies) as part of the judicial process and as one among the many tasks incumbent upon local officials. How seriously and knowledgeably did they perform this particular task, which they could delegate to nobody, except in circumstances strictly specified by regulation? In theory, knowledge of forensic medicine and of autopsy techniques was not part of their training—it was left to the lowly-considered specialized underlings called *wuzuo* 仵作 (coroners)—and in any case examining corpses (or the wounds of surviving victims of aggressions) was not a pleasant activity, especially when the official had to contend with a noisy crowd of witnesses and relatives of the criminal and of the victim prone to dispute his conclusions. Besides, since autopsies had to be performed *in situ*, they more often than not entailed troublesome and time-consuming trips to far-away places. Yet forensic reports were a crucial link in any criminal procedure, autopsies were subject to a constraining and detailed set of regulations, and any irregularities, errors, or injustices, when detected, could have far-reaching consequences for the official entrusted with the case. There was a risk, therefore, that magistrates—who were on the front line in criminal investigations—be first of all concerned with transmitting a file that did not reveal any contradictions between the forensic report and the confessions and testimonies, and therefore would not be rejected, rather than endeavoring to establish the truth at all costs and abiding by all the rules.

The attitudes and behaviors that prevailed in actual practice responded to these constraints and anxieties. They appear to have varied considerably depending on the individual and on circumstances. Sources are not wanting in complaints to the effect that magistrates don't really care, that they are both ignorant of forensic science and reluctant to involve themselves in the most physical aspects of corpse examination, and that they are ready to accept conclusions that avoid complications.⁴ Yet on the other hand, the body of specialized literature that grew around the *Xiyuan lu*, most remarkably in the nineteenth century, reveals the existence among officials and private secretaries of a circle of forensics enthusiasts who not only developed forensic science well beyond the limits imposed by the standard handbook, but also were adamant that, whatever the technical difficulties, proper administration of justice entailed a direct and, above all, informed intervention of officials in forensic matters.

It is this range of attitudes that I propose to explore further. On paper—and whatever one may think of the scientific value of traditional Chinese forensics—the institution was of admirable precision and strictness; and it was of central importance in the judicial process. Autopsies were meant to help establish the facts and allocate penalties by revealing incontrovertible evidence, or at a minimum making the range of possibilities as narrow as possible: in the words of Wang Kentang 王肯堂 (1549-1613), an important late-Ming Code commentator who remained quite influential in the Qing, the two pillars of a criminal investigation are the autopsy and the questioning of the criminal and witnesses; and while the latter can connive and recant, wounds on a corpse are objective data which it is more difficult to fake (屍傷則不容偽者).⁵ Besides, the rules that presided over their implementation were calculated to ensure the best possible conditions for obtaining reliable results. But obviously

of the best informed treatises on the subject is Jia Jingtao 賈靜濤, *Zhongguo gudai fayixue shi* 中國古代法醫學史 (Beijing: Qunzhong chubanshe, 1984). A near-comprehensive list and description of all known editions is included in my *Official Handbooks and Anthologies of Imperial China: a Descriptive and Critical Bibliography* (Leiden: Brill, forthcoming).

⁴ I have discussed some of these in “Developing Forensic Knowledge through Cases”.

⁵ Wang Kentang, *Da Ming lü fuli jianshi* 大明律附例箋釋 (1612 preface), 28/25b. (The actual title of the work is *Lüli jianshi* on the cover-leaf and *Da Ming lü fuli* at the head of chapters.) There were several early-Qing adaptations of Wang's commentary, and it is acknowledged as an influence and occasionally quoted in later commentaries to the Qing Code.

things were different in actual practice: the consequences of human weakness and professional insufficiency were unavoidable, the difficulties of the terrain could be daunting, and the weight of bureaucratic routine combined to limit the efficiency and reliability of forensic investigations. Such negative factors need to be assessed as precisely and concretely as possible if one is to look beyond mere generalities and routine complaints; and the same is true of the efforts—by the state apparatus or by individual actors—to combat them. This is what this essay attempts to do, however sketchily due to constraints of time and space.

The situation in the Qing is all the more interesting because never before had the practice of forensic examination been taken so seriously and subjected to such demanding rules. And as far as I can tell, it is better documented than in any other period. In what follows I will, first, look into the texts that formally regulated forensic practice and ascertain the difficulties they reveal. Then the longest part of the essay will examine a variety of recorded cases providing concrete examples of such difficulties and of their effects on the actual implementation of the rules. And finally I will introduce two autobiographical testimonies, one by a late eighteenth-century model magistrate whose career was cut short by a conflict with his superiors around forensic matters, the other by an early nineteenth-century official who obviously loved to speak of his forensic practice

Forensic Examination in the Penal Code and Administrative Regulations

The one statute in the Qing Penal Code that deals specifically with autopsies is Statute 412, entitled “Not Being Sincere in Examining the Wounds of a Corpse” (*Jianyan shishang bu yi shi* 檢驗屍傷不以實). It is identical to Statute 436 in the Ming Code (except for the notes in small characters inserted in 1646, which detract somehow from the text’s tautness); by the late Qing it was complemented by twenty-one substates.⁶ In the more verbose Qing version it translates as follows:

In all cases of first examination of the wounds on a corpse, if after having received his commission the official invokes pretexts to procrastinate and not do the examination at once, so that the corpse has time to decay; or if, though the examination is done at once, the official does not go in person to the site where the corpse lies to supervise the examination, but delegates the task to clerks and runners who will increase or decrease the number and seriousness of wounds at will; likewise, if the officials entrusted with the first autopsy and with the reviewing autopsy meet each other and agree on the content of the report; or if, though an official has gone in person to supervise the autopsy, he does not do it carefully, but changes things (e.g. he says “head” instead of “brain”, and so on), mixes up what is important and what is not (e.g. he reports a light wound as serious, or vice versa), adds or subtracts (e.g. he says there are many wounds when there are only a few, or conversely, that there are none when in fact there are a few), making the report on wounds inaccurate, determines vital spots in such a way that the cause of death is not made clear: in all of these cases, the original official will be punished with 60 strokes of the heavy stick, the superior official who has participated in the [second] autopsy with 70 strokes, and the lesser functionaries with 80 strokes. The coroner and menials who have made inaccurate observations or have connived [with the officials] on the content of the autopsy report will incur the same penalty as the lesser functionaries, viz. 80 strokes. If because of the

⁶ The numbering of statutes and substates in the Qing Code (that is, the 1740 *Da Qing lili* 大清律例) follows Xue Yunsheng 薛允昇, *Duli cunyi* 讀例存疑 (1905), ed. Huang Jingjia 黃靜嘉 (Taipei: Chinese Materials Center, 1970); for the statutes in the Ming Code it follows Jiang Yonglin’s translation, *The Great Ming Code / Da Ming lu* (Seattle: University of Washington Press, 2005).

insincerity of the autopsy performed by the official and coroner the penalty is mitigated or aggravated, they will be punished for “mitigating or aggravating a penalty by negligence” (with a reduction of five degrees if the penalty has been mitigated, three degrees if it has been aggravated).

It the officials or coroners accept bribes and are deliberately insincere in the examination report, so that the penalty is mitigated or aggravated, they will be punished for “deliberately mitigating or aggravating a penalty”. If the [punishment entailed by] the bribe exceeds [the punishment for] deliberately mitigating or aggravating a penalty, each will be incur the heavier penalty for “illicit goods obtained by subverting the law”, calculated according to the bribe. (This concerns only those who have received bribes for making an insincere autopsy report; those who were not aware of it will still be punished for “mitigating or aggravating a penalty”.)

凡官司初檢驗屍傷，若承委牒到，託故遷延不即檢驗，致令屍變，及雖即檢驗不親臨屍所監視，轉委吏卒憑臆增減傷痕，若初檢與復檢官吏相見，扶同屍狀，及雖親臨監視不為用心檢驗，移易如移腦作頭之類輕重如本輕報重本重報輕之類，增減如少增作多如有減作無之類屍傷不實，定執要害致死根因不明者，正官杖六十，同檢首領官杖七十，吏典杖八十。件作行人，檢驗不實，扶同屍狀者，罪亦如吏典以杖八十坐之。其官吏件作因檢驗不實而罪有增減者，以失出入人罪論失出減五等失入減三等○若官吏件作受財，故檢驗不以實致罪有增減者，以故出入人罪論。贓重於故出故入之罪者，計贓以枉法各從重論。止坐受財檢驗不實之人。其餘不知情者，仍以失出入人罪論。

Most of the abuses or acts of negligence routinely deplored in the execution of forensic examinations are present in this statute: unduly delaying an autopsy and allowing the corpse to deteriorate, thus detracting from the reliability of the examination; delegating the autopsy to underlings; connivance between officials supposed to review each other's work;⁷ negligence leading to inaccuracy in the establishment of the autopsy report; and deliberate tampering with the report in exchange for bribes.

The last is set apart in the text of the statute: it is a crime of corruption and a “subversion of the law” (*wangfa* 枉法), as opposed to the acts of professional misconduct enumerated in the first part of the text—grave acts, to be sure, since they entail a penalty of beating even for

⁷ A second autopsy (*fujian* 復/覆檢) by another official was ordered when the higher courts found contradictions or implausible statements in the magistrate's report (which included the autopsy report as well as the confessions and testimonies he had collected), or when the victim's parents disputed his conclusions and appealed to the higher courts, up to the capital in certain cases. In theory only two autopsies were authorized (see 1675 precedent in the *Da Qing huidian shili* [1899, Shangwu yinshuguan ed, 1908], 125/1a, and Substatute 412/03), but there are occurrences with three or even four of them. Most of the time the new autopsy, which took place after a certain (occasionally very long) period of time, had to deal with decomposed remains—notably when the victim had to be extracted from his or her coffin—and involved examining the bones, which might involve various manipulations aiming at making physical clues apparent. According to most authors the latter type of examination was called *jian* 檢, as opposed to *yan* 驗, meaning external examination, but in fact there was much laxity in the use of these words. According to Wan Weihuan 萬維翰, a prolific private secretary who published an influential commentary to the Code, the *Da Qing lüli jizhu* 大清律例集注 (original ed. 1766), “the Ancients said *jianyan* in every case. Today the [external] examination of the corpse is called *xiangyan*, and breaking and boiling [the bones] is called *jianyan*” (古人皆稱檢驗。今人以驗屍為相驗，拆蒸為檢驗) (quoted in *Da Qing lüli quanzuan jicheng* 大清律例全纂集成 [1804 ed.], *juan* 31, commentary to Statute 412). In reality *jianyan* is found everywhere with general sense of an “autopsy”, of whatever form, in Qing texts. In his commentary to Statute no. 436, Wang Kentang (see note 4) uses the word *jian* for both the first (*chujian* 初檢) and the second (*fujian* 覆檢) examinations.

ranking officials.⁸ This distinction is indeed emphasized by the most influential commentator on the Qing Code, Shen Zhiqi 沈之奇, in his *Da Qing lü jizhu* 大清律輯註 of 1715: the irregularities discussed in the first paragraph, which he characterizes as “public offenses” (*gongzui* 公罪), do not imply an *intention* to do wrong (*fei youyi* 非有意); whereas by definition accepting bribes does imply such an intention.⁹

I am indeed interested in those “public offenses” more than in corruption per se, because they are specific to this particular type of administrative activity and directly refer to the structural problems of official behavior and procedural compliance that it confronted. Autopsies, as we saw, were a crucial link in the criminal procedure; yet they were also a weak link because of the administrative problems just mentioned, of the technical difficulties involved in forensic examination and reasoning, and of the propensity of the litigants to dispute autopsy results since the stakes were quite high in terms of assigning legal responsibility and determining punishment.

