

ARTICLE

Policies and Counterstrategies: State-Sponsored Filiality and False Accusation in Qing China

Yue Du*

Cornell University

*Corresponding author. Email: yue.du@cornell.edu

Abstract

Using court cases culled from various national and local archives in China, this article examines two strategies widely employed by Qing litigants to manipulate state-sponsored filiality to advance their perceived interests in court: “instrumental filicide to lodge a false accusation” and “false accusation of unfiliality.” While Qing subjects were willing and able to exploit the legalized inequality between parent and child for profit-seeking purposes, the Qing imperial state tolerated such maneuvering so as to co-opt local negotiations to reinforce orthodox notions of the parent–child hierarchy in its subjects’ everyday lives. Local actors, who appealed to the Qing legal promotion of parental dominance and filial obedience to empower themselves, were recruited into the Qing state’s project of moral penetration and social control, with law functioning as a conduit and instrument that gave the design of “ruling the empire through the principle of filial piety” a concrete legal form in imperial governance.

Keywords: filial piety; Qing law; false accusation; imperial governance; agency

Introduction: False Accusations in the Context of State-Sponsored Filiality

In a 1750 case, Ama 阿罵, a Miao¹ woman (30 *sui*) from Guizhou province, was killed by her younger brother at their mother’s behest. Ama’s mother used the death of Ama, an unmarried daughter born with disabilities, to submit a false accusation before the local court against their former landlord, who had recently reclaimed the land once rented to Ama’s family. Ama’s other relatives did not approve of Ama’s mother’s plot, however. After a few failed attempts to settle this case locally, community leaders decided to report it to the authorities as an instrumental filicide. Ama’s mother was initially sentenced to military exile to the interior frontiers for instrumental filicide for the purpose of lodging a false accusation, as required by Qing law. But her sentence was commuted in judicial reviews conducted in 1751 under the general amnesty of September 4, 1750, and she was released. Ama’s younger brother, who had been forced by their mother to kill his sister, was sentenced to beheading without delay for “violating fundamental human ethics.”²

Of the dozens of cases I have collected from various national and local archives in China concerning the crime categorized by Qing law as “killing one’s child or grandchild in order to make a false accusation” (*shahai zisun tulairen* 殺害子孫圖賴人) spanning more than one and a half centuries, this case was one of the few found among the Routine Memorials of the Board of Punishments (*xingke tiben* 刑科題本), the documentation of the Qing empire’s systematic reviews of the vast majority of homicide cases. The lack of such cases in the Qing central archives, despite their widespread presence in county-level archives, was a result of the light weight that Qing law assigned to filicide, which was in

¹Miao 苗 was a term used by Qing officials to refer to various aboriginal mountain tribes of Guizhou and other southwestern provinces of the empire. For the Qing judicial administration of the Miao people, see Z. Zhang 2012 and Weinstein 2013.

²XKTB, no. 02-01-07-05047-005 (1751).

turn derived from Qing law's general upholding of parental authority and its demand for filial obedience. Ama's case captures how the Qing imperial state added its weight to the legalized asymmetry between parent and child by constructing authoritative images of normative social order and conveying this message to the bottom of society through enforcing the law. In the archives, Ama's case was categorized by Qing officials as one involving "violation of fundamental human ethics" (*nilun* 逆倫) not because of the filicide committed by Ama's mother but because of the fratricide committed by Ama's younger brother. Filicide was legally insignificant, but killing one's elder sibling was an offense listed under "contumacy" (*e ni* 惡逆) among the ten categories of the most heinous crimes under Qing law (*shi e* 十惡).³ The mother, the principal offender in a homicide case, was pardoned under a general amnesty. The younger brother, an accessory, was excluded from any imperial clemency and executed immediately after the disposition of this case.

The role of state-sponsored filiality in Chinese empire-building in general and Qing empire-building in particular has received intensive treatment from scholars. Research has suggested that the personal observance of filial piety by the ruling emperor toward his living parent had significant political implications because filial piety's value was deeply entrenched in imperial legitimation.⁴ Qing China's Manchu leaders promoted Confucianism by personally observing laborious and time-consuming mourning rituals, and purged the imperial bureaucracy of those who failed to fulfill their filial duties.⁵ The political exploitation of the cult of filiality reached its zenith in the grand sacrifices orchestrated by the Qing, in which the imperial state successfully combined the power of ritual texts and bodily performance to identify the reigning emperor with the ultimate center of filiality, his ancestors and Heaven itself.⁶

These studies of state-sponsored filiality in imperial China, heavily focusing on politics and ritual, raise an important question on how the intention of the imperial state to strengthen and use the cult of filiality to reinforce its own rule was realized in concrete governance. The Yongzheng emperor (r. 1723–1735) once proclaimed that the precise design of his father, the Kangxi emperor (r. 1661–1722), was "no more than by filial piety, to govern the empire" (*wufei yi xiao zhi tianxia zhi yi* 無非以孝治天下之意).⁷ Governing the empire required more than ritual performance, and the "precise design" went beyond discourse. Luca Gabbiani reveals that the Qing imperial state compromised on several theoretical foundations of Chinese traditional law, first and foremost the principle of criminal intent, in its extreme harsh punishment of parricides due to insanity. This illustrates the great lengths to which the Qing was willing to go to uphold the sacred parent–child relation, the backbone of "fundamental human ethics" (*lunji* 倫紀).⁸ Severely punishing children who offended against their parents, regardless of whether such offenses were intentional, as studied by Gabbiani, was but part of the Qing's general legal buttressing of the parent–child hierarchy that had two indispensable pillars: parental dominance and filial obedience.

Using legal cases culled from numerous national and local archives in China, this article examines the "instrumental use of filicide to push forward a false accusation" (*shahai zisun tulairen* 殺害子孫圖賴人) and "false accusation of unfiliality" (*wugao buxiao* 誣告不孝), two strategies widely employed by Qing subjects to manipulate the legally sanctioned cult of filiality to advance their perceived interests in court. As will be shown in the following pages, Qing law, out of its general protection of parents' control over their offspring, assigned much lighter punishment to filicide as compared with that assigned to normal homicide, meaning that filicide could be carried out by parents for profit-seeking motives with low risk. Resourceful litigants did not fail to leverage the legal asymmetry between parent and child in order to recruit the state to their cause by killing their children and

³DLCY 1970 [1905], p. 17.

⁴Ebrey 2004.

⁵Kutcher 1999.

⁶Zito 1997.

⁷*Shengyu guang xun* 1817 [1724], p. 29. For the widespread influence of the Kangxi Emperor's *Sacred Edict* and its various annotated, vernacular, and illustrated editions in Qing China, see Mair 1985.

⁸Gabbiani 2013.

lodging false accusations against their adversaries. Conversely, Qing law attached enormous weight to children's slightest offense against their parents, making false accusations of unfiliality a particularly useful instrument for those who intended to cause trouble for their neighbors or to draw state intervention into their economic disputes. Rather than applying statistical methods, this article closely examines twelve cases from both central and local archives from different locales. At the same time, it locates this analysis within the social and cultural context of the Qing by incorporating writings by officials, literati, and legal experts on the parent–child hierarchy. By looking at the mechanisms through which imperial prescription was realized in legal practice at the local level, this research reveals the ways in which the law's light treatment of filicide and its harsh treatment of filial disobedience together amounted to what we may characterize as a legally sanctioned cult of filiality.

Another question this research aims to answer is how political messages that linked imperial rulership with filiality were conveyed to and perceived by non-state actors, especially non-elite, local actors. Despite their tremendous importance, political maneuverings and ritual performances by the emperor or sensational public executions only sporadically touched the everyday lives of most of the general population. Local practice of false accusation in the context of state-sponsored filiality offers a poignant lens through which the legal mechanisms of Qing empire-building through moral penetration can be studied from people's daily engagement with the law.

Existing research has revealed that the dominant moral system of the Qing could be deployed by weaker members of local communities to force the rich and powerful to fulfill the responsibilities society assigned to them in terms of offering protection and relief to their employees and relatives. As Melissa Macauley and Quinn Javers have shown, with the magistrate's court as a site of resistance that had enormous potential for social readjustment, false accusations often served as a “weapon of the weak” that helped litigants forcibly involve the imperial state in economic disputes that might otherwise have received little official intervention.⁹ Taisu Zhang observes that Qing law's upholding of the “Confucian” value of seniority enabled senior but poor members of local communities to assert negotiating power disproportionate to their socio-economic status, which they used to maintain the comparatively “egalitarian” tendencies of Qing property institutions beneficial to them.¹⁰ Below, I will not focus on whether or not the state sided with the weak to restrict the powerful for moral equilibrium. Nor will I concentrate on whether the law reinforced existing local power structures wherever it intervened, as Macauley and Javers also note.¹¹ Rather, I will underline how the legal system functioned to recruit local actors to contribute to the imperial power relations that ruled them and to strengthen the ruling ideology that tamed them.

None of the examples discussed here is a headline-grabbing case as defined in the Qing context, and few of them received imperial attention or even the standard obligatory review from the magistrate's superior officials. Nevertheless, these cases illustrate that people on the ground often appropriated the designs of law- and policy-makers for their own purposes, sometimes in a perverse manner, which produced consequences unintended by the imperial state. But the imperial state tolerated such immoral trends in society, even at the expense of other established principles and values, to strengthen the nexus of parental authority and filial obedience around which imperial power relations were built, and to encourage people to invite the imperial state into their families and communities. In this process, false accusation was practiced by litigants as a tool of negotiation and was simultaneously used by the imperial state as a means of sociopolitical control. The lines between “falsity” and “truth” were blurred, as the state's tolerance of “falsity” served its goal of upholding the greater “truth” of the parent–child hierarchy. Through concrete legal mechanisms, the Qing imperial state “ruled the empire through the principle of filiality” (*yi xiao zhi tianxia* 以孝治天下), and successfully intruded into and dominated the everyday.¹²

⁹Macauley 1998; Javers 2014.