One should also mention the objective problems of time and distance. As we just saw, the magistrate was required to go in person examine the corpse of the victim as soon as a homicide or suspicious death had been reported to him.¹⁰ All the Code commentators and handbook authors remind their readers with the most extreme insistence that to be successful a forensic examination must be performed without the smallest delay, without even waiting for a formal order: not only is the corpse in fresh condition, with all the external signs allowing to diagnose the cause of death without ambiguity clearly visible, but in addition the involved parties have no time to organize themselves, tamper with other evidence, and prepare scenarios they will try to impose upon the magistrate, or even bribe the coroner into proclaiming conclusions that suit them. But homicides do not always occur within walking distance of the *yamen*, some county seats are in fact separated from their most distant territories by considerable distances and difficult terrain, and when a homicide is reported the magistrate may be away taking care of other business—or as it sometimes happens, another autopsy—or travelling elsewhere in the province on some special assignment. And therefore delays may accumulate, making corpse examination more and more difficult to perform with as little uncertainty as possible and without incurring the risk of being disputed by the parties or rejected by the higher authorities.

These difficulties loom large in the statutes attached to Statute 412, the majority of which were codified in the Yongzheng and Qianlong periods. Several of them deal with situations where the magistrate cannot take care of an autopsy immediately and in person,

⁸ This was the punishment prescribed in the Penal Code, but as officials the culprits could pay a fine instead. It added to a variety of administrative sanctions decided by the Ministry of Personnel, such as demotions, salary deductions, transfers, dismissal, and so forth.

⁹ Shen Zhiqi, *Da Qing lü jizhu*, ed. Huai Xiaofeng 懷效鋒 (Beijing: Falü chubanshe, 1998), 28/1032-34. Shen's remarks are split between a commentary following the text of the law (*lühou zhu* 律後註), which is an amplification with some explanations, and a commentary printed in the upper half of the page (*lüshang zhu* 律上註), which contains further explanations, historical and theoretical considerations, discussions of earlier commentators, and so on. In 1746 a certain Hong Hongxu 洪弘緒 published a revised version of Shen's work taking account of the changes introduced in the new Yongzheng and Qianlong codes; this Hong version was again revised in 1755 and seems to have been more widely circulated. Quotations from Shen's commentary figure prominently in the innumerable private editions of the Qing Penal Code with commentaries published in the late eighteenth and nineteenth centuries.

¹⁰ We may note that the rule was somewhat different when the victim had been wounded in an affray but survived: magistrates still had to examine the person themselves if the event had taken place no farther than the suburbs of the county seat, or in counties ranked as “simple to administer” (*shijian zhoushan* 事簡州縣). In the other cases it was allowed to send an assistant magistrate or a police officer (*xunbu* 巡捕) instead; but it was still incumbent upon the magistrate to check off the list of wounds and send the report. See *Da Qing huidian shili*, 851/4a (1736 precedent).

either because he is away from his offices or because of the distance. Thus, Substatute 412/05 (1735, revised 1740) provides that when the site of a homicide is close to the border with a neighboring county it is permitted to request the magistrate of that county to go and perform the autopsy. Likewise, if the homicide occurs in a faraway and mountainous place that cannot be reached within a day, it is admissible to ask an assistant prefect or magistrate located nearer to take charge of it;¹¹ but in all cases the autopsy report will have to be handed over to and confirmed by the original magistrate, who is in charge of judging the case anyway.

Several substatutes further refine these rules. For example, Substatute 412/10 (1747) deals with the prefectures and counties in Sichuan and Guizhou (and other comparable environments) which do not have assistant officials: if the magistrate is unavailable, a subaltern official (*zazhi* 雜職)—such as the jail warden (*dianshi* 典史) or the registrar (*jingli* 經歷)—can be put in charge of the autopsy, though not of the final report: he will check off the standard “wound list” (*shangdan* 傷單), but the latter will have to be verified by the magistrate, who will fill the standard diagram of a corpse (the *shitu* 屍圖) himself and attach it to his report on the case. Substatute 412/11 (1753) also deals with situations where delegating an autopsy to subaltern officials is permissible—in this case, either when the magistrate is unavailable and there is no assistant magistrate in the county city, or when a subaltern official is posted at a place nearer the site of the homicide: as elsewhere, the goal is to proceed within the shortest possible time. When even the subalterns are too far away from the place, the task can be delegated to the local police chief (*xunjian* 巡檢); but in all of these cases the magistrate (or a colleague from a neighboring county) is required to go perform a second autopsy (*fujian*) in person in order to check the one done by subaltern personnel. He is released from this obligation in Substatute 412/17 (1776), however, but only in Guizhou and in circumstances of extreme heat: the subaltern personnel are authorized to bury the corpse immediately after having drawn the list of wounds since it would already have decomposed by the time the magistrate arrived.¹² Delegation to assistant officials posted in places far away from the county seat is also authorized in Substatute 412/19 (1773, revised 1826 and 1827), this time in Guangxi; or to subaltern officials in Substatute 412/21 (1822, revised 1827) concerning three subprefectures (*ting*) in Fengtian—and here the distance is specified: at least 300 *li*.¹³

Another question discussed in several substatutes is to decide when an autopsy can be dispensed with. Substatute 412/01 (1585, revised 1725) states that in the case of suicides and deaths by illness that are later claimed by persons with second thoughts to be in fact homicides, there is no point in systematically commissioning an autopsy (Xue Yuncheng’s commentary specifies that this applies where suicide or natural death have been previously established and the victim has already been buried). In certain circumstances families could also ask for an exemption of autopsy—especially the invasive form of autopsy reaching to the bones, as opposed to external examination—and immediate burial of the victim: according to Substatute 412/02, which goes back to an ordinance of the Hongwu emperor, the Ming

¹¹ Xue Yuncheng’s commentary to this statute insists that sending assistant officials (*zuo'er* 佐貳), not to speak of subaltern officials (*zazhi* 雜職), can only be a last recourse.

¹² Xue Yuncheng criticizes this statute, saying that there are other places where it can be very hot.

¹³ An 1822 precedent is devoted to the same problem regarding one of the three subprefectures in question, Changtu 昌圖廳, which covered a territory with distances up to 500 *li*, even 1,000 *li* for autopsies in Mongolia, of which it was in charge. From now on it would be authorized to send the Changtu record keeper (*zhaomo* 照磨) perform autopsies at a distance beyond 300 *li*; he was also authorized to close confirmed cases of suicide or death from illness. See *Shuotie bianli xinbian* 說帖辨例新編 (1836), 48/44a-b. Similar exceptions were made in still other environments: for example, a 1741 precedent establishes that autopsies can be performed by assistant magistrates in three Fujian localities (where they have their seat) located too far away from the county seat. See *Cheng’an huibian* 成案彙編 (1746 preface), 26/37a-b.

founder, when the family of a person having committed suicide requests to bury him or her, and that the death has no other cause (*bie wu tagu* 別無他故), a dispense of autopsy (*mianjian* 免檢) is to be granted after the facts of the case have been clearly established; and the same when the victim has been killed by a robber: a visual inspection of the corpse (*xiangshi* 相視) is enough,¹⁴ and again when a prisoner has fallen ill and died despite the care received, and there is no doubt about the cause of his demise.¹⁵

A number of statutes in the Penal Code set forth in more or less detail the procedural rules that governed the performance of autopsies. For more details, however, and also for a clearer understanding of how and when these rules were developed, one needs to turn to the proliferating domain of administrative regulations and precedents.¹⁶ There is in fact much overlap between the two categories of legislation—penal and administrative; and both mix up, in typical Chinese fashion, positive prescriptions and an enumeration of the sanctions that threaten whoever infringes them.¹⁷

Besides the question of who is entitled to perform an autopsy, already discussed, procedural rules dealt with such topics as the preliminary interrogation of the *dibao*, plaintiffs, criminal, and witnesses mandated before the autopsy, the time limits allowed, the number and nature of assistants the magistrate was permitted to take with him, the funding of the expedition (the locals were supposed not to have to pay anything), the order followed (front then back, and from top to bottom) in the inspection of a corpse, how to measure and describe the injuries observed,¹⁸ how the coroner was to “shout” their nature and place and how they should be written down by a clerk, the personal inspection by the magistrate after the coroner had finished his job, the handling of the family members and witnesses convened to attend the autopsy, the filling of the standard forms, and so on. These rules have already been described in the literature and do not need further elaboration here.

All of this is also recorded with variable degrees of comprehensiveness and exhaustiveness in most magistrate handbooks, as may be expected.¹⁹ What at least some handbooks bring to the subject is the personal touch. Though by definition they are meant to instruct their readers in obeying the rules in strict manner, their authors may draw from their personal experience to demonstrate more concretely how this can be done despite the many difficulties one is sure to encounter. In this respect Huang Liuhong’s 黃六鴻 *Fuhui quanshu* 福惠全書 of 1694 (first published in 1699) is certainly one of the most interesting: not only is the text among the most detailed and extensive in the genre—to the point of discursiveness—but Huang is especially eager to speak in the first person and address his audience from the field, as it were: indeed, the work contains a number of personal accounts and documents and is particularly rich in

¹⁴ The implication is that the robber is at large and has not been identified. Xue Yuncheng’s commentary criticizes this statute: if the robber is finally found the case will be a full-fledged case of homicide, for which a full autopsy would have been required.

¹⁵ But if the cause of death is wounds received, the autopsy is compulsory; and it is always compulsory when a prisoner died not in a regular prison, but while he was escorted or temporarily detained by lower personnel (*kanya* 看押): see Statute 412/20 (1832).

¹⁶ A fair number of these feature in the unwieldy but comparatively comprehensive repository of “precedents” that is the 1899 *Da Qing huidian shili*, *juan* 125 (as part of the “regulations on sanctions”, *chufen li* 處分例, in the section devoted to the Ministry of Personnel) and 851 (following the text of Statute 412 and its statutes).

¹⁷ A special category of regulations, which I do not discuss here, concerns the rules that applied specifically on the territory of the capital, or when bannermen were involved.

¹⁸ Statute 412/08 (1747) orders that the standard tools disseminated by the Ministry of Public Works be used to measure the length, width, and depth of the wounds.

¹⁹ The place of forensic matters in official handbooks is examined in detail in Xie Xinzhe’s paper for this conference. She notes that from the mid-Qing onwards the procedural aspects of autopsies take pride of place in most handbooks, the reader being referred to the *Xiyuan lu* for the “scientific” aspects.

concrete information on local conditions in Tancheng 鄆城 (Shandong), one of the two counties Huang administered at the beginning of his career. The *Fuhui quanshu* deserves to be singled out not just because it was considered a classic under the Qing, had numerous editions right through the end of the dynasty and was widely read,²⁰ but also because its author has a voice and presence not often found in that sort of literature.²¹ And these qualities are apparent in the few pages he devotes to forensic investigations.²¹

Respecting the rules

There probably was a fairly large degree of compliance with the rules, especially in cases presenting no particular difficulties either in terms of establishing the facts through confessions and testimonies or in terms of forensic diagnosis: doing things by the book, and doing them publicly, increased one's chances to avoid a rejection of the case by the higher authorities. In fact, putting together a watertight case, with no contradictions whatsoever and with every word and detail contributing to the final assessment, was a craft whose best practitioners were the legal *muyou*. Not only magistrates but everybody in the provincial hierarchy was interested in having cases that would get through without incurring the hassles of rejection and re-investigation—and of having to commission a new autopsy in conditions much more difficult than the first one; especially, everybody was interested in having cases that would not be rejected by the officials of the Ministry of Justice in Beijing, who, as can be seen in the collections of leading cases and Ministry memoranda I will introduce later, could be very demanding nit-pickers indeed.

I have introduced elsewhere a collection of such watertight cases published in 1838 on the initiative of Yunnan-Guizhou Governor General Yilibu 伊里布, the *Xue'an chumo* 學案初模 (Elementary models for studying cases).²² The aim was to circulate among magistrates a selection of cases extracted from the Yunnan provincial archives so as to show them how things should be done. Each file is nearly complete, and while the wound list and corpse diagram that had to be appended do not feature in the book, their content is recorded in the autopsy report which is always included in the magistrate's initial communication to his superiors (the so-called *tongbao* 通報). The first thing the magistrate says is that as soon he was informed of a homicide he proceeded to the place where it had taken place, taking along only a coroner and a judicial clerk (as prescribed by regulation).²³ Then he explains how, after having the corpse transferred to a flat spot, "he proceeded to do the examination in front of everybody and according to regulations" (對眾如法相驗). Then he reproduces the observations "shouted" by the coroners, which follow the order of the standard checklist; and when these have been recorded he adds that he "checked in person there were no

²⁰ In English-speaking sinology the *Fuhui quanshu* is the magistrate handbook most often cited, but always based on the partial and not always entirely reliable translation published by Djang Chu, *A Complete Book Concerning Happiness and Benevolence: A Manual for Local Magistrates in Seventeenth-Century China* (Tucson: The University of Arizona Press, 1984).

²¹ They are discussed in the section on homicides, 14/3b-7b. One of the official correspondences Huang reproduces in his handbook also deals with forensic problems.

²² Will, "Developing forensic knowledge", 76-77, 81. The work features twenty cases, classified by type of crime; twenty more were published in 1839 under the title *Xue'an chumo xubian* 續編. For a highly detailed analysis of forensic reasoning based on a *Xue'an chumo* case, see Daniel Asen, "Vital spots, mortal wounds, and forensic practice: finding cause of death in nineteenth-century China", *East Asian Science, Technology and Society*, 3 (4), 2009, 453-474.

²³ Sometimes he specifies the distance he had to cover. For example, in case #12 the place where a man who has died from his wounds has to be examined is five post stations away from the county seat; in case #18 the distance is 120 *li*.

discrepancies” (親驗無異), compared the wounds with the objects that had caused them, filled in the forms, and collected the guarantees (*qujie* 取結) whereby all the persons involved accepted the results. In other words, he protects himself against any future accusation of having botched the procedure. The fact that exactly the same standard phrases are used in every account strongly suggests the routine, indeed ritualized, image of forensic activity that magistrates were encouraged to convey in their reports in order to ensure smooth proceedings.

Bypassing the Rules

But the sanitized image such accounts give of the forensic procedure, the impression of a perfect fit between regulations and practice, is certainly misleading. For one thing, there exist less formal narratives—I will mention some of them—suggesting what the reality of an autopsy, even conducted according to the rules, could be: braving the heat or rain while travelling to a forlorn place in the company of a few underlings, being confronted with the maimed body of a person dead since several days, having to check by oneself the findings of an unreliable or ignorant coroner, and having to handle a crowd of relatives and witnesses whose statements must rarely have been as unanimous as it is always claimed in the *Xue'an chumo* reports: indeed, even when conditions were not as painful, one more often than not gets the impression that the final report of the magistrate was the product of a negotiation rather than of scientifically establishing the truth from objective facts. Besides, even with a case that was clear-cut and unambiguous, it could never be guaranteed that there would not be an appeal, sometimes years after; and then the forensic aspect of things could get quite more troublesome. And of course, not all cases were clear-cut and unambiguous.²⁴

As a result, it might happen that magistrates have difficulty in abiding strictly by the rules, and they sometimes tried to find loopholes and shortcuts to limit the annoyance and uncertainties of forensic examination, or even escape them altogether. As we have seen, a number of statutes in the Penal Code deal with difficult situations where the golden rule whereby the magistrate proceeds immediately and in person, with only a few attendants, to inspect the victim does not apply easily, or even can be dispensed with. It was tempting to take advantage of these more than was warranted, even if it meant running the risk of impeachment and sanctions. And beyond that, there was outright negligence, connivance, and possibly corruption. How frequently such irregularities occurred—what proportion of all autopsies performed in Qing China at any given time strictly complied with the rules and did not involve any “injustice”—is impossible to say. The examples on record were found out during the review process, or denounced by aggrieved litigants. Studying them does not allow us to propose an overall assessment of forensic practice in late-imperial China; but it certainly helps us to form a more contrasted idea of how local officials dealt with autopsies.

A particularly convenient source to locate such examples is the corpus of cases examined and, in a large number of instances, rejected by the Ministry of Justice. I am not dealing with archival sources here, but with compilations of documents that had been circulated by the

²⁴ Instances of appeals by people who claim afterwards—not always with disinterested motives—that the conclusions of the coroner and magistrate were wrong are found everywhere in the sources. To give one interesting example, in a 1804 case discussed by the Sichuan Department of the Ministry of Justice a man appealed against successive forensic examinations that had established conclusively that his daughter had committed suicide by drowning: he claimed that her husband had beaten her to death and then thrown her into the river. Although the man was punished for wrongly implicating his son-in-law, the Ministry admitted he had reasons to doubt: one coroner had omitted to report an important clue, and another had broken some bones during the autopsy. The coroners were punished and the magistrate was deferred to the Ministry of Personnel for sanction, although we do not know what exactly he was being reproached for. See *Shuotie leibian* 說帖類編 (1835), 36/20a-21a.

central government through the *Peking Gazette* or any other means of official communication and were thus public and quotable as precedents, or that had been retrieved from the archives of the Ministry of Justice or from provincial archives by officials and secretaries who worked there. The periods covered in these compilations range from a few years to several decades. The documents are, essentially, leading cases (*cheng'an* 成案)—final judgments sanctioned by an imperial rescript—and internal government memoranda (*shuotie* 說帖) discussing judgments proposals sent by the provincial governments; but other sorts of documents may also be reproduced, such as codified precedents or imperial edicts. The compilations in which they were collected aimed to help local officials and legal secretaries to write judgments that would fit the Ministry's legal thinking, and especially to resort correctly to analogy (*bizhao* 比照, and other such terms). They started to appear in the early eighteenth century and multiplied in the course of the nineteenth. Many were printed, but some remained in manuscript form, those that have survived being now found in the rare books collections of specialized libraries.²⁵

The cases and memoranda featuring in these works are of extremely variable length and detail. Some are full quotations of final judgments in the form of memorials recapitulating at length all the circumstances of a case, detailing the legal arguments put forth by the Ministry officials (following or not those of the provincial courts), and concluding with the decision submitted to the emperor and approved by him. Others are mere fragments focusing on a particular legal problem, so that the full circumstances of the case may be difficult or impossible to guess: such is in particular the case with the *shuotie*. Yet in other instances they are internal communications or memorials reproducing the legal arguments exchanged between the governors and the bureaus of the Ministry.

Almost all of the compilations collecting these documents are arranged according to the order of the statutes in the Penal Code, quite often with detailed tables of contents and with markers in the central margins indicating the relevant section and/or statute, sometimes the nature of the case, the name of the criminal, or the province where the affair occurred: all of this greatly facilitates browsing and locating the pieces dealing with any particular kind of legal problem.²⁶ For the present purpose I have looked into the section devoted to Statute 412 in a selection of such compilations which, though quite limited, delivers a fairly varied account of the problems likely to arise in the course of the forensic procedure. To this I have added certain private editions of the Penal Code (especially in the nineteenth century) whose abundant commentaries and reference materials, printed above the quotation of the relevant statutes and substatutes, include fragments of leading cases—not always altogether clear regarding the circumstances of the case as a whole—and other related materials.

Negligence

The first sort of problem was pure negligence and a casual attitude towards the rules on the part of certain magistrates. We find several examples of this in an early eighteenth-century compilation of edicts and current regulations (*xianxing zeli* 現行則例) illustrated by cases and arranged according to the order of the Penal Code, the *Dingli cheng'an hejuan* 定例成案合鑄,

²⁵ So far I have examined about 50 compilations of *cheng'an* and *shuotie* (excluding the compilations specially devoted to the Autumn assizes, which are of a particular form and present mere abstracts of the cases), with dates ranging from 1707 to 1902; there are more. One observes a remarkable concentration of publications in the 1830s and 1840s, also a golden age of *Xiyuan lu* commented editions. The most popular among these works is the *Xing'an huilan* 刑案匯覽 of 1834, which had several new editions and sequels, but the evidence it contains is only a very small part of the whole.