¹⁰Taisu Zhang 2014; Taisu Zhang 2017.

¹¹Macauley 1998; Javers 2014.

¹²For the centrality of filiality and the *Classic of Filiality* (*Xiaojing* 孝經) in Qing state ideology, see Lü 2011.

Instrumental Use of Filicide as a Survival Strategy

Scholarship on Qing legal culture has revealed that the Qing local courts, in contrast to previous belief, handled an enormous number of cases involving (what in modern Western and Chinese legal terms) would be considered civil issues. The county magistrate routinely made judgments according to the Qing code to avoid administrative censure from above.¹³ Local actors, literate or illiterate, had a keen understanding of how to use the law and work the courts to their advantage. Legal knowledge was generally present or at least widely available for purchase by average Qing subjects.¹⁴ Scholars have proposed that a death, especially the death of a relative, often offered an unexpected opportunity for a financial windfall, with false accusations a useful tool to gain the magistrate's ear.¹⁵ Not all cases involving "using a dead body to lodge a false accusation of murder" (*jieshi tulai* 藉屍圖賴) were the result of unexpected deaths, however. People deliberately committed murders so that they could use the corpses to frame others.

Late imperial Chinese law is known for its differential treatment of people of different social, familial, and gender status. In cases involving family members, if the offender was a senior family member (parent, husband, uncle/aunt, elder sibling/cousin) and the victim was a junior family member (child, wife, nephew/niece, younger sibling/cousin), the offender would receive a reduced punishment compared with that imposed on those who committed the same offense against an unrelated party. The degree of reduction depended upon the disparity of the normative relationship between superior and inferior as well as the proximity of the relationship between the involved parties.¹⁶ Considerable scholarly attention has been paid to the role of state regulation of family relations in Qing state-building and civilizing projects, albeit almost exclusively in the context of sexuality and conjugal relations.¹⁷ As existing scholarship has convincingly argued, a gender-related ethos was wedded with Qing social policy-making and the imperial project of the moral transformation of society. That said, the ritual-legal notion that a wife served as her husband's ritual equivalent (*di ti* 敵體 or *li ti* 麗體)¹⁸ despite the hierarchy between them differentiated the husband-wife bond from the more unequal bond between parent and child. Consequently, the imperial state upheld the parent-child hierarchy more stringently and more absolutely as compared with its buttressing of the husband-wife hierarchy.

Under Qing law, a husband who murdered or intentionally killed his wife without good reason would be sentenced to strangulation subject to review at the autumn assizes. If a parent murdered or intentionally killed his/her natural son or daughter without any fault on the child's part, the parent would receive merely one year of penal servitude plus sixty strokes of the heavy bamboo stick. If the filicide was committed by a ritual-legal mother or a stepmother against a child not born to her, the ritual-legal stepmother would receive a punishment one or two degrees increased from that designated for natural parents.¹⁹ With the light weight that Qing law assigned to filicide and the imbalance of power, both physical and social, between parents and minor children, small children, especially young girls, were especially at risk of being killed by parents for the purpose of making false accusations.

¹³P. Huang 1996; Liang 2007.

¹⁴For the spread of legal knowledge in the Qing through commercial publishing, see Ting Zhang forthcoming.

¹⁵For Qing subjects' access to legal knowledge in general and their use of corpses as leverage in litigation in particular, see Macauley 1998, especially pp. 197–206; Javers 2014, especially pp. 31–48.

¹⁶For the principle of "determining nature of the crime and designating punishment according to the kinship relationship as measured in the five-degree mourning system (*zhun wufu zhizui* 準五服治罪)" in late imperial Chinese law, see Qu 2013 [1965], pp. 7–13.

¹⁷Elliot, 1999; Theiss 2005; Sommer 2000, 2015.

¹⁸See Du Yu's 杜預 (202–84) commentary on the *Zuo Zhuan* 左傳, "Zhuang gong si nian" 莊公四年: "For a ruler's [married] daughters, only the death of a ruler's wife would be recorded. Such a privilege came from the equal status [of a ruler and his wife] (*Nei nü wei zhuhou furen zu nai shu, en cheng yu di ti* 內女唯諸侯夫人卒乃書, 恩成於敵體)"; Ruan 1979 [1826], p. 1763. For the ritual-legal principle of "husband-wife unity" in traditional Chinese law, see Shiga 1967, pp. 551–68.

¹⁹DLCY 1970 [1905], pp. 780, 829, 949, 950. Notably, Qing law did not discriminate between adult and minor children where filicide was concerned. Parents received the same punishment for intentionally killing their children – one year of penal servitude and sixty strokes of the heavy bamboo stick – regardless of the age of the victims.

I begin my discussion of the crime defined by Qing law as “killing one’s child or grandchild for making a false accusation” (hereafter “instrumental filicide” for short) with a detailed examination of a nineteenth-century case that took place in Sichuan province. Evidence strongly suggests that a girl of two *sui*²⁰ was deliberately killed by her father for financial gain through false accusation, though the case was eventually classified as a no-fault accidental death. With the magistrate’s support, this daring strategy successfully opened the wallet of the falsely accused, while the only punishment meted out in this case was a beating by the light bamboo stick for the father. Then, I briefly introduce several other cases from various regions of Qing China to shed light on the patterning of “instrumental filicide for making false accusations,” in terms of both local practice and judicial intervention.

On March 4, 1867, Yu Bugao 余步高 submitted a complaint stating that his adoptive elder brother had illegally seized sixty-eight taels of silver that Bugao was entitled to from the sale of his share of their inheritance, and his elder brother had kept for himself the one hundred taels of silver their deceased mother had left them both. Without the money, Yu Bugao emphasized, he could not bury their mother with a properly made coffin. On top of this, Yu Bugao added, his small daughter had been severely injured by his elder brother in a confrontation between them three days previously. On March 6, Yu Bugao reported that his daughter had died of her injuries. An official coroner’s examination, dated March 12, showed that the death of the girl was not caused by the slight injury on her face but by drowning. Yu Bugao immediately withdrew his charge of his elder brother’s alleged homicide, claiming that his daughter indeed died of choking on water, and he would not raise this issue again to blame others. The accused elder brother, together with other relatives, testified that Yu Bugao, an idler who often borrowed from his elder brother, had indeed involved his two-*sui* daughter in his last failed attempt to extract money from his elder brother, but they did not know how the girl had died afterwards.

On March 15, Yu Bugao, after another round of investigation, admitted that it was he, rather than his elder brother, who had injured his daughter by throwing the girl onto the ground. However, Yu Bugao still insisted that he had done so out of the righteous anger caused by his elder brother’s denial of the money owed to him. He claimed that when he returned home on March 5 from his trip to the county seat to submit his initial complaint, he found that his daughter had accidentally stepped into a puddle and drowned. He also stated that it was only then that it occurred to him (*linshi qiyi* 臨時起意) that he could use the opportunity offered by the accidental death of his daughter to lodge a false accusation. Yu Bugao signed a document that same day, admitting that his daughter had indeed died in an accident, and he should not have “fabricated” the complaints he had submitted to the court (*buying nieci wangkong* 不應捏辭妄控). In this new document, Yu Bugao mentioned that he had been punished for his false accusation with strokes of the light bamboo stick. He also mentioned that the magistrate had ordered his elder brother to give him twenty taels of silver. This swift reversal was followed by a document signed by his elder brother, confirming Yu Bugao’s latest version of the story concerning the accident and the elder brother’s willingness to offer Bugao twenty taels of silver. The file ended with a report from the magistrate’s legal secretary, stating that even though this case originally had been reported as a homicide, the magistrate’s investigation had revealed that it was in fact an accidental death. With all involved parties having signed to close the case, it was unnecessary to prepare detailed reports for obligatory reviews (*wuyong xiangbao* 毋庸詳報).²¹

The Qing code designated one and a half years of penal servitude plus seventy strokes of the heavy bamboo stick as punishment for grandparents and parents who committed filicide to make false

²⁰In Qing China, a newborn baby was considered one *sui*. After passing his/her first Chinese New Year, he/she became two *sui*. Since the 1867 case took place just after the New Year, the age of the victim (two *sui*) could have been either one month or one year, depending on her date of birth.

²¹BXDA no. 006-015-17728 (1867). For the important role of legal secretaries hired by Qing officials in the daily operation of the Qing legal system, see Chen 2012. In the Qing, confession and autopsy needed to match one another for a homicide case to be decided. See Asen 2009 and Sommer forthcoming.

accusations, the same as in the Great Ming Code.²² A sub-statute the Qing inherited from the Ming increased the punishment by replacing penal servitude with military exile to interior frontiers.²³ It should be noted that such a punishment was much less serious than the death penalty a convict would receive for killing an unrelated person to make a false accusation,²⁴ not to mention death by slicing, designated for those who committed parricide in order to frame others.²⁵ Even using the body of a deceased parent to make a false accusation was punishable by three years of penal servitude plus one hundred strokes of the heavy bamboo stick,²⁶ a punishment more severe than what the statute designated for instrumental filicide. That said, Yu Bugao, the victim's father in the 1867 case cited above, did not receive punishment for his filicide even in the reduced form as required by the Qing code. The case was eventually categorized as a no-fault accidental death.