²⁶ It may happen that the arrangement is by years, but within each year the cases are arranged according to the statutes of the Penal Code.

which covers the first four decades and a half of the Kangxi reign (through spring 1707) and had several sequels. One gets an impression that in this early period of the Qing dynasty things were not yet as routinized and streamlined as they would become under the next two reigns, even though the main rules presiding over forensics had been in force for a long time.²⁷

Thus we hear of an official who did not care to commission a coroner to assist him in examining the body of a man who had been pressured (*weibi* 威逼) into committing suicide by hanging: he was content with taking a prison guard along and transmitted a faulty autopsy report.²⁸ Also in 1690, a homicide during an affray in Changyi 昌邑 (Shandong) remained “concealed” for a period of twenty days: the acting magistrate did not perform any autopsy and did not send any report, and the magistrate who succeeded him waited another thirty days until he bothered to do the autopsy and report. His superiors had been ignorant of the case because they had received no investigation report (*tongbao*) and no relatives of the victim had come to complain. Both magistrates were cashiered.²⁹ In 1704, the magistrate of Yongxing 永興 (Hunan) forwarded within the time limit a report on a homicide where a man had been beaten to death by another; but his superior the Chenzhou 郴州 department magistrate did not bother to request that the documents and persons involved be delivered to his *yamen* (*zhaojie* 招解) for a new investigation. We are given to understand that a new autopsy was ordered, but that the acting magistrate who was now in charge of Yongqing dispensed with going at once under the pretext that a relative of the criminal was “blocking the investigation” (*lanjian* 攔檢), so that his report was considerably delayed. The Chenzhou department magistrate was cashiered, and the Yongxing magistrate was demoted and transferred based on the precedent on officials not doing the new autopsy they have been requested to do.³⁰ Another way of taking regulations lightly was to send a military or subaltern official to perform an autopsy in one’s place, although it was forbidden by a 1686 precedent.³¹ Thus, the same early-Qing source cites a 1691 homicide case in Taizhou 泰州 (Jiangsu), where the department

²⁷ For example, a censor’s memorial approved by the Ministry of Justice in 1697 implied that by that time checking that the weapon fit the wound (*shangzhang xiangfu* 傷仗相符) was not done systematically, and deplored that in certain provinces the vital spots (*zhiming* 致命) were not noted down in the autopsy report: from now on this would have to be done everywhere. Indeed, checking the weapon and inscribing the vital spots became absolute routine in the eighteenth century. See *Dingli cheng’an hejuan* (1707 preface), 28/23a.

²⁸ *Ibid.*, 28/22a. Most of the details of the cases cited in the work have to be guessed or cannot be known because the quotations are reduced to fragments focusing on the problem at hand—here, the sanctions incurred by the magistrate in question and by his superiors who did not transmit the case. It is not said how the affair came to be submitted to the ministry (possibly through an appeal). Interestingly, the magistrate is to be sanctioned according to the precedent concerning magistrates who trust the misleading declarations of coroners (discussed below), when there was no coroner in this particular case.

²⁹ *Ibid.*, 28/22a-b.

³⁰ *Ibid.*, 28/22b. This precedent, dated 1670 and often cited, deals in fact with two different things. It reads: “Officials in charge of autopsies who trust the coroner and report no wounds where there are wounds, or report a wound caused by a blow or by hacking (*dakan* 打砍) as if it had been caused by a fall or by hurting oneself (*dieke* 跌磕), will be subject to three demotions in grade and transferred (*jiang erji diaoyong* 降二級調用). The superior officials who transmit the [faulty] information will lose one year’s salary. If the superior officials order a new autopsy and it is in fact not done, and the official does not forward a complete report of the wounds, he will be subject to one demotion in grade and transferred.” See *Da Qing huidian shili*, 125/1a (repeated 851/3b). Also in *Dingli cheng’an hejuan*, 28/23a, undated and with a few words added. Only the last part of the precedent applies here. The same source cites other cases where this precedent is invoked to sanction magistrates who have failed to reveal the true wounds or have not bothered to perform a second autopsy.

³¹ *Da Qing huidian shili*, 125/1a. The sanction was limited to one demotion in grade. Statute 412 does sanction delegating an autopsy to someone else, but speaks only of clerks and runners.

magistrate did not bother to do the autopsy himself but sent his chief of police (*limu* 吏目) instead.³²

Of course, such negligence was not limited to this early period. For example, the early-Qianlong *Cheng'an huibian* 成案彙編 has a case where it was not a magistrate, but the jail warden (*dianshi*) of Nanfeng 南豐 (Jiangxi), who was expected, in the absence of the magistrate, to call for a neighboring magistrate to take care of the autopsy of a woman who had died after having been kicked; yet he neglected to do so and did not report until the return of his magistrate, some ten days later, so that the woman's body had had time to deteriorate seriously; he was cashiered.³³

Delays

Delaying, with or without an excuse, is one of the most frequently denounced irregularities regarding autopsies. We have just seen mentions of inordinate delays before going to perform an autopsy which, according to law, had to be done “immediately” in the case of a first (external) autopsy. There are other examples of such delays without apparent explanation. For instance, in 1732-33 the department magistrate of Xingguo 興國州 (Hubei) waited more than five months to examine the victim of a homicide (a man who had been beaten to death by his younger brother) and send the autopsy report; besides, he had still not sent his conclusions (*shenjie* 審解) when the legal six-month time limit to solve a case was over.³⁴

Some situations in unusual environments indeed suggest a combination of bureaucratic complication and nonchalance—not to speak of the problem of geographical distance—that seems to make the requirement for immediate response to homicide reports hopeless. Thus, in 1742, when the new magistrate of Taiwan county, a certain Yang Yunxi 楊允璽, took up his post, he was informed that a member of a group who had killed a man in an affray had been arrested. (The homicide had been reported by the brother of the victim some nine months after the fact and the authorization for a *jian* autopsy had been requested.) The criminal's confession—that he had killed the man with his fists—was taken down, but the new magistrate did not bother to have the victim's corpse taken from his grave for an autopsy (*kaijian* 開檢),³⁵ and two years later, when he left the post because of illness, the case had not yet been settled. It was proposed that he be cashiered following a precedent rather often invoked in this sort of situation, viz. “not closing a case easy to close” (*yijie bujie* 易結不結).³⁶ The Taiwan prefect who had omitted to report on the delay was also proposed for punishment, and two acting magistrates who had succeeded Yang Yunxi in the post for short periods were involved as well—either they had deliberately delayed the autopsy, or had not paid attention to the case; and so were the higher officials, up to the Fujian governor and governor general, who three years later had failed to have the case closed and the delinquent officials denounced.³⁷

³² *Dingli cheng'an hejuan*, 28/24a.

³³ *Cheng'an huibian* (1746 preface), 26/36a. The penal sanction was sixty blows of the heavy stick, and the accompanying administrative sanction was one demotion in grade; as the grade system (*ji* 級) did not apply to jail wardens, the sanction decided instead was cashiering (*gezhi* 革職).

³⁴ *Ibid.*, 26/23a.

³⁵ *Kaijian* is taking a dead person from his/her coffin or temporary burial to be submitted to an examination of the remains (one finds *kaiguan jianyan* 開棺檢驗), rather than “cutting through the flesh of the corpse”, as I wrote in “Developing Forensic Knowledge”, 98n60. It is apparently synonymous with *qijian* 啟檢, “opening the coffin and examining”.

³⁶ The *yijie bujie* precedent is in fact invoked in all sorts of affairs, not just judicial cases; so far I have not been able to locate its original formulation.

³⁷ *Cheng'an huibian*, 26/24a-b.

The Condition of the Corpse is Too Bad

The foregoing provides a hint of the somewhat disorderly “frontier” conditions that prevailed in eighteenth-century Taiwan, both among the populace (a collective homicide reported many months after the fact, without apparently any *dibao* intervening) and in the administration. Another case that occurred in a fairly different sort of frontier suggests the same sort of delays and offhandedness, but also introduces an interesting element, of which one encounters many examples—the altered condition of a corpse used as a pretext not to do an autopsy immediately. In 1728 a famine refugee beat a man to death somewhere on the territory of Rehe subprefecture 熱河廳 (which lay in the jurisdiction of the Zhili governor general). In such cases autopsies were to be conducted by the recently established Rehe subprefectural magistrate (*tongzhi* 同知), but the person who reported the homicide went first to his banner, whose commander waited until well into the following month to forward the information to the magistrate. The latter, who should have proceeded at once to examine the body, claimed instead that the corpse was decomposed and could not be examined: he asked the authorities for authorizing a *jian* autopsy, and only when the Ministry of Justice did order him to investigate did he go to do it—but by then the corpse had been devoured by dogs. The magistrate was sanctioned according to Statute 412 for “delaying an autopsy” (*yanshi chiyan* 驗屍遲延).³⁸

There are many examples of this pattern in less difficult environments as well. The main cause for having autopsies done immediately was of course that the more one waited to examine a corpse, the more it had time to deteriorate—especially in the climate and hygiene conditions that prevailed in much of premodern China—and the more difficult it became to assess the cause of death other than by looking for clues on the bones of the victim, and these could be very elusive. Corpse deterioration seems to have been frequently invoked as an excuse not to do the initial autopsy, but with variations. When he considered that the corpse was too damaged to do an external autopsy, the magistrate might decide that the case could be closed on the basis of other evidence; or (as above) he might request the authorization to perform a *jian* autopsy—that is, examining the bones of the victim—which inevitably entailed delays. A case from Anhui, dated 1740, provides an interesting example of the former option.³⁹ Sometime in 1738, a homicide was reported by a *dibao* (as was the rule) to the administration of Shouzhou 壽州: a group of people had killed a thief in an affray. As the magistrate was in another township conducting an autopsy, six days elapsed until he could take care of the case. By that time, however, he judged that the corpse had deteriorated too much because of the intense heat and that it was impossible to do a proper external examination (*xiangyan* 相驗). Since all the witnesses were in agreement and nobody was disputing who had given the fatal blow, he contented himself with sending a report based on testimonies (*xungong tongbao* 訊供通報), followed by a judgment (*shenxiang* 審詳) to the same effect. This was not accepted by the Anhui provincial judge, however, who insisted that no such case could be concluded without doing an autopsy. The magistrate therefore asked for a *jian* autopsy (*tongxiang qingjian* 通詳請檢)—but there again things dragged on for many months: now the problem raised by the magistrate was that the son of the victim, who had to be there when the coffin would be opened, could not be found because he had gone away

³⁸ *Cheng'an huibian*, 26/18a-b.

³⁹ This case is recorded in at least three different sources, with some differences in wording due to the fact that not the same parts of the material are quoted: the *Cheng'an huibian*, 26/19a-b; the *Xinzheng cheng'an suojian ji* 新增成案所見集 (1780 preface, with sequels down to 1805), 37/28a-30b; and the commentary to Statute 412 in *Da Qing lili quanjuan jicheng*, 3b.

making a living as a beggar. Only after he had been located, a year later, could the autopsy take place.

There are several elements in this narrative. For the Ministry, the fact there had been no autopsy in the first place was a case of “deliberately delaying and implicating” (*guyi chiyan tuolei* 故意遲延拖累) that deserved cashiering according to the precedent on “not closing a case easy to close”;⁴⁰ and the consequence had been this interminable delay before an autopsy could be performed at long last. In fact, there is much haggling about time limits in the document: the governor had omitted to impeach the magistrate when the six-month time limit was over, and now the magistrate tried to argue for a new six-month stint calculated from the second (in reality, first) autopsy, and for a lengthening of the time of the first stint taking account of a three-month period during which he had been away on official duty.⁴¹ The governor was supporting the claim—indeed, one gets the frequent impression that provincial authorities tended to protect magistrates, which in turn may have encouraged the latter to be much laxer with regulations than the Ministry of Justice would allow. As a matter of fact, in the present instance the ministry considered that it was just a pretext to buy more time for a case that should have been closed long ago.⁴² But the interesting thing here is that, initially, the magistrate *had* considered this case to be “easy to close”, and thought that he had indeed closed it—based on testimonies and without an autopsy.

To Close a Case Based on Testimonies

In its remarks on this same case, the Ministry of Justice insisted that “there is absolutely no precedent on not doing an autopsy and reporting after having collected testimonies” (並無不行相驗訊供通報之例). Yet we find more than one example of magistrates who attempted to do just that, putting forward arguments such as the grave deterioration of the victim’s body, that the family had already buried it and was opposing an autopsy anyway, and that the case was clear-cut since the witnesses were all saying the same thing. In short, their problem was to convince the higher authorities that this was a case where it was legitimate to “dispense with an autopsy” (*mianjian* 免檢). Yet the Ministry of Justice would not easily let them off.

In 1752, the ministry officials obtained the emperor’s approval for an opinion regarding a somewhat complicated case that had started five years earlier in Henan.⁴³ In early 1746 Peng Jiazhi 彭家植, an apparently powerful landowner who held a purchased rank of department vice magistrate (*juanzhi zhoutong* 捐職州同), had with the help of a servant brutally beaten one of his tenants, named Sun Qi 孫起—a man whom he had entrusted for a long time with the charge of collecting rents for his sake (for which he was paid three *shi* of grain a year), but whom he was now accusing of having embezzled one *shi* of grain, when it was in fact due by a deceased tenant. Sun was so badly hurt that he had to be taken to his brother on a cart, and there he died after twenty-five days. His relatives, who were too afraid of Peng’s “influence as an official” (*huanshi* 宦勢) to report the death and complain, immediately buried him. It is not said how the affair came to light five years later, but at that time the governor, presumably passing on the suggestion of the magistrate, decided that an autopsy was not required, first, because the man had died beyond the legal limit for taking care of someone who has survived

⁴⁰ This is according to a 1725 precedent: see *Da Qing huidian shili*, 125/1a.

⁴¹ Granting a new time limit to solve a case starting from the day of the second autopsy was explicitly authorized by an 1806 precedent (*Da Qing huidian shili*, 125/2a). It seems that in the present case the governor tried to avail himself of a similar case that had occurred earlier.

⁴² The homicide was first reported on QL3/6/16, the autopsy was performed on QL4/6/25, and the final rescript ordering the magistrate to be cashiered and deferred to the Ministry of Personnel is dated QL5/12/-.

⁴³ *Xinzeng cheng’an suojian ji*, 37/34a-36a. Also in the commentary to Statute 412 in *Da Qing lili quanjuan jicheng*, 4a.

an aggression (*baogu* 保辜), and second, because the family claimed that the victim had been buried years ago and his remains must have decomposed for a long time: therefore, said the governor in his memorial on the case, “it seems that one can conclude the case on the basis of testimonies and that there is no need to open the coffin and conduct an autopsy” (似可據供定案毋庸開檢).⁴⁴

The ministry officials disputed both assumptions. For one thing, they said, as far as homicide cases are concerned, “one has never availed himself of the precedent on ‘relatives of victims demanding an exemption from autopsy’” (從無據屍親告免檢驗之例). As for the correct *baogu* time limit, it depended on the nature of the victim’s wounds—on whether or not there were fractured bones, and this could be easily established by an autopsy even after a long time.⁴⁵ Since it was unadvisable to close the case carelessly (未便草率完結), they recommended that the governor be ordered to commission an autopsy in the shortest delays.

The next case in the same source is of a similar nature: “Closing a case immediately without having conducted an autopsy” (屍傷未驗即行定案).⁴⁶ Here, in 1755, two men in Guangdong entered into a violent (and graphically described) fistfight over a handful of cash that was missing from the payment of some firewood one had sold to the other, and one of them received a fatal blow. At the time the magistrate was away on official duty, and it was up to the assistant magistrate to conduct the autopsy and forward the documents to his superior on his return; but he claimed that the skin and flesh had already decayed—this was only six days after the death of the victim—to the extent that an external examination (*xiangyan*) would be inconclusive. On his return the magistrate accepted the argument and decided he could close the case based on the testimonies and confessions; he forwarded his conclusions asking to be exempted from a *jian* autopsy, and the governor in turn declared in his memorial that such an autopsy was unnecessary (*wuyong qijian* 毋庸起檢) since the wounds suffered by the victim had been described by the witnesses without any discrepancy. Again, the ministry officials considered that such perfunctory way of closing a case was in complete contradiction with precedent, and asked that the governor be ordered to request a careful autopsy: “Even when a corpse has decayed for a long time, precedent requires a clear autopsy report, only then can a dependable judgment be reached” (即或屍久發變，例應詳檢明確，方成信讞).

He Died of Illness, Not of His Wounds

In short, it seems clear that, even though the situations where the precedents for exemption from autopsy applied were extremely limited, some magistrates, occasionally supported by their governors, tried to extend their area of application and thus spare themselves the hassles and conflicts of forensic examination. And it was in particular tempting—both for the relatives of the persons involved and for the magistrates—to play on regulations when death by illness was involved.

As we saw earlier, exemption from autopsies was regulated by the first two statutes attached to Statute 412, which both originated in the Ming. The circumstances when the

⁴⁴ The governor also had considerations on the victim’s status vis-à-vis Peng Jiazhi—according to him, a salaried employee rather than a tenant—which had implications for the punishment applying to the latter.

⁴⁵ According to Statute 303 in the Code, the *baogu* time limit is 20 days in case of light wounds, 50 days in case of fractured bones. Whether the victim died within or without the limit had considerable consequences in terms of the punishment meted out to the criminal.

⁴⁶ This is the caption of the entry. See *Xinzheng cheng’an suojian ji*, 37/37a-38a; also in the commentary to Statute 412 in *Da Qing lüli quanjuan jicheng*, 7a. We know that the case took place in Guangdong, but as it is quoted here the piece specifies the names neither of the county nor of the officials involved.

relatives of a victim were authorized to request such an exemption were limited to suicides “with no other cause” and natural deaths, and to prisoners having died from illness. On the other hand, when a wounded person died after a certain period of time, an autopsy had always to be conducted in order to establish whether the death was the consequence of the wounds suffered during the assault or of any other cause: the difference was crucial in terms of the punishment incurred by the criminal.

The cases classified under Statute 412 suggest that, not infrequently, the relatives of the defendant or even of the victim would try by every possible means to demonstrate that the victim had died not from his or her wounds, but “from a cold or any other illness” (傷風及他病身死), in the words of a 1686 precedent devoted to that sort of deception and to the sanctions incurred by the officials who failed to detect it and by their superiors;⁴⁷ or they attempted to disguise a death from wounds as a death from illness in order to request immediate burial and prevent an autopsy.⁴⁸ Examples are not lacking of officials who did allow themselves to be deceived by such claims, or at least did not try very hard to check out their veracity, as accepting them would spare them the trouble of a new investigation and autopsy. But at least in the cases recorded they were found out and sanctioned.

For example, in a case adjudicated in 1785 that occurred in Tongcheng 桐城 (Anhui), a man killed his nephew in a fight. The mother of the victim went to the *yamen* to denounce the crime, and the magistrate should have proceeded immediately to examine the wounds; but then the mother changed her mind for unspecified reasons: now she claimed that her son had died from an illness, and she refused the autopsy. The magistrate processed her complaint immediately and requested a burial. His report was rejected by the provincial judge, however, who sent someone to conduct an autopsy together with the magistrate, and the truth was revealed. Despite an attempt to redeem himself by invoking a precedent on “officials who obey a rejection and rectify a judgment by themselves” (經遵駁自行審出改正), the magistrate was demoted and transferred for having failed to detect a homicide and rashly requested a burial.⁴⁹

Another case, adjudicated in 1740, suggests a faulty autopsy possibly influenced by the criminal’s relatives (the source, which focuses on the sanction to be meted out to the magistrate, is somewhat allusive concerning the details of the case). As I understand it, a man had been hurt by a stone thrown at him, but when he died afterwards the autopsy concluded that the cause was an illness called *fasha* 發痧 [written without the water radical in this source and elsewhere], possibly some kind of outbreak of spots, which justified immediate burial. The victim’s brother appealed and was most insistent in requesting another autopsy to establish the truth; upon which the magistrate, who must have been aware that he had a problem, claimed to have found about his own error and denounced himself (自行查出檢舉), asking that another official be sent to conduct an autopsy with him; however, as he had been transferred to another post in between, he did not participate in the autopsy and the wound caused by the stone’s impact was identified by the acting magistrate who succeeded him. His excuses were therefore rejected and he was sanctioned according to Statute 412.⁵⁰

In this instance there was at least an autopsy at the start, even though grossly misleading. To be sure, the true motives that guided the magistrate at that stage remain unclear—or perhaps he had allowed himself to be influenced by an incompetent or corrupt coroner, as in several cases I will describe later. In contrast, the conjunction of a gullible, or at least extremely negligent magistrate with calculating litigants interested in concealing the truth is

⁴⁷ *Da Qing huidian shili*, 125/1a.

⁴⁸ A 1727 precedent is aimed at officials who fall into such tricks. See *ibid.*, 851/4a.

⁴⁹ *Cheng’an huibian*, 26/22a-b. He was sanctioned according to the precedent referred to in the previous note.