Research on recording criminal cases in Qing China suggests that magistrates and legal specialists working for them were as careful as possible in handling written documents. If any doubt arose when the case records went through the multiple layers of obligatory reviews as prescribed by Qing legal procedures, the case would be returned to the lower level with a severe warning.²⁷ The narrative should be concise and coherent, without loose ends. Fewer loose ends meant that fewer questions could be raised and the case was less likely to be sent back for reinvestigation. In this 1867 case, however, several details worth challenging were left unresolved in the case record. First, how could a two-*sui* girl, who, as claimed by Yu Bugao in his initial complaint, had been on the verge of death on March 4 due to the injury she had received three days earlier, manage to step into a puddle on her own on March 5, as in the story Yu Bugao offered after the autopsy? Second, if Yu Bugao made up his mind to take the unexpected opportunity presented by his daughter's accidental death to make a false accusation only on March 5, why had Yu Bugao reported on March 4 that his daughter had been seriously injured by his elder brother on March 1? Obviously, things did not add up. With the existing evidence on this case, it is impossible to know for certain what transpired in Yu Bugao's house between Yu's confrontation with his elder brother, on which occasion his daughter was supposedly injured, and the death of the girl by drowning. But a small girl, probably no more than one year old, accidentally drowning herself immediately after her father submitted a false accusation of homicide implied at least the possibility of intentional killing, which should have called for a further investigation on the county magistrate's part. Yet, the legal truth, as quickly constructed by the court, was that of an accidental death exploited by a parent to secure a payoff, which eventually led merely to a beating by the light

²²DLCY 1970 [1905], p. 865. For the Ming statute concerning killing one's children or sons' children to make false accusations against others, see *Da Ming lü*, Article 317, pp. 174–75.

²³DLCY 1970 [1905], p. 865. Penal servitude (one to three years) usually involved transportation within the province and hard labor, plus sixty to one hundred strokes of the heavy bamboo stick. Those who were sentenced to military exile were supposed to be sent to the imperial frontiers for life, even though they might be allowed to return to their home places after a general amnesty or in other special circumstances. For the Ming sub-statute, see *Da Ming lü fu wen xing tiao li*, p. 412. Notably, there was no statute in the Tang code regarding killing others, especially one's own offspring or slaves, or using their corpses for the purpose of falsely accusing others (*tulai* 圖賴). The Ming code was the first to introduce such provisions in Chinese history (Duan 2011, p. 126).

²⁴DLCY 1970 [1905], p. 775.

²⁵DLCY 1970 [1905], p. 780. Death by slicing/dismemberment in public (*lingchi chusi* 凌遲處死) was an “extrajudicial punishment” beyond the canonized five punishments (beating by the light bamboo stick, beating by the heavy bamboo stick, penal servitude, exile, and death by strangulation or beheading). *Lingchi* resorted to extreme humiliation and torment to punish rebels, parricides, and those who killed three or more members of a single household. Despite the general assumption that death by slicing was mainly applied to rebels, scholars have suggested that the largest number of criminals who were executed by *lingchi chusi* during the Qing were indeed parricides. For the penalty of *lingchi* in the Qing legal context, see Brook, Blue, and Bourgon 2008. For the distribution of the *lingchi* penalty among different categories of criminals during the Qing, see Bourgon and Erismann 2014. Notably, Bourgon and Erismann define “parricide” broadly in their research, including those who were convicted for murdering any senior family members (parents, paternal and maternal grandparents, husbands, or elder siblings). They do not give the percentage of execution by *lingchi* under subcategories, such as killing parents or killing husbands.

²⁶DLCY 1970 [1905], p. 867.

²⁷Karasawa 2007.

bamboo stick for the father, compensated for by the much-desired financial gain extracted from the pocket of the falsely accused.

The magistrate may have had multiple motivations for deciding to record this case as an accidental death rather than conducting further investigation into the possibility of homicide. First, the notion of the “natural” hierarchy between parent and child made Qing judicial officials unwilling to punish parents for crimes they committed against their children even with the reduced penalties prescribed by the Qing code, especially when victims were natural children rather than daughters-in-law, adoptive sons, or stepchildren. The early Qing prefect Kong Yanxi 孔延禧 nicely summarized the underlying logic in his didactic text:

Your parents are your Heaven. Heaven created grass. In the spring, it lets the grass sprout out; in the autumn, it lets the grass be killed by frost. [The life and death of grass] is determined by Heaven. Your body was created by your parents. Your parents can determine your life and death. How can you dare to question your parents’ decision? That is why there is a time-honored idiom: “There are no occasions on which parents can ever be wrong (*tianxia wu bushi de fumu* 天下無不是的父母).”²⁸

Second, no magistrate wanted to expose himself to the risk of a case being reinvestigated, which might compromise his future career. In this case, as the magistrate’s legal secretary noted, it was much more convenient to treat the case as an accidental death because accidental death required no further review unless subject to appeal.²⁹ In the absence of an appeal, which in this case was unlikely, a parent was able to kill a child without serious retribution. The lack of judicial review of an accidental death confirmed by the victim’s parent also explains why there were so many unresolved loose ends in the case record that might be pursued in other types of cases.

Yu Bugao’s case is but one of many examples of the instrumental use of filicide as a means for profit-seeking. The imperial central bureaucracy was aware of such manipulations of the legal inequality between parent and child, evidenced by the very existence of the statute and sub-statute specifically designating punishment for filicide for making a false accusation. But because the highest penalty meted out in a filicide case, unless it was explicitly categorized by the magistrate as “instrumental filicide for the making of a false accusation,” was merely penal servitude, the Board of Punishments, not to mention the emperor, was not involved in the review of such a case. Among the cases I have collected, only a few who committed filicide as a means to frame others received military exile to interior frontiers, as stipulated by the sub-statute, or even one and a half years of penal servitude plus seventy strokes of the heavy bamboo stick, as stipulated by the main statute. Most of these filicides either escaped punishment altogether, or they were punished as criminals who committed intentional but non-instrumental filicide, which called for one year of penal servitude plus sixty strokes of the heavy bamboo stick.³⁰ One example is briefly given as follows to represent the minority of cases in which military servitude on interior frontiers was actually meted out for instrumental filicide.

²⁸Kong 1993 [1661], p. 267.

²⁹Qing judicial officials often referred to felony cases as “major cases involving unnatural death or robbery” (*mingdao zhong’an* 命盜重案), and non-felony cases as “trivial matters concerning household, marriage, land, or field” (*huhun tiantu xishi* 戶婚田土細事). However, the multilayered obligatory review system of the Qing actually used the penalty meted out to determine whether imperial endorsement, endorsement from the Board of Punishments, or endorsement from the provincial governor was required for the disposition of a particular case. Every case involving capital punishment demanded imperial attention, while a case involving exile had to be approved by the Board. Cases calling for penal servitude and beating with the heavy bamboo stick had to be reviewed by the provincial judicial commissioner and the governor. Cases involving merely beating with the light bamboo stick could be disposed on the county magistrate’s own authority. As a result, a filicide case, due to the light penalty designated for the offender, rarely received the judicial attention other homicide cases usually did. For details on the Qing obligatory review system, see Y. Huang 2014 [2013], pp. 317–18. Matthew Sommer has shown that magistrates had motivation to record reported deaths as deaths by natural or accidental causes, and it is impossible for scholars to know for sure how many “accidental deaths” were actually homicide cases recorded as accidents for convenience. See Sommer *forthcoming*.

³⁰DLCY 1970 [1905], p. 949.

In March 1898, Song Wengang 宋汶剛 from Manchuria borrowed thirty *diao*³¹ of cash from Fu Lizhong 傅立中. Song was unable to pay off the debt after the promised due date had passed. Agitated by Fu's repeated demand for repayment, Song seized his own mentally deranged daughter (eight *sui*), cut her throat, and threw the body under the window of Fu's house. Before Song was able to submit a complaint, however, he was arrested by community leaders upon Fu's request. Song's wife testified against her husband, claiming that he had indeed killed their "useless" daughter for the purpose of making a false accusation, despite her objection. Song admitted that he feared that even if he were to have raised his daughter, she would have become a burden (*yangda yemei yongchu fan'er yao shou tade lei* 養大也沒用處反而要受他的累). Song was sentenced to military exile to interior frontiers (*jinbian chongjun* 近邊充軍), as demanded by the Qing code.³²

This case was typical in terms of the age and gender of the victim. Both local cases of instrumental filicide so far examined in detail involved female victims under ten *sui*. In the 1898 case that took place in Manchuria, the victim was relatively old (eight *sui*), but she was mentally disabled, which might have contributed to her lack of effective resistance when her father struck her down. The neighborhood and community leaders were alerted by the girl's crying, nevertheless, leading to the early arrest of Song Wengang, the father-murderer. Song stated in his testimony that he and his wife had two other children, both male. In fact, when male children were the victims of instrumental filicide, they were usually "spare" sons, such as younger and unhealthy sons who had elder brothers to carry on their fathers' lineages, as illustrated by an 1827 case in which Chen Erma 陳二麻 cut the throat of his second son (two *sui*) to frame his landlord.³³