⁵⁰ *Ibid.*, 26/30a.

much more in evidence in a case that occurred in Jiangsu in 1743, in which a woman was beaten by her jealous husband and died twenty-nine days later. Her mother was paid 120 taels, obviously to prevent her from complaining that her daughter had been beaten to death: when the magistrate came to examine the corpse, she refused the autopsy and argued that her daughter had died of illness, even producing a doctor's certificate. The magistrate—who according to the report could not be found to have accepted any bribe—accepted her explanations right away, concluded to a death by illness, granted an exemption from autopsy according to regulation, and authorized the burial; then he left his post to take care of his sick father without making a proper investigation and sending conclusions. His attitude was all the more suspicious since the victim's brother had appealed claiming that his sister had died from the blows inflicted by her husband, which should have prompted a serious investigation. Yet there had been neither an autopsy nor a report, so that the Ministry recommended that the magistrate be punished according to the precedent providing that “unworthy officials who camouflage and not report are sanctioned for concealing a homicide” (不消官員隱匿不報照諱命議處), rather than simply accusing him of “disguising a death from wounds as a death from illness”.⁵¹

Other comparable cases could be cited, where the confusion between death from wounds and death from illness was compounded by botched autopsies, all of this with obvious consequences on the fate of the persons involved in the case. In 1769 a fight broke out between two groups of tea gatherers in the hills of Fujian who accused each other of encroaching on their respective territories. During the affray a little girl was struck on the head by a stone. She died at home in the evening, but not without having complained of pain in the stomach, which made her father suspect she had a bout of the mysterious illness already encountered, *fasha*.⁵² The first autopsy accepted that conclusion uncritically, but a second autopsy commissioned by the provincial authorities established that the girl had indeed died from the wound caused by the stone.⁵³ In this instance, ignorance was involved rather than negligence or dishonesty, but the consequences in terms of allotting punishments were considerable, since the faulty diagnosis had “almost led to allowing a criminal to escape the net” (幾致兇犯漏網).

There is ignorance on the part of the official and coroner *and* dishonesty on the part of a criminal's relative in another case that took place in Zhejiang in 1803 and originated in another of those disputes between peasants over fields or irrigation which are so pervasive in judiciary archives. Two cousins had a fight over a tree planted by the former, which bothered the latter. One of the two died from his wounds after thirty days. The interesting point in the long entry devoted to the affair⁵⁴ is that, although the autopsy did reveal grave wounds, including one on the top of the victim's head, the father of the criminal claimed that the victim had died because he had taken poison, not because of his wounds; and indeed, the corpse was already decomposing because of intense heat and its aspect could suggest poisoning. The coroner confirmed the claim following a botched examination, and the magistrate uncritically forwarded the coroner's conclusions in his own report. However, the Zhejiang governor—the famous Ruan Yuan 阮元—rejected the report and ordered another autopsy, which established that there was in fact no trace of poisoning at all and that the man had without the slightest doubt died from his injuries. When all the people involved, including the magistrate and the coroner, were brought to Hangzhou and questioned by Ruan Yuan's

⁵¹ The two incriminations are found in the same 1727 precedent (see note 47). The reason for “camouflaging and not reporting” adduced in the precedent is that the said “unworthy officials” are afraid of being unable to capture the criminals, with all the consequences on their evaluation and career.

⁵² In this instance the description suggests some sort of abscess in the throat.

⁵³ *Cheng'an suojian ji*, 37/39a-40a.

⁵⁴ In *Cheng'an suojian ji*, fourth series (1805), 17/17a-21a.

replacement (at the time Ruan was at the capital for an audience with the emperor), the coroner admitted that his error was due to his lack of experience and incompetent examination of the wounds, but denied having accepted any bribe; for his part, the magistrate could argue for himself that he had admitted to his mistake (自行檢舉) and requested a new autopsy. They were both punished nonetheless.

No Corpse, No Autopsy

To sum up, it was extremely difficult to conclude a legitimate investigation without an autopsy. The one situation when it would seem that the problem could not be raised at all was when there was no corpse to examine. There are indeed instances where the ministry admits that one has to do without an autopsy, on condition however that the circumstances have been clearly established in every other respect.⁵⁵ But this was not always the case. In 1741, for example, the Ministry of Justice had to deal with the case of a man who had been badly beaten by a professional thief of his acquaintances out of revenge, with the support of a group of *yamen* policemen (*buyi* 捕役) who happened to be friendly with the criminal. As the victim had died from his wounds during the night, they took him to the river bank and threw him into the water. (This was taking place in Shandong, though we do not know exactly where). Later the culprits were caught and confounded by a combination of witnesses and material evidence, prompting the governor to propose punishments based on what he regarded as incontrovertible proof. Yet the ministry officials raised all sorts of issues regarding the value of the evidence and witnesses proffered and the real intentions of the criminal, and ordered further investigations “in order to get at the truth” (*wu de shiqing* 務得實情).⁵⁶ In other words, though they did not fail to recall at the start of their comments that a homicide case can be confidently adjudicated only when it rests on both definitive forensic evidence and definitive testimonies (命案全以屍傷證見明確，方成信讞), they accepted the possibility of doing away with the former—for lack of a corpse—provided that the rest was of impeccable quality.

Still, it was sometimes hard to admit that the source of forensic evidence had disappeared for ever. Rivers flow away, but the desert does not. A rather fascinating and complicated case tells us of a homicide involving bannermen in a mobile encampment somewhere in inner Mongolia. The killing had been witnessed by other people, the criminal had admitted that he had murdered and secretly buried the victim, but when the victim’s widow asked for the remains of her husband they were nowhere to be found. At that point the accused changed his mind and claimed that he had killed nobody at all and that the other man had in fact deserted. After much haggling the Censorate (which was put in charge of the affair) obtained the sending of a body of 200 soldiers equipped with shovels and spades to search the area around the former campsite together with the presumed criminal—this was six years after the incident; but after ten days of searching they could find nothing. Yet the Censorate could not resolve to close the case on the basis of testimonies since the criminal was denying the fact and the ultimate proof—the remains of the victim—could not be found. Judgment was therefore postponed, and the local military authorities were requested to search the region once again for clues, while the frontier Tartar generals were instructed to look for the runaway “victim”,

⁵⁵ Thus, in Gansu in 1753, a man killed his opponent in a fight and then threw his body into the river, apparently spurred on by a third individual to “destroy the evidence” (*mieji* 滅跡). The body could not be found, but the ministry decided that the case could be regularly entered in the Autumn assizes paperwork since the criminal and his accomplice had been found out and had confessed. See *Da Qing lüli quanjuan jicheng*, *juan* 31, commentary to Statute 412, 7a.

⁵⁶ *Cheng’an huibian*, 26/33a-b. The case, incidentally, offers an interesting glimpse of the more raucous aspects of life in a Shandong commercial city in the mid-eighteenth century.

whether dead or alive: only after their responses were received would the case be finally closed.⁵⁷

“Cases without a corpse to examine” (*wushi ke an zhi an* 無屍可驗之案) had indeed to be treated with due cautiousness. Thus Gao Tingyao, an early nineteenth-century official I will introduce later, recounts a case in which a woman and her lover had confessed under torture that they had killed the woman’s husband and burned his body: after investigation it turned out that the man had left for a trip, and indeed he eventually came back home. Such occurrences are not infrequent, according to Gao, and this is why one should never rush to easy conclusions.⁵⁸

Magistrates Deceived by Coroners

To return to cases where there actually is a body to examine, a last category of problems encountered in the sources is that of incompetent or indifferent magistrates who let themselves be misled by corrupt coroners. However central their role, coroners were certainly a weak link in the forensic organization, and they were regarded as such. In fact the success of an autopsy was dependent not on the coroner or on the magistrate, but on the pair they formed, which would hopefully offer the proper combination of competence and integrity. We do find in the literature examples of remarkably knowledgeable coroners who engage in learned debates with their official and are able to support their views when they are questioned by the courts,⁵⁹ and some case records single out coroners for their science and authority.⁶⁰ But the prevailing view was less optimistic: competent coroners were said to be rare (I will return to this), and for the persons involved in a case the stakes regarding the result of an autopsy were so high that it was always tempting to bribe the man who would be the first and all too often the last to interpret the evidence. Indeed, pairing a corrupt coroner and an incompetent or indifferent magistrate was a sure way of botching the procedure and producing a report open to dispute and appeal. Magistrates were warned against this by a 1670 precedent dealing with “officials in charge of autopsies who trust the coroner” and forward faulty reports;⁶¹ and coroners were encouraged to behave in a 1728 imperial rescript that rewarded those among them had not committed any wrong for three years with a sizable gift of money—up to ten taels in a county ranked “difficult”.⁶²

Cases involving magistrates deceived by dishonest coroners are many. For example, in 1706 the relatives of a man who had died of illness sometime after he had had a fight over some irrigation matters went to the magistrate to claim he had died of wounds suffered during the fight. To strengthen their case they hit the corpse and broke some ribs, and then bribed the coroner into describing the color of the wound in such a way that it confirmed their claim. The magistrate accepted and forwarded this conclusion. Then another magistrate entrusted with conducting a check autopsy (*fujian*) was also taken in by the false declarations of another

⁵⁷ *Ibid.*, 26/31a-32a (1740 rescript).

⁵⁸ *Huanyou jilüe* (see below), 1/21b-15a.

⁵⁹ For some examples, see Will, “Developing forensic knowledge”, 73, 89, and *passim*.

⁶⁰ Thus, in a 1786 edict the Qianlong emperor—who apparently took a personal interest in forensic affairs, at least those who took place at the capital—remembered the competence and authority of a Daxing 大興 county (i.e., Beijing) coroner who had brilliantly solved a case in which there had been much cheating (his was the third autopsy) and had refused to submit a faulty report in connivance with his predecessors (不敢扶同捏報). Regrettably, the following year he could not resist accepting a bribe in another case; still, his punishment was mitigated due to his past accomplishments. See *Cheng’an suojian ji*, 2nd series, 19/37a-38b.

⁶¹ See the translation of this precedent in note 29 above.

⁶² *Da Qing huidian shili*, 851/4b. This rescript (here quoted in a 1736 precedent) responded to a proposal of the ministry regarding the quotas of coroners to establish in all the counties in the empire, viz. from 3 to 1 depending on the size of the county.

coroner (presumably bribed as well), and confirmed the judgment. Only a third autopsy conducted by two magistrates established that the wound had been inflicted after the death of the “victim”, which of course entirely changed the allocation of punishments.⁶³

In another case, dated 1730, the magistrate of Shaanzhou 陝州 (Henan), who had accepted the completely biased diagnosis offered by a corrupt coroner without looking carefully into the case, and in addition had sent a confused report to his superiors, suffered dire consequences: he was condemned to death because his oversight (which in fact was bordering on deliberate negligence) had led to the freeing of a murderer who would have been decapitated had he been properly convicted.⁶⁴ Several other examples might be cited in which the deceitful reports of coroners who had been bribed to exonerate the accused or an accomplice, or for any other reason, were forwarded uncritically by incompetent magistrates, some of whom did not even bother to look themselves at the victim’s body.⁶⁵

Peripatetic Magistrates and the Problem of Competent Coroners

We have seen earlier that in certain circumstances—in particular when the site of a homicide was too far away from the county seat, or when the local magistrate was away on business—the magistrate of a neighboring county was required to come and conduct the autopsy. Apparently local officials tended not to be very enthusiastic about such chores. A 1729 precedent thus dealt with magistrates who, having been called for help by the assistant magistrate of an adjacent county, procrastinated and looked for pretexts not to go: they had important business to do, they had fallen ill, and so on. The precedent called for checking such claims, and of course it promised various sanctions in case they turned out to be spurious.⁶⁶

Another frequent cause for dispatching magistrates to conduct autopsies outside their jurisdictions was second autopsies (*fujian*)—sometimes even third autopsies—commissioned to check the result of the first autopsy performed by the local magistrate. It could happen that the provincial judge or the governor send out some commissioned official (*weiyuan* 委員) chosen from among the expectant officials residing in the provincial capital to accomplish this, but examples abound in the cases I have consulted of magistrates or even prefects being ordered to proceed to such and such county and conduct an autopsy. Besides the fact that having to leave one’s *yamen* for a protracted period of time could only disrupt the conduct of everyday administration, these were often time-consuming and uncomfortable trips, not to

⁶³ *Dingli cheng’an hejuan*, 23b-24a. The case is quoted after the precedent forbidding more than two autopsies: in the present instance the three autopsies were justified because of the trickiness of the case.

⁶⁴ *Cheng’an huibian*, 26/25a-26a. Two men had murdered a third one following a dispute over a woman; one of them bribed the other into accusing himself of being the only culprit, and then bribed the coroner to support the claim.

⁶⁵ See e.g. *Cheng’an huibian*, 26/29a-b; *Cheng’an suojian ji*, 37/31a-33b; id., 4th series, 17/22a-27a. The last is a complicated and highly interesting case taking place in Zhejiang, which involved several sessions of questioning, including by the governor himself in Hangzhou. It involved a group of shack people (*pengmin* 棚民) in the mountains of Jiande 建德 (Yanzhou 嚴州 prefecture) who resisted the government’s order to go away with such fierceness that a small army of runners and local peasants had to be sent to capture a criminal among them. On the way back the man tried to escape and was killed by the runners and thrown in a gully. The runners convinced the coroner (without having to bribe him) to claim that the cause of his death was tripping and falling in the gully—which the coroner accepted without even looking at the corpse, which was in a bad condition anyway (it was extremely hot and rain had been pouring). The magistrate forwarded the conclusion without doing any check. The affair was revealed by a witness who had lied but later regretted having accepted a bribe.

⁶⁶ *Da Qing huidian shili*, 125/1-ab. See also *Xinli cheng’an hejuan* 新例成案合鑄 (1734), 四續, Xingbu, for a 1733 regulation to the same effect.

mention the fact that to have a coffin opened and manipulate the remains of a decayed body was never a pleasurable experience.

One can therefore guess that local officials were not happy about such assignments. Of course, case records are not concerned with these aspects. Fortunately, however, there exists at least one narrative involving such forensic trips, and in fact providing some striking details along the way. Besides, the official involved was not just anybody in the profession, and he is even less so in the eyes of historians concerned with Qing local administration. So, let me devote some space to his experiences.

Wang Huizu's Misfortune

That forensic matters could be taken most seriously by officials, and also have consequences for their careers, finds a nice illustration in the chronological autobiography written at the end of his life by Wang Huizu 汪輝祖 (1731-1807), the *Bingta menghen lu* 病榻夢痕錄, or “Traces of Dreams on a Sickbed”. Wang Huizu’s career and importance are too well known to students of Qing administration to need much explanation here. He spent much of his career as a legal secretary, a profession in which he acquired a very high reputation. Although he eventually got his *jinshi* in 1775, he had to wait eleven more years to obtain his first magistracy at age 55. This was at Ningyuan 寧遠, a mountainous place somewhat isolated in the far south of Hunan. Two years later he was appointed acting magistrate in a neighboring county, and again two years later (in 1790) became acting department magistrate of Daozhou 道州, still in the same region of Hunan. And there, unexpectedly, his career came to an end after he had been only one year in the position: he came into conflict with one of his superiors and was eventually dismissed for “evading his duties” (*guibi* 規避).

The accusation comes as a shock: Wang was competent, indefatigable, much admired in scholarly and official circles, the author of a highly successful handbook for private secretaries, the *Zuozhi yaoyan* 佐治藥言 (Prescriptions on Aiding Government);⁶⁷ in other words, he was hardly the type of official who “evades his duties”. Wang’s entry in *Eminent Chinese of the Ch’ing Period* claims that he was dismissed “owing to the intrigue of certain individuals who resented his uncompromising fairness”. This sounds like hagiography, Chinese style, with the upright official falling victim to the jealousy of corrupt types. In fact the problem was much more complicated than that, as can be seen in the detailed and factual account of the affair that Wang himself provides in the *Bingta menghen lu*—an account which is, remarkably, mostly devoid of acrimony. Wang does present himself as a victim, but not of a jealous superior: rather, he was the victim of the impossible difficulty of the task that was demanded from him, and of the uncompromising sternness of a high official who could not admit that orders not be executed, even with the best of reasons.

The task in question was taking charge of a forensic examination in another county. The case is indeed illustrative of one of the structural problems of Chinese local administration, especially in peripheral regions like the Hunan mountainous back country where the affair took place: to wit, the extremely low density of qualified personnel spread across the territory. Magistrates not only had to administrate comparatively large counties with very little dependable personnel, they could also be called quite frequently for carrying out specific assignments outside their jurisdictions, which sometimes meant extremely arduous trips. This is what happened to Wang Huizu during his Daozhou incumbency.⁶⁸

⁶⁷ First published in 1785. Wang’s other celebrated handbook, the *Xuezhi yishuo* 學治臆說 (Personal Views on Learning Government), was published after he had left public service.

⁶⁸ For the entire episode See *Bingta menghen lu*, in *Wang Huizu zizhu nianpu erzong* 汪輝祖自述年譜二種 (Beijing: Beijing tushuguan chubanshe, 1997, reproducing an unspecified Qing edition), 2/26b-40b.

Like other local officials with a reputation of competence and efficiency in judicial matters, Wang Huizu was sometimes ordered to proceed to other constituencies in the region to investigate difficult cases. In 1790, shortly after he had left his post of Ningyuan magistrate to replace the magistrate of Daozhou department, who had died in office, he received an order from the Hunan provincial judge to go to Guiyang 桂陽 county and investigate the mysterious death of four persons. He had in fact already heard of the case through his colleague the magistrate of Guiyang *zhou*, where he had been sent a little earlier to investigate a case of arson against a nunnery.⁶⁹ A certain Mme He née Liu claimed the four victims had been maimed by a tiger, but it was said that no traces of tiger's teeth could be found on their remains, and their clothes had not been damaged.⁷⁰ In other words, a typical case of unexplained death that it was incumbent on the officials to clarify, so as to find out whether it was indeed an accidental death (as claimed by the witness), or rather a homicide (and a quadruple homicide at that)—perhaps the consequence of some sexual crime (*yin jian zhi si* 因姦致死), said the rumor—with a criminal to identify, arrest, and punish.

An official previously deputed to investigate the case had not been able to decide about it, and now it was Wang Huizu's turn. According to Wang, the rule, when an examination of the bones of the victim was called for, was to search for a knowledgeable and experienced coroner;⁷¹ and since such a person could not be found in the various counties of Yongzhou 永州 prefecture, to which Guiyang was attached, Wang sent a communication to Chen 郴 and Gui 桂 departments, where he knew there were coroners of reputation. This seemed to him the only way to clear the case: only after the coroner had arrived would he proceed to Guiyang—and this delay, he later claimed when he had an audience with the governor, was perfectly legal. In any case, as he got no answer to his call for a coroner, Wang accepted another request, this time coming from the jail warden of Jianghua 江華 county, to the south of Daozhou, to come and supervise a post-mortem investigation for him.⁷² This was in the middle of the winter, and there were 200 *li* to travel across steep mountains, under rain and snow. On his way back, Wang fell and broke his leg. His wound not only did not heal, but it was subject to complications: he could not walk, and as a consequence was unable to go to Guiyang despite repeated orders from the provincial judge.

In fact he asked to be relieved of all his duties on the grounds that he was incapacitated. Two colleagues from other prefectures were sent to do the autopsy in Guiyang, and they established that the victims had indeed been beaten or strangled and that there was no tiger involved. But for Wang himself this was not the end of the story. The provincial judge was dead set against him—Wang suggests that the reason was that in his report of his trip back from Jianghua he had mixed the mention of “auspicious snow” and of his own leg-breaking accident, which presumably was regarded as showing a lack of respect—and insisted on impeaching him for “evading his duties”. After several months of wrangling, and in spite of the provincial treasurer's support of Wang, the provincial judge eventually had his way: Wang was dismissed for, as we saw, “evading his duties”.

⁶⁹ Guiyang *zhou* (attached to Hengzhou prefecture) is not to be confused with Guiyang *xian* (attached to Chen independent department 郴州).

⁷⁰ There is actually an entry on wounds caused by a tiger (辨虎咬傷) in the *Xiyuan lu*. See *Dulü peixi*, 375-376.

⁷¹ So far I have not been able to locate the place where this rule is found.

⁷² This is an example of a subaltern official calling for a neighboring magistrate when the county seat is too far away or when his own magistrate is unavailable, as discussed above.

The Lack of Competent Coroners

As can be seen in the foregoing, the primary cause of Wang Huizu's unfortunate exit from officialdom was the rarity of reliable coroners: had he found one at once, he would not have accepted the Jianghua commission and would not have broken his leg on the trip back, with all the ensuing consequences. It may be that in this respect the situation was particularly bad in the mountainous and isolated prefectures of southern Hunan. Yet the problem seems to have been more general. I have mentioned elsewhere how, in spite of detailed regulations regarding not only the numbers of coroners to establish in every county of the empire, but also their training, it was regularly deplored that they were both in insufficient numbers and utterly ignorant.⁷³

There are indeed examples of incompetent coroners in the cases I have cited above, and in many others; but are the claims just mentioned to be taken literally? The problem, perhaps, is the standard of competence one is referring to. It is quite possible that the majority of autopsies could be performed with reasonable reliability by coroners conversant with the basics of their trade, which must have represented the vast majority of them. Laments about the incompetence of coroners (and of officials as well as far as forensics is concerned) usually come from specialists for whom forensics was a science, not to say a passion, and whose standards were attuned to the most state-of-the-art treatises and critical editions of the *Xiyuan lu*. I have sketched the careers, intellectual attitude and publishing activities of a few of them.⁷⁴ What interested such forensics scholars (who were also field practitioners) was difficult cases, such as the one for which Wang Huizu was assigned to Guiyang—the “big cases presenting difficulties” (*yinan da'an* 疑難大案), therefore requiring both extensive experience and profound knowledge, alluded to by Xue Yuncheng in a commentary where he claims that, when such a case occurs, one usually has to look in another province to find a competent coroner.⁷⁵ Xue wrote at the turn of the twentieth century, and even assuming he was right by then it is impossible to know what the situation may have been at any other given time during the Qing. As we have seen, the early nineteenth-century forensics casebooks occasionally feature highly knowledgeable and respected coroners who are a great help in solving difficult cases. Whether they were such a rarity that they had to be looked for in faraway places is not recorded.