Song Wengang's case of 1898 was rare, however, in terms of the full sentence being carried out. I only have one additional example in which a parent was actually sentenced to interior military exile for instrumental filicide. In 1812, Liu Zichao 劉子朝 killed his two-*sui* daughter in order to make a false accusation against his neighbor Lu Zehong 盧澤紅, after he was caught stealing wood from Lu's forest and was forced to pay compensation. Since the falsely accused person refused to drop his charge, and the autopsy indicated that the child had indeed died of knife cuts rather than injuries received in a fall as originally reported by Liu, Liu was sentenced to interior military exile as required by the Qing code. Despite the formal sentence, Liu's aged father requested Liu's release so that Liu could fulfill his filial obligation as the only adult son in the household. Unfortunately, the case records end here, and we are unable to tell Liu's ultimate fate.³⁴ If Liu was proven to be the only adult son with aged parents, as his father claimed, he might have succeeded in having his punishment commuted.³⁵

In most cases involving instrumental filicide for lodging false accusations, as long as the parents withdrew their false accusations, and offered reasonable explanations for the deaths of their children (such as accidental drowning or falling) when their false accusations fell apart, the magistrate went along with the parents' backpedalling from their earlier stories, and the cases were categorized and judged as no-fault accidental death. For example, in another Sichuan case dating from 1829, it was originally reported that Huang Xingren 黃興仁 had intentionally dropped his three-month-old daughter on the ground in order to frame his maternal uncle and extract money from him. This case was reconstructed several times during two rounds of investigations. At first it was said that the girl had accidentally been dropped and that all present had refrained from touching the injured infant for hours until the girl died, to avoid any responsibility. A later investigation determined that this was purely an accidental fall with both parties actively employing medical means to save

³¹1 *diao* of cash was equivalent to 1,000 copper coins during the Qing. 1,000 copper coins were exchangeable for between 1 and 2 taels of silver, depending on the fluctuation of the silver price.

³²FMFDA no. 74-2037 (1898).

³³BXDA no. 006-007-01411 (1827).

³⁴BXDA no. 006-003-00999 (1812), no. 006-003-01006 (1812).

³⁵For the Qing institution of *Fanzui cunliu yangqin* 犯罪存留養親 (literally commuting penalties to enable criminals to return home to serve their aged or handicapped parents), see Nakamura 2000, 2001; Wu 2001; and Buoye 2007b. Even though Liu's father claimed Liu to be the only adult son of aged parents, if his claim was found to be false after further investigation and review, his application might be rejected by higher judicial authorities.

the girl to no avail. The legal truth as constructed by the official narratives evolved from intentional homicide to negligent homicide, to no-fault accidental death, with the magistrate's non-interference if not outright connivance.

Gender played a conspicuous role in the formation of the narratives. Huang Xingren was recorded as the person responsible for the infant's fall in the original report and in the testimonies produced in the magistrate's first investigation. In the testimonies produced in the second (and final) investigation, Huang's wife was recorded as the person from whose bosom the infant fell. This shift in responsibility was probably made because a male offender would likely receive corporal punishment in such a case, whereas in most cases females were allowed to resort to monetary redemption.³⁶ In addition, while the testimonies from the falsely accused uncle always clearly indicated that the infant was a girl (*nü hai* 女孩), Huang used gender-neutral terms to describe his daughter (*you hai* 幼孩 or *you zihai* 幼子孩), probably to avoid any suspicion of instrumental filicide. Apparently, while realizing only later in the investigation that Qing law's special treatment of women convicts could be used to his advantage, Huang was aware from the very beginning that clarifying the dead child as a girl would do him little good in his litigation, for girls were more likely than boys to be victims in instrumental filicide cases. In the end, no one was punished. The parents of the dead girl, like relatives of victims in other accidents, were allowed to retrieve the body for burial.³⁷

Another possible strategy for a filicide to use to prevent him/her being sentenced to the prescribed interior military exile was to admit guilt and surrender to the authorities before being forced into a confession by the magistrate. Research on confessions and torture in Qing legal procedures has suggested that the offender's confession was regarded as a central piece of evidence in the legal truth the magistrate was obligated to construct for the disposition of a case. If someone surrendered to the authorities (*zishou* 自首) before his offense was discovered, he would be entirely exempted from punishment as long as no violence had occurred and restitution could be made. It was designed to facilitate confession and voluntary submission to authorities.³⁸ However, because irreparable damage – death – had been inflicted in filicide, parents who voluntarily confessed to instrumental filicide would receive a punishment reduced from the one originally designated for the crime, rather than escape punishment altogether. For example, on October 22, 1833, Qin Changxing 秦長興 turned himself in after he killed his five-*sui* daughter, initially intended as a means by which to frame Zhang Zhengyin 張正垠, who had just caught Qin stealing shoes from him. After being castigated by his wife for filicide, Qin decided to surrender to the authorities. Being rewarded for his voluntary surrender, he was punished as if he had committed merely intentional filicide rather than instrumental filicide, and was sentenced to one year of penal servitude plus sixty strokes of the heavy bamboo stick instead of military exile to interior frontiers.³⁹ In another case, Zhang Huaiyi 張懷遺 killed his sick granddaughter (six *sui*) to frame his landlord who was trying to expel him from the land when Zhang failed to return the deposit he had borrowed for investment. He struck his granddaughter when he was drunk, and on the night of December 23, 1843, threw the girl's body into the field owned by the landlord. The next morning, after the influence of alcohol had diminished, he regained his senses and decided to turn himself in before community leaders reported the unnatural death of his granddaughter to the authorities. Zhang was punished by one year of penal servitude plus sixty strokes of the heavy bamboo stick, a reduced punishment to reward his voluntary surrender.⁴⁰

Qing subjects, literate or illiterate, had a wide range of knowledge to do with the working of the legal system as well as strategies to take advantage of the court, as illustrated by the cases we have so far discussed. However, local actors, even with a good understanding of the parental privileges the law was intended to maintain and the voluntary surrender to the authorities the law was intended

³⁶DLCY 1970 [1905], p. 14.

³⁷BXDA no. 006-007-01487 (1829).

³⁸Conner 2000.

³⁹BXDA no. 006-007-01624 (1833).

⁴⁰BXDA no. 006-017-21070 (1843).

to encourage, did not always have a thorough mastery of all the details of every statute and sub-statute. As a result, some local actors employed strategies that did not necessarily work out the way they expected. In the following case of 1845, the murderer expected even less serious a form of punishment than that required by the Qing code when he turned himself in to the authorities after committing filicide.

Deng Xiwei 鄧稀蔚 went to his paternal cousin's home to ask for repayment of a debt of forty-five taels of silver. His cousin begged to delay the repayment. Disappointed by his cousin's failure to pay, Deng Xiwei strangled his own small daughter, who had accompanied him, in the hope of using the body as a bargaining chip against his cousin (*jiang nüer zhisi xiang Deng Xiuwei taoyao yinliang* 將女兒致死向鄧修蔚討要銀兩). Deng Xiwei soon made the decision that his best strategy was to surrender to the authorities to prevent a serious penalty being inflicted upon him. Deng Xiwei "originally expected" (*yuanxiang* 原想) the magistrate to help him address the debt, but the magistrate insisted on investigating Deng Xiwei's filicide. Unable to reconcile himself to the prospect of being punished without getting his money back, Deng Xiwei recanted his previous confession when the case was forwarded to the Chongqing prefecture for review (*zhaojie fuyuan xinli bugan cai fangong de* 招解府轅心裏不甘才翻供的), and stated that it was indeed his cousin who had killed his daughter. Even though during the second-round investigation Deng Xiwei eventually admitted his guilt in instrumental filicide and in the subsequent backtracking of his confession, he was adamant about his cousin being ordered by the authorities to pay off the debt.⁴¹

Apparently, when surrendering himself to the authorities, Deng Xiwei expected that his voluntary confession would lead to light punishment for his filicide but would serve as an opportunity to involve the imperial state in his financial dispute with his cousin. He did not expect, however, that Qing law deemed some sort of retribution – though not necessarily life for life – as obligatory for a crime resulting from malice that caused unnatural death. When the magistrate failed to act in the way Deng Xiwei believed to be just and fair, he felt reluctant (*xinli bugan* 心裏不甘) to receive the one year of penal servitude and sixty strokes of the heavy bamboo stick for his filicide, leading to his backpedalling on his story and two rounds of reinvestigation. One detail is worth mentioning in Deng's testimonies. Even though Deng Xiwei eventually made a false accusation against his cousin during the first round of reinvestigation conducted by the prefect, his original plan was to kill his daughter and to use the body as a bargaining chip in his negotiation with his cousin over the repayment of the debt. If his cousin agreed to repay the debt right away to avoid being involved in the time- and resource-consuming formal judicial process, Deng Xiwei anticipated, reasonably, that the whole incident would be recorded as an accidental death reported and confirmed by the parent of the deceased, and would draw no attention from the imperial state, not even from the magistrate.

Most parents who killed their children for financial gain resorted to this legally low-risk but morally problematic means to relieve serious economic pressure. The phrase "unable to survive in such poverty" (*pinku nandu* 貧苦難度) frequently appeared in these parents' testimonies. Matthew Sommer's research has shown that when the rural poor faced increasing pressure caused by overpopulation, a worsening ratio between the sexes, and shrinking farm sizes, they did not reject "immoral" survival strategies, such as polyandry, to secure a future for themselves and their families.⁴² Parents likewise resorted to profiteering forms of filicide mainly for the survival of themselves and their lineages. After all, children owed their very existence to their "heaven," and their lives were generally at their parents' disposal. This logic was recognized not only by individual parents but also by their communities, who often cooperated with the parents in the remaking of stories of accidental death. It was within this social and cultural context that the magistrate recorded some of the filicide cases as

⁴¹BXDA no. 006-008-02285 (1845). Retrials were mandatory when a suspect or a witness retracted his testimony (*fangong* 翻供). If the suspect retracted his confession when the case was reviewed at the prefectural level, as in the case of Deng Xiwei, the case was usually sent to a different county rather than returned to the magistrate who previously handled the case. See Ocko 1988, p. 293.