The Passion for Solving Cases

As a way of conclusion, I would like to mention one of my favourite authors, an early nineteenth-century official who conducted many autopsies during his career and who, while not being one of those high-minded forensics specialists I alluded to, certainly was inhabited by a passion for solving cases. This, in fact, was only one among the many areas in local administration in which he acquired a considerable reputation, both in his own time and long after his death. And as Wang Huizu one generation earlier, he recorded his experiences in an autobiography replete with concrete and interesting detail; moreover—unlike Wang's *Bingta menghen lu*—this is an extremely entertaining text to read.

Gao Tingyao 高廷瑤 (1765-1830) had a distinguished twenty-year career during the first two decades of the nineteenth century. A Guizhou native from a landed family, he earned the

⁷³ Will, “Developing forensic knowledge”, 72-74.

⁷⁴ *Ibid.*, in particular 77-80.

⁷⁵ This is found in Xue's commentary to Substatute 412/14 (1788, combining three statutes of 1728, 1740, and 1763), which is devoted to the quotas and training of coroners. Xue claims that this statute has in fact become empty and is almost never enforced.

juren degree in 1786, but did not succeed at the *jinshi* despite four attempts. However, he was rewarded with the insignia of the sixth rank following his contribution in repressing Miao disturbances in his native region in 1796 and again in 1800, and entered the bureaucracy through the so-called “great choice” procedure (*datiao* 大挑), which was reserved for *juren* having tried their hand at the doctorate at least three times.⁷⁶ He was dispatched as an assistant prefect (*tongpan* 通判) in Anhui in 1802, and spent ten years there, mostly as a highly valued assistant and trouble-shooter in the service of several governors. The second half of his career, which was of about the same duration, took place in Guangxi and mostly in Guangdong, where he was Guangzhou prefect for many years.

While Gao seems to have enjoyed quite a reputation as an upright, opinionated and highly efficient official during his lifetime, his real fame among official circles—he is said to have been regarded as a model by such luminaries as Lin Zexu, Hu Linyi, and Zeng Guofan—came much later, and it was due to the posthumous publication of his autobiography, the *Huanyou jilüe* 宦游紀略 (The Voyages of an Official). Unlike the *Bingta menghen lu*, the text only covers Gao’s years in officialdom, and its content is limited to his activities and adventures as an official. It is not in the *nianpu* format, and can be described as a “free autobiography”, somewhat loose in its chronological arrangement in the sense that Gao allows himself to anticipate certain events, or go back to positions he has held previously, and intersperse an extremely concrete and lively narrative with separate discussions of substantive issues and particular events presented independently of the strict temporal succession of his experiences. The *Huanyou jilüe*, which is rather free in tone and occasionally borders on the satirical, does not seem to have been meant for publication by its author, even though it was clearly written with a pedagogical intent. (It was later celebrated as equal to the best official handbooks.) Of the eight different editions of the text I have identified, the first, which was collated by Gao’s two sons and eight grandsons (and does not seem to have had any predecessors), must have been printed in Sichuan around 1860, some thirty years after Gao’s death; the last was engraved in 1908.⁷⁷

Gao Tingyao’s reputation rested to no small extent on his talents as an investigator and judge. His narrative includes a large number of affairs he had to investigate, and he dwells at length on the ingenious techniques he used to solve them—he especially prides himself on his ability to remedy wrongs (*pingfan* 平反) and to overturn cases (*fan’an* 翻案) that had been mishandled by his colleagues. Whatever the case may have been, it is in these accounts that we find interesting indications on forensic practice.

Towards the beginning of his career in Anhui, Gao was appointed acting department magistrate of Liu’an 六安. This ten-month tenure was in fact his only stable position during the decade he spent in the province, and he seems to have particularly enjoyed it: at one point he claims that during his twenty years of career those ten months were the only time when he could really devote his entire energies to the people (得盡心於民事). In any case, most of the autopsies he records correspond to this period. He states at one point that he conducted more than thirty autopsies in Liu’an, and also that according to his files he was able to deal with

⁷⁶ The little we know of Gao’s life prior to his official career is found in a “family biography” (*jiazhuan* 家傳) due to one of his countrymen, an official by the name of Tang Shuyi 唐樹義, published at the beginning of his own autobiography. See also Ling Ti’an 凌惕安, *Qingdai Guizhou mingxian xiangzhuan* 清代貴州明賢像傳 (Shanghai: Shangwu yinshuguan, 1946), p. 73-77.

⁷⁷ There are indications that others may have been published. While essentially similar in content, some of the editions I have seen display significant textual variations, occasionally amounting to actual rewriting, which are difficult to explain. In the present case I am using a 1900 edition collated by the author’s grandsons and engraved in Hubei by the Gao family.

over 1,360 judicial cases—which makes an interesting statistical point. At any rate, it is clear that the experience was highly satisfying.

It would be too long here to analyze in detail Gao Tingyao's forensic accounts. The first thing to emphasize is that he always insists on his compliance with the regulations—and this is obviously illustrative of the pedagogic intent of the text: he never takes extra personnel with him, forbids levying even one cash from the locals (he lists the supplies he takes along in order to be self-sufficient), controls his escort as much as he can (for example, he obliges them to walk in front of his sedan-chair), refuses to be entertained by the *dibao*, and so on: all of this is explained in great and sometimes funny detail. He also makes sure that everything is done in an orderly way. Thus, towards the beginning of his tenure at Liu'an he was bothered during an autopsy by an extremely arrogant *jiansheng* who meddled with the procedure, gave his opinion on everything flourishing his pipe, and so on. With his usual roughness Gao dressed him up and quieted him down by giving him a few slaps in the face⁷⁸—and after two or three such episodes, he claims, autopsies have always been peaceful events.

But they are public events, as ordered by regulation. The crowd presses around watching, and of course the relatives of the criminal and victim are present. In case of disagreement they are invited to come look for themselves and palpate the corpse according to rule. Gao himself makes a point of checking carefully the results of the coroner's examination, and if there is any doubt, of palpating himself the victim—he actually explains in great detail how to proceed to distinguish actual wounds from appearances of injury, how to press with one's finger, and so forth. In short, nothing must be left in doubt. As a result (he again claims), none of his thirty autopsies in Liu'an was disputed afterwards.

Especially arresting are certain episodes in which forensic examination is combined with medical care, and these are recounted in extremely vivid, even breathtaking, fashion. For example, one day a child came to the Liu'an *yamen* complaining that his grandmother and his uncle had just sold his widowed mother into marriage and that she had been taken away. Gao rushed immediately, but when he arrived the widow had already slit her throat with a small knife used for cutting one's nails. He had her brought back to the *yamen* with all the persons involved, inspected the wound, had medicine applied and some chicken skin stuck on the wound, and confined her in a quiet room. She was cured within fifteen days. Another spectacular example of Gao's talents as a forensics specialist *cum* surgeon concerns a man found under a bridge with his belly split open: he had attempted to commit suicide after killing his former mistress, who was found alive, lying on her bed and bleeding profusely. Both were subjected to surgical procedure, complete with stitching and bandaging, the man's bowels having been forced back into his belly, and they too survived—and now they could be questioned.

In the end, Gao Tingyao was sanctioned in the wake of a case where the conclusion of his autopsy was disputed. This was one of these impossible affairs starting in a comparatively straightforward fashion but getting utterly complicated because of repeated appeals. Two peasants had a fight, one of them died twelve days later, there was only one wound to observe, and only one criminal. Three years later the victim's younger brother appealed, claiming there had been two more attackers, who had hit the victim on his temples. Gao was sent to conduct a new autopsy, and found nothing. The younger brother appealed again, this time to the governor's office: another official was sent to perform a third autopsy, and again found nothing. A fourth autopsy did find some traces on one of the victim's temples, and one of the new accused became the main criminal. However, his son appealed to the capital, from where a special investigator was sent by the emperor. He confirmed the initial diagnosis, only to be

⁷⁸ Gao seems to have been fond of slapping arrogant gentry, especially in court, and especially the much-despised *jiansheng*: as gentrymen could not be beaten with the stick like commoners, this was an efficient way of cowing them physically without breaking the law.

disputed by the governor general, who had another investigator sent from Guangxi. This one confirmed the revised diagnosis—and there the case was closed. All the officials involved were sanctioned, Gao himself incurring nine demotions in grade. Of course he concludes his narrative by proving that this final verdict was impossible to support.⁷⁹

Whatever the case may have been, this incredible story—six autopsies in all!—seems to me emblematic of the centrality of forensic examination to the judicial process in Qing China, and also of its uncertainty. Even though the case appears to have been quite simple, an unreasonable appeal by a relative of the victim was enough to mobilize a series of officials up to the higher rungs of the bureaucracy, and have them haggling over a piece of bone.

Emblematic, but certainly not typical. Indeed, I am not sure how far the evidence presented in this essay succeeds in drawing a well-defined image of the practice of forensics in the Qing (or any other period of imperial China for that matter). I have attempted to offer a range of situations and of attitudes, all the way from downright incompetence and indifference to dedicated and highly informed practice. Beyond that, a definitive evaluation of the actual efficiency and reliability of Chinese forensics—as opposed to its judicial importance—awaits further investigation.

⁷⁹ As suggested by several examples introduced above, cases involving more than two autopsies (which according to regulation was the maximum allowed) do seem to have occurred when the conclusion reached at the time of the second examination was appealed with arguments deemed sufficiently strong or when foul play was suspected. The six autopsies in the case just recorded may well have set a record. For an example of a case that was only closed after three autopsies and, finally, a confession that disproved all three, see Wook Yoon, “Prosperity with the Help of ‘Villains’, 1776-1799: A Review of the Heshen Clique and Its Era”, *T’oung Pao*, 98 (2012). The case was in fact very political: a Grand Council secretary who happened to be a protégé of grand councilor Agui 阿桂 had reported that his wife had committed suicide by strangling herself, but the woman’s brother claimed she had been killed and went to petition the office of the Peking Gendarmerie, whose boss was grand councilor Heshen 和坤, Agui’s arch-rival. The emperor ordered three autopsies in succession, all supervised by high officials (the third one by Agui and Heshen), all confirming the suicide, and all disputed by the brother amidst accusations of factional manipulation. In the end the husband confessed he had indeed beaten his wife to death and attempted to camouflage her death as a suicide.