⁴²Sommer 2015.

accidental deaths. Even though Ming and Qing jurists regarded parents' cold-blooded exploitation of their privileges in the parent-child hierarchy as heinous (*hen qi tulai er can gurou* 恨其圖賴而殘骨肉),⁴³ as evidenced by the sub-statute that demanded military exile to interior frontiers for those who resorted to instrumental filicide to make false accusations against others, the full weight of the law in terms of punishing parents' "heinous" actions against their children was rarely brought to bear.

Imperial law that treated filicide lightly certainly contributed to a general social atmosphere that lacked appreciation of children's lives in the context of parent-child relations, but some Qing subjects, represented by Deng Xiwei, attached even less weight to filicide than did the state. This fact shows that the Qing utilized and strengthened the deep-rooted notions of parental entitlement and filial piety for its own purposes, but the Qing imperial state did not create this asymmetrical relationship between parents and children from scratch. Local belief in the parent-child hierarchy and the state upholding of it reinforced one another. And the law, running through all layers of society and permeating all quarters of the empire, facilitated the cooperation between the center and the local, and recruited people's daily beliefs and activities into state governance.

False Accusation of Unfiliality as a Litigation Strategy

The above discussion of "instrumental filicide" has analyzed how the imperial state reinforced the parent-child hierarchy by prescribing only light punishment for filicide and endorsing a tendency on the part of magistrates to treat it lightly. Ordinary people exploited this situation to advance their economic interests, whether to extract money from others, to recover debts, or to shirk responsibility in larceny cases. At the same time, some Qing subjects took advantage of the fact that Qing law also emphasized the absolute obedience owed by children to their parents. In his didactic text, the Qing prefect Zhang Wuwei 張五瑋 offered a concise outline of how the law demanded children's obedience toward parents:

If you make only small mistakes, such as when [your parents] ask for soup or water, what you provide is too cold or hot for their liking, and you merely occasionally fail to do things according to your parents' wishes, the court has to beat you and confine you in the cangue (*guan yi buneng bu yu zhi zhang jia* 官亦不能不與之杖枷) if your parents send you to the county court and claim that you have disobeyed their instructions. It is all because there are no occasions on which parents can ever be wrong (*tianxia wu bushi de fumu* 天下無不是的父母), and you are unfilial if you dare to slightly disagree (*shao you pou bian, ji shu bu xiao* 稍有剖辯, 即屬不孝).⁴⁴

Litigants who lived in the vigorous Qing legal culture did not let go of the opportunity to benefit from the significance Qing law assigned to filiality by falsely accusing their adversaries of lack of filial piety.

In examining Yu Bugao's case of 1867 to address "instrumental filicide" above, I focused mainly on Yu's reversal of his story once the coroner's report revealed the falsity of his accusation, and on the magistrate's readiness to record the case as a no-fault accidental death even though the evidence strongly indicated homicide. Now I return to this case and turn to another detail worthy of analysis. In the initial complaint Yu submitted, Yu emphasized that he was eager to recover his money from his elder brother not for his own use, but to buy a properly made coffin for their deceased mother.⁴⁵ Highlighting his own filial motivation, Yu managed to portray his elder brother in a negative light: not only did the elder brother fail to buy a coffin for their mother, but he even prevented his younger

⁴³DLCY 1970 [1905], p. 866.

⁴⁴W. Zhang 2008 [1812], p. 304. For the Qing institution of allowing parents to send their disobedient children, especially adult sons, to the county court for discipline, either to be exiled to the imperial frontiers, or to be beaten or confined in the cangue locally, see Sun 2013, pp. 109–233 and Du 2017a, pp. 83–91.

⁴⁵BXDA no. 006-015-17728 (1867).

brother from doing so by withholding his younger brother's money. Apparently, a person who was bold enough to resort to filicide as a means of making a false accusation would not fail to take advantage of the language of filiality to defend his cause in court.

During my initial trips to county-level archives, I was surprised by the number of cases categorized as accusations of unfiliality. The “unfilial deeds” described in those complaints ranged from physical or oral abuse, to failure to obey parental instructions or provide sufficient financial support for parents. After closely examining the actual case records, however, many of these cases turned out to be the parents, especially widowed mothers, exploiting the state buttressing of parental authority to assert control over household property.⁴⁶ Many other cases, represented by the ones that are analyzed below, illustrate the ways in which Qing litigants employed the discourse of filiality and even made use of false accusations of unfiliality to kick-start their lawsuits and to gain the magistrate's ear. The language of filiality was applied widely by local actors to force a court hearing precisely because the magistrate, fearing the possible consequences of his failure to properly handle cases involving “violation of fundamental human ethics,” usually paid immediate attention to cases involving accusations of unfiliality, as exemplified by the following case.

On October 8, 1897, Zhao Chen Shi 趙陳氏 (forty-seven *sui*) submitted a complaint to the Ba county court, claiming that her eldest son, born to her deceased husband's previous wife but raised by her from infancy, was monopolizing one thousand taels of silver left by her husband without supporting her or her younger son properly. Ten days later, Zhao Shihua 趙世華 (thirty-seven *sui*), the alleged rebellious son who had been forcibly summoned to the court, submitted a counter-claim in which he insisted that, far from being raised by Zhao Chen Shi since infancy, he had migrated to Ba county from a nearby county to pursue a medical career after both of his parents died over twenty years earlier. Zhao Chen Shi was the mother of his former apprentice. The apprentice had been expelled after he and his mother stole opium from Zhao Shihua. Zhao Shihua claimed that he had recently encountered his former apprentice by accident, and had taken him to community leaders to force him to compensate him for the stolen property three days before Zhao Chen Shi submitted her complaint. Zhao Shihua speculated that Zhao Chen Shi impersonated his stepmother as a means of evading justice. He further challenged another point, that if Zhao Chen Shi was truly his mother, she should have been able to provide his father's name.

Zhao Shihua's counter-claim was supported by a petition jointly signed by community leaders and neighbors, including two civil degree-holders and one military degree-holder. They testified that Zhao Shihua had lived in their neighborhood for over twenty years, and there was no way his former apprentice's mother, the widow of a locally famous drama player, could be Zhao Shihua's stepmother. They also attested to Zhao Shihua's loss of the opium. The magistrate held a formal hearing on November 12. His investigation further showed that Zhao Chen Shi, the “stepmother,” had once enjoyed an intimate relationship with the accused “son,” Zhao Shihua, after the death of Zhao Shihua's wife (*qizi binggu jianei wuren changzai jiazhong laiwang* 妻子病故家內無人常在家中來往). However, their relations deteriorated, and Zhao Chen Shi took a substantial quantity of opium from Zhao Shihua before she and her son left Zhao Shihua's house. The magistrate chose not to punish Zhao Chen Shi for her impersonation for the purpose of making a false accusation on the ground that Zhao Chen Shi was but an ignorant woman (*nüliu wuzhi* 女流無知). Neither did he order Zhao Chen Shi to compensate Zhao Shihua for the stolen opium.⁴⁷

Zhao Chen Shi's bold strategy worked. Her accusation of unfiliality resulted in a formal court hearing conducted for a trivial economic dispute just one month after the submission of her initial complaint. And the magistrate did not support Zhao Shihua's request for compensation, probably

⁴⁶For women's use of the county court for asserting their custodial rights over their adult sons' property and income as well as Qing support of them, see Du 2017a, pp. 121–31.

⁴⁷BXDA no. 006-042-23049 (1897).

due to the nature of the lost property (opium),⁴⁸ and the relationship between Zhao Chen Shi and Zhao Shihua (former sexual partners). More importantly, while successfully forcing her way into the courtroom and getting a favorable ruling, Zhao Chen Shi received punishment neither for her impersonation nor her false accusation. The basis for the clemency, that is, the claim that Zhao Chen Shi was an ignorant woman, was hardly valid, considering how effectively she had used the court. Conversely, Zhao Shihua, the falsely accused, was summoned to the court as a rebellious son, and had to mobilize his social network simply to get out of the formal legal process.

This case might seem a little extreme in the sense that the accuser dared to impersonate the stepmother of the owner of lost property to avoid paying compensation. It was also special in the sense that a former female partner in a sexual liaison impersonated the stepmother of the male partner, resorting to the mother–son hierarchy in generational relations to reverse the man–woman hierarchy in sexual relations. But impersonating the parent of the accused to make a false accusation was not rare. For example, in 1891 the Ba county court received a complaint ostensibly submitted by one Zhou Baihe 周白鶴 to accuse his adoptive son of unfiliality. As the investigation proceeded, it turned out that the complaint had been submitted by an enemy of both father and son to get the Zhous into trouble.⁴⁹ After all, traveling to the court to clear one’s name took both time and resources for those who lived far away from the county site, not to mention the humiliation a formal court summons might bring to the supposed defendant. In another case that took place in Manchuria in 1895, Guo Yang Shi 郭楊氏, who had abandoned her own husband to live with Pei Huanzhang’s 裴煥章 father – now deceased – pretended to be Pei’s natural mother and accused Pei of being unfilial. Even though the court did not recognize Guo Yang Shi’s motherhood, especially considering that Pei’s father had severed his relationship with Guo Yang Shi during his lifetime, the court ordered Pei to appease Guo Yang Shi with ten *diao* of cash.⁵⁰ As in many other cases, bold-faced lying was rewarded rather than punished.

A false accusation of unfiliality might have been more effective than most other tactics in terms of kick-starting a formal judicial process, since unfilial behavior among the local population was seen as a sign of poor governance and unruliness, and thus cases involving accusations of unfiliality were among the least likely to be affected by the usual court delays and judicial backlogs that chronically troubled Qing local courts.⁵¹ One did not have to impersonate the parent of the falsely accused to achieve the goal of employing the discourse of filiality to ensure state involvement in financial disputes that might otherwise have been dismissed as trivial disputes. Accusing one’s daughter-in-law of being unfilial and attributing her unfilial behavior to the inadequate support she received from her natal family could easily draw the court into financial disputes between in-laws. Once involved, Qing local courts continued to hear financial complaints even after the false accusation of unfiliality had collapsed, in line with the court’s general treatment of cases involving false accusations and financial disputes.⁵² For instance, in 1895, the widow Dong Luo Shi 董羅氏 from Nanbu county in Sichuan province accused her daughter-in-law, Dong Xie Shi 董謝氏, of disobeying her instructions and acting unfilially toward her. This accusation of lack of filial piety soon faded away, whereas the financial dispute between the Dong family and the Xie family continued in the case record, with the county court’s continued involvement.⁵³ A woman’s natal family could also take advantage of the discourse of filiality to forcibly drag her husband’s family into formal lawsuits. However, such a strategy worked only when the accused was one of the woman’s descendants, as demonstrated in a 1907 case in which Zhang

⁴⁸The opium trade and possession were legal between 1860 and 1906, but it was regarded as a serious social and political problem in the last few decades of the Qing. For the development of Qing opium policies, see Lu, Miethe, and Liang 2009, pp. 17–56.

⁴⁹BXDA no. 006-042-22905 (1891).

⁵⁰FMFDA no. 147-1665 (1895).

⁵¹For judicial backlogs that caused serious court delays during the Qing, and how Qing subjects resorted to capital appeals to draw imperial attention to their jammed cases, see Ocko 1988.

⁵²Javers 2014, p. 28.

⁵³NBXDA no. 12-00811 (1895), no. 12-00812 (1895), no. 12-00813 (1895).

Yinzhou 張銀洲, who held a grudge against his aunt's son, took the opportunity of the final illness, and eventual unconsciousness, of his eighty-*sui* aunt to accuse his cousin of unfiliality.⁵⁴ Since the alleged unfiliality was just a bait to draw the imperial state into the community and the family, whether or not the son (or daughter-in-law) in question was actually filial was of no concern to the plaintiff. As long as the local court responded quickly, as it was obliged to do for cases involving “violation of fundamental human ethics,” the accusation of unfiliality served its purpose.

While the magistrate could benefit from recording a filicide as an accidental death because it helped him avoid the well-organized obligatory review system altogether, careless handling of a case involving an accusation of unfiliality might compromise a magistrate's career if the plaintiff appealed the case to higher-level courts or even the capital.⁵⁵ The magistrate's inability to prevent “unnatural incidents” such as children's rebellion against parents from happening was a sign of incompetence (*buneng huadao difang* 不能化導地方).⁵⁶ If higher-level judicial officials found that the magistrate had further tried to cover up cases involving a “violation of fundamental human ethics” to avoid imperial admonition (*youxin qubi* 有心趨避),⁵⁷ the magistrate's fate was sealed.

On February 5, 1806, the Imperial Censorate (*Ducha yuan* 都察院), which was simultaneously responsible for judicial review and for monitoring the behavior of local officials, received a petition concerning the Anyang county magistrate's mishandling of cases involving a “violation of fundamental human ethics.” The petition stated that Zhang Huaiqin 張懷勤 and his wife had been unfilial to Zhang's mother, Tian Shi 田氏. Zhang had attempted to conditionally sell his patrimony without his mother's approval.⁵⁸ Tian Shi drowned herself after a confrontation. Tian Shi's natal family submitted their appeal in the capital because Magistrate Wu Zhao 吳昭 of Anyang county had refused to treat this case as “an unfilial child forcing his/her parent to commit suicide,” and he even ordered members of the Tian family to be beaten when they refused to drop their litigation.

The chief censor immediately submitted a palace memorial to brief the emperor. A special commission led by a vice minister was dispatched to Henan province to conduct an onsite reinvestigation. The reinvestigation revealed that even though Zhang Huaiqin and his wife never dared to argue with Zhang's mother, Zhang had indeed tried (without success) to conditionally sell the land he had inherited from his father to cover his debts. Zhang, the “unfilial son,” was eventually sentenced to immediate strangulation for an attempted cover-up after forcing his mother to commit suicide. Despite the fact that there was no evidence of bribery, Magistrate Wu was punished for mistakenly recording a case involving “violation of fundamental human ethics” as an accidental death after having failed to guide people under his jurisdiction to act according to moral principles. The commissioners recommended that Magistrate Wu be removed from office and sent to the Xinjiang frontiers for service to atone for his crimes.⁵⁹

Three important points can be drawn from this 1806 case. First, the Qing state attached great weight to cases involving children's offenses against their parents, as attested by the attention from the emperor and the resources devoted to this case immediately upon the reception of the appeal in the capital. The contrast between how “parricide” cases were treated and how filicide cases were handled reveals the huge disparity in the legally defined hierarchy between parent and child. Second, the magistrate risked his future by trying to treat a case involving a child's offense against his parent as an accident, even though reporting the case as “violation of fundamental human ethics” also shed negative light on his governance. Unlike intentional filicide, “forcing a parent to commit

⁵⁴BXDA no. 006-042-23042 (1907).

⁵⁵For the Qing appellate system, see Q. Fang 2012.

⁵⁶LFZZ no. 03-2193-016 (1806).

⁵⁷ZPZZ no. 04-01-01-0499-010 (1806).

⁵⁸For widowed mothers' custodial rights over the property their sons inherited, see Bernhardt 1999, pp. 47–72; also see Du 2017b. For a brief review of the Qing institution of conditional sale, which allowed the seller to redeem the land in certain circumstances after the initial sale, see Pomeranz 2008 and Taisu Zhang 2017, pp. 35–63.

⁵⁹LFZZ no. 03-2193-016 (1806), no. 03-2193-017 (1806), no. 03-2283-001 (1806); ZPZZ no. 04-01-01-0499-009 (1806), no. 04-01-01-0499-010 (1806).

suicide,” even without ill intent, was an act of filial rebellion calling for the death penalty,⁶⁰ and was thus a major target of imperial discipline. A magistrate who handled this kind of case lightly should not be allowed to serve in the imperial bureaucracy. Third, local actors were well aware of the Qing state’s buttressing of the parent–child hierarchy, and knew how to draw direct imperial attention by bypassing the routine review system and submitting their complaints in the capital. To avoid his career being damaged by admonition, degradation, or even exile resulting from appeals, the magistrate was obliged to handle every case involving accusations of unfiliality quickly and carefully, which in turn explains why “false accusation of lack of filial piety” became a widely employed strategy for local litigants to force their way into the courtroom.

Conclusion: Ruling the Empire through the Principle of Filiality

This discussion of “instrumental use of filicide” and “false accusation of lack of filial piety,” two strategies widely used by Qing litigants to manipulate state-sponsored filiality to serve their own interests in law courts, attests to the cunning and resourcefulness of local actors in taking advantage of Qing legal institutions at odds with the original intention of the imperial state. Why, then, did the imperial state, as represented by the county magistrate, turn a blind eye to the sometimes illegal or even malicious tactics employed by locals? Without the imperial state’s toleration or connivance, parents who committed filicide to frame others would have received serious punishment, and those who used false accusations of unfiliality to kick-start their cases would not get favorable rulings, or not even be guaranteed a court hearing.

The Qing legal establishment, from the emperor to the skilled magistrates and legal experts working for them, were well aware of the negative consequences of the legal asymmetry between parents and children as well as the local manipulation of state-sponsored filiality that aggravated these consequences. In the 1806 case discussed above, the Imperial Censorate simultaneously received another report about Magistrate Wu’s mishandling of a rebellious daughter-in-law’s offense against her mother-in-law that was judged a no-fault suicide of the mother-in-law. This was used by Wang Lifang 王立仿, one of the “unruly gentry” (*diaosheng liejian* 刁生劣監) unrelated to the victim, to submit an appeal to the capital to frame Magistrate Wu against whom the accuser had a personal grudge.⁶¹ Although alert to the locals’ use of false accusations of unfiliality against members of their communities or even their appeal to the importance of filiality to challenge the authority of their magistrates, the Qing state, including the emperor and the Censorate, was obliged to respond to cases involving “violation of fundamental human ethics” quickly and seriously. This in turn encouraged the trend of local actors’ exploitation of the principle of filiality to advance their causes.

Exploiting the state’s sponsorship of filiality to fabricate accusations against one’s adversaries was not the only way for imperial subjects to manipulate the legalized cult of filiality to advance their interest at the expense of the judicial system, which had to shoulder the extra burden of distinguishing well-founded cases from forged ones or processing cases that could have been turned down otherwise. Nakamura Masato, in his articles on the Qing institution of “commuting crimes to enable felons to remain at home to care for [aged or handicapped] parents” (*fanzui cunliu yangqin* 犯罪存留養親, *liuyang* 留養 for short hereafter), shows that there was widespread abuse of this “extra-legal clemency” (*fawai zhiren* 法外之仁) that was designed to promote filiality, primarily by forging *liuyang* documents that enabled unqualified convicts to escape punishment. The Qing had tried to regulate *liuyang* and restrict its application ever since the consolidation of the dynasty’s rule in the early eighteenth century.⁶² My research elsewhere suggests that, while appalled by the excessive abuse of *liuyang* and compromise of retributive justice inherent in *liuyang*, the Yongzheng emperor threatened to abolish this institution altogether as early as 1733. Unable to do so due to the serious ideological and

⁶⁰DLCY 1970 [1905], p. 876.

⁶¹LFZZ no. 03-2193-016 (1806), no. 03-2193-017 (1806), no. 03-2283-001 (1806); ZPZZ 04-01-01-0499-009 (1806).

⁶²Nakamura 2003, 2004.

political implications of ending an institution so closely related to the state's sponsorship of filial piety, the Qing had to content itself with launching waves of anti-fraud campaigns throughout the eighteenth and nineteenth centuries and devoting significant judicial resources to fighting *liuyang* falsification. These efforts, while creating documents that served to reveal the cunning strategies Qing subjects adopted to maneuver the system, had little effect in solving the problems embedded in *liuyang*.⁶³

The Qing imperial state's toleration of litigants' use of the language of filiality to push forward their cases through the legal process resulted in extra burdens to the judicial system, and the state's rewarding of those who manipulated the state's promotion of filial piety to escape justice led to the compromising of other principles endorsed by Qing law, such as retributive justice. But such undesirable outcomes were less serious than those caused by Qing law's sufferance of commoners' manipulating the law against their neighbors or relatives to the detriment of their own progenitors.⁶⁴ Gary Hamilton, in his comparative study of Roman and Chinese patriarchies, attributes the increasing power of the legalized cult of filiality in late imperial China to the state's efforts to promote family harmony by making sons and daughters fulfill their filial duty and observe well-defined social roles.⁶⁵ Admittedly, tolerating litigants' false accusations of their adversaries' unfiliality to facilitate case processing can be regarded as an unintended consequence of the Qing's legal enforcement of children's socially-defined roles. But the state's efforts in promoting filial duty obviously cannot explain the law's light treatment of filicide cases regardless of whether the murdered children were at any fault. Qing law upheld not only filial obedience but also nearly absolute parental authority. And state-sponsored filiality, at least in its legal form, had two equally important cornerstones: parental dominance and filial submission.

Some members of the Qing legal system, such as the professional legal secretary Yuan Bin 袁濱, father of the celebrated poet Yuan Mei 袁枚 (1716–1798), expressed his pain and anger at filicide and the law's light treatment of it. He reasoned that parents should not be allowed to kill their offspring without reason (*fei li er sha* 非理而殺). The victims were not just junior relatives in the family but also subjects of the imperial state and creatures of Heaven and Earth.⁶⁶ For an empire that claimed to “rule all under Heaven through the principle of filiality,” upholding parental authority carried more importance than equally subjugating every subject to the authority of the emperor. Individual protests like Yuan Bin's comments could hardly counterbalance the mechanisms of the legal system. The light punishments imposed for filicide, as well as the possibility for judicial leniency toward parents, made the risk involved in killing one's own offspring for profit-seeking comparatively lower than other daring strategies of false accusation, which would not change until the Great Qing Code was systematically revised in the last decade of the Qing.⁶⁷

⁶³Du 2017a, especially pp. 160–68.

⁶⁴The abuse of litigation through false accusation, facilitated by the Qing state's light treatment of filicide and the significant efforts it put into preventing filial disobedience, was far from the only occasion in which the Qing state's promotion of filiality through law worked against the legal system itself and produced undesirable consequences that could not be solved without fundamentally changing Qing law's upholding of filial values. For example, Thomas Buoye and Maram Epstein discuss how alleged filial motivations could be used and abused by homicides to escape the consequences of their crimes (Buoye 2007a; Epstein, 2007). For the widespread falsification of documents in the application for *Fanzui cunliu yangqin*, see Du 2017a, pp. 151–60.

⁶⁵Hamilton 1990, pp. 96–97.

⁶⁶J. Fang 1995 [1872], pp. 258–59.

⁶⁷Equally, subjugation of every subject to the authority of the emperor became a goal of reform during the last decade of the Qing, as the empire was leaving behind the logic of “ruling the empire through the principle of filiality” in preparation for constitutional rule. Legal reformers used the newly adopted statist principle of legislation to question Qing law's unequal treatment of parent and child where violence between them was concerned. For instance, Yang Du 楊度, in his famous 1910 speech delivered in the National Assembly on the difference between familism and statism, stated: “If father killed son, the ruler punished [the father] for [his] lack of parental benevolence; if son killed father, the ruler punished [the son] for [his] lack of filial piety. As this [law] does not discriminate against the son, the legislation does not discriminate in favor of the father either; legislation needs to balance both sides to be fair.” See Gao 2013, p. 599.

During the Qing, promoting the parent–child hierarchy, including parental dominance and filial obedience, was conceptually and practically linked to encouraging subjects’ submission to their parent-like magistrate and loyalty to their parentally benevolent ruler. The Qianlong emperor expressed how he conceptualized his own role as well as that of his officials in relation to his subjects as follows: “As Son of Heaven, I am parent to the people on behalf of Heaven (*dai tian zi min* 代天子民), so that I can fulfil my duty as people’s father-mother (*wei min fumu* 為民父母)... You provincial officials are those who act as parents on my behalf for the people under your jurisdictions (*dai zhen zi min* 代朕子民).”⁶⁸ By identifying the emperor as parent to all of his subjects and local officials as parents to the people under their jurisdiction, the Qing imperial state availed itself of the locally embedded dedication to filial piety for its own state-building. Through the replication of the universally applicable parent–child hierarchy, the empire delegated imperial authority through layers of bureaucracy and familial structures without compromising its own command over its subjects’ ultimate loyalty. In this light, it was no surprise that the empire was eager to promote, through law and judicial practice in its subjects’ everyday lives, the cult of filiality and its underlying logic: “there is no occasion in which parents can ever be wrong.” The emperor claimed parental authority for himself, and asked filial obedience from his subject-children.

As the Chinese saying goes, “Where there is a policy from above, there are counter-strategies from below.” Nonetheless, where there are counter-strategies from below, there is also a way to co-opt them from above. The Qing imperial state successfully achieved its goal of “governing the empire through the principle of filiality,” not through imposition or coercion, but by co-opting local actors’ initiative through active courts and a well-designed legal system that supported the parent–child hierarchy for the purpose of imperial legitimation and governance. Imperial law and the Qing legal system functioned as a useful instrument through which the empire recruited the very subjects it ruled to contribute to its project of political control and social penetration. A deal was struck between the imperial state and the locals who were willing to apply the normative notion of filial piety, with false accusation simultaneously serving as a tool of social empowerment for those at the bottom and a means of empire-building for the ruling dynasty. This cooperation between the Qing imperial state and its subjects speaks to the ways in which law constituted society: law had an effect on society not through oppressing people’s agency, but by circumventing the choices they had when they tried to work with the system to advance their perceived interests. The above examination of false accusation in the context of state-sponsored filiality offers us but a glimpse of the gigantic legalized cult of filiality, opening up possibilities for new approaches to studying law, state, and family in late imperial China.

References

Primary sources

- BXDA: Ba Xian Dang’an 巴縣檔案 (“Ba County Archives”), Sichuan Provincial Archives. Cited by file number and date.
- DLCY 1970 [1905]: Xue Yunsheng 薛允升. *Duli cunyi* 讀例存疑 (“Lingering Doubts after Reading Sub-statutes”). Taipei: Shangwu yinshu guan, 1970 [1905]. All Qing statutes and sub-statutes are cited from DLCY.
- FMFDA: Fumin Fu Dang’an 撫民府檔案 (“Fumin Prefecture Archives”), Shuangcheng District Archives. Cited by file number and date.
- Gaozong shilu* 1985: *Gaozong chun huangdi shilu* 高宗純皇帝實錄 (“Veritable Records of Emperor Gaozongchun”), vol. 1. Beijing: Zhonghua shuju, 1985.
- NBXDA: Nanbu Xian Dang’an 南部縣檔案 (“Nanbu County Archives”), Nanchong Municipal Archives. Cited by date and file number.
- LFZZ: Lufu Zouzhe 錄副奏摺 (“Grand Council Copies of Palace Memorials”), the First Historical Archives of China. Cited by file number and date.
- Shengyu guang xun* 1817 [1724]: Aisin Gioro Yinzhen. *Shengyu guang xun* 聖諭廣訓, 1817 [1724]. *The Sacred Edict, Containing Sixteen Maxims of the Emperor Kang-he, Amplified by His Son, The Emperor Yoong-ching*. Translated by William Milne. London: Black, Kingsbury, Parbury, and Allen, 1817.

⁶⁸*Gaozong shilu* 1985, p. 293b.

KKTB: Xingke tiben 刑科題本 (“Routine Memorials of the Board of Punishments”), the First Historical Archives of China. Cited by file number and date.
 ZZPZ: Zhupi Zouzhe 硃批奏摺 (“Palace Memorials with Vermilion Rescripts”), the First Historical Archives of China. Cited by number and date.

Secondary sources

- Asen Daniel** (2009). “Vital Spots, Mortal Wounds, and Forensic Practice: Finding Cause of Death in Nineteenth-Century China.” *East Asian Science, Technology and Society* 3:4, pp. 453–74.
- Bernhardt Kathryn** (1999). *Women and Property in China, 960–1949*. Stanford: Stanford University Press.
- Bourgon Jérôme, and Julie Erismann** (2014). “Figures of Deference in Late Imperial China: Frequency, Spatial Repartition, and Types of Crimes Targeted by Dismemberment in the Qing Dynasty.” *Crime, History and Society* 18:2, pp. 49–84.
- Brook Timothy, Gregory Blue, and Jérôme Bourgon** (2008). *Death by a Thousand Cuts*. Cambridge, MA: Harvard University Press.
- Buoye Thomas** (2007a). “Filial Felons: Leniency and Legal Reasoning in Qing China.” In *Writing and Law in Late Imperial China*, eds. Robert C. Hegel and Katherine Carlitz, pp. 109–24. Seattle: University of Washington Press.
- Buoye Thomas** (2007b). “Cunliu yangqin: Qingchao sixing fuhe de jingyan” 存留養親：清朝死刑復核的經驗 (“Convicted Caregivers: Late Imperial Lessons in Death Penalty Reviews”). In *Zhonghua faxi guoji xueshu yantaohui wenji* 中华法系国际学术研讨会文集 (“Proceedings of the International Conference on Chinese Law”), ed. Zhang Zhongqiu 張中秋, pp. 250–59. Beijing: Zhongguo zhengfa daxue chubanshe.
- Chen Li** (2012). “Legal Specialists and Judicial Administration in Late Imperial China, 1651–1911.” *Late Imperial China* 33:1, pp. 1–54.
- Conner Alison** (2000). “True Confessions? Chinese Confessions Then and Now.” In *The Limits of the Rule of Law in China*, eds. Karen G. Turner, James V. Feinerman, and R. Kent Guy, pp. 132–62. Seattle: University of Washington Press.
- Da Ming lü* 大明律, trans. Yonglin Jiang (2005). Seattle: University of Washington Press.
- Da Ming lü fu wen xing tiao li* 大明律附問刑條例, ed. Huai Xiaofeng 懷效鋒 (1989). Shenyang: Liaoshen shushe.
- Du Yue** (2017a). “Parenthood and the State in China, 1644–1949: Law, Ritual, and State-Building.” Ph.D. dissertation, New York University.
- Du Yue** (2017b). “Concubinage and Motherhood in Qing China (1644–1911): Ritual, Law, and Custodial Rights of Property.” *Journal of Family History* 42:2, pp. 162–83.
- Duan Wenyan** 段文艷 (2011). “Sishi de weibi: Qingdai zisha tulai xianxiang zhong de fa yu ‘diaomin’” 死屍的威逼：清代自殺圖賴現象中的法與“刁民”. *Xueshu yanjiu* 5, pp. 125–29.
- Ebrey Patricia** (2004). “Imperial Filial Piety as a Political Problem.” In *Filial Piety in Chinese Thought and History*, eds. Alan Chan and Sor-Hoon Tan, pp. 122–40. London and New York: Routledge.
- Elliot Mark** (1999). “Manchu Widows and Ethnicity in Qing China.” *Comparative Studies in Society and History* 41:1, pp. 33–71.
- Epstein Maram** (2007). “Making a Case: Characterizing the Filial Son.” In *Writing and Law in Late Imperial China*, eds. Robert C. Hegel and Katherine Carlitz, pp. 27–43. Seattle: University of Washington Press.
- Fang Junshi** 方濬師 (1995 [1872]). *Jiaoxuan suilu, xulu* 蕉軒隨錄、續錄 (“Jiaoxuan miscellany, Parts. I and II”). Beijing: Zhonghua shuju.
- Fang Qiang** (2012). “A Silent ‘Revolution’: The Late Qing Reform on the Jumping Appeal System, 1899–1911.” *Journal of Asian History* 46:1, pp. 97–115.
- Gabbiani Luca** (2013). “Insanity and Parricide in Late Imperial China (Eighteenth–Twentieth Centuries).” *International Journal of Asian Studies* 10:2, pp. 115–41.
- Gao Hancheng** 高漢成 (2013). *Daqing xinxinglü lifa ziliao huibian* 大清新刑律立法資料彙編 (“A Legislative Data Corpus of the Qing Dynasty’s New Criminal Law”). Beijing: Shehuikexue wenxian chubanshe.
- Hamilton Gary** (1990). “Patriarchy, Patrimonialism and Filial Piety.” *British Journal of Sociology* 41, pp. 77–104.
- Huang Philip C. C.** (1996). *Civil Justice in China: Representation and Practice in the Qing*. Stanford: Stanford University Press.
- Huang Yuan-Sheng** 黃源盛 (2014 [2013]). *Zhongguo fashi daolun* 中國法史導論 (“Introduction to Chinese Legal History”). Guilin: Guangxi shifan daxue chubanshe.
- Javers Quinn** (2014). “The Logic of Lies: False Accusation and Legal Culture in Late Qing Sichuan.” *Late Imperial China* 35:2, pp. 37–55.
- Karasawa Yasuhiko** (2007). “From Oral Testimony to Written Records in Qing Legal Cases.” In *Thinking with Cases: Specialist Knowledge in Chinese Cultural History*, eds. Charlotte Furth, Judith T. Zeitlin, and Ping-chen Hsiung, pp. 101–22. Honolulu: University of Hawai’i Press.
- Kong Yanxi** 孔延禧 (1993 [1661]). “Xiangyue quanshu” 鄉約書 (“A Complete Collection of Community Covenant”). In *Qingdai wuding yizu nashi tusi dang’an shiliao jiaobian* 清代武定彝族那氏土司檔案史料校編 (“A Revised Version of the Qing Archival Sources of the Na Clan of the Yi Nationality of Wuding”), eds. Wang Meitang 王堂梅, Huang Jianming 黃建明, and Lu Yumin 陸裕民, pp. 261–86. Beijing: Zhongyang minzu xueyuan chubanshe.

- Kutcher Norman** (1999). *Mourning in Late Imperial China: Filial Piety and the State*. Cambridge, UK: Cambridge University Press, 1999.
- Liang Linxia** (2007). *Delivering Justice in Qing China: Civil Trial in the Magistrate's Courts*. Oxford: Oxford University Press.
- Lu Hong, Terance D. Miethé, and Bin Liang** (2009). *China's Drug Practices and Policies: Regulating Controlled Substances in a Global Context*. New York: Routledge.
- Lü Miaofen** 呂妙芬 (2011). *Xiaozhi tianxia* 孝治天下 (“Ruling All under Heaven through Filiality”). Taipei: Lianjing chubanshe.
- Macaulay Melissa** (1998). *Social Power and Legal Culture: Litigation Masters in Late Imperial China*. Stanford: Stanford University Press.
- Mair Victor H.** (1985). “Language and Ideology in the Written Popularizations of the Sacred Edict.” In *Popular Culture in Late Imperial China*, eds. David Johnson, Andrew Nathan, and Evelyn S. Rawski, pp. 325–59. Berkeley and Los Angeles: University of California Press.
- Nakamura Masato** 中村 正人 (2004). “Shinritsu hanzai sontō yōshin jō hokō (2)” 清律『犯罪存留養親』条補考 (二). *Kanazawa Hōgaku* 46:2, pp. 135–56.
- Nakamura Masato** 中村 正人 (2003). “Shinritsu hanzai sontō yōshin jō hokō (1)” 清律『犯罪存留養親』条補考 (一). *Kanazawa Hōgaku* 45:2, pp. 337–63.
- Nakamura Masato** 中村 正人 (2001). “Shinritsu hanzai sontō yōshin jō kō (2)” 清律『犯罪存留養親』条考 (二). *Kanazawa Hōgaku* 43:3, pp. 137–64.
- Nakamura Masato** 中村 正人 (2000). “Shinritsu hanzai sontō yōshin jō kō (1)” 清律『犯罪存留養親』条考 (一). *Kanazawa Hōgaku* 42:2, pp. 187–207.
- Pomeranz Kenneth** (2008). “Land Markets in Late Imperial and Republican China.” *Continuity and Change* 23:1, pp. 101–50.
- Ocko Jonathan K.** (1988). “I’ll Take It All the Way to Beijing: Capital Appeals in the Qing.” *Journal of Asian Studies* 47:2, pp. 291–315.
- Qu Tongzu** (2013 [1965]). *Law and Society in Traditional China*. Beijing: Shangwu yinshu guan.
- Ruan Yuan** 阮元 (1979 [1826]) ed. *Shisanjing zhushu* 十三經註疏 (“Annotated Thirteen Classics”) vol. 2. Beijing: Zhonghua shuju.
- Shiga Shūzō** 滋賀 秀三 (1967). *Chugoku Kazoku-ho no Genri* 中国家族法の原理 (“Principles of Chinese Family Law”). Tokyo: Sobunsha.
- Sommer Matthew H.** (forthcoming). “Some Problems with Corpses: Standards of Validity in Qing Homicide Cases.” In *Powerful Arguments: Standards of Validity in Late Imperial China*, eds. Martin Hoffman et al., pp. 1–51.
- Sommer Matthew H.** (2015). *Polyandry and Wife-Selling in Qing Dynasty China: Survival Strategies and Judicial Interventions*. Berkeley and Los Angeles: University of California Press.
- Sommer Matthew H.** (2000). *Sex, Law, and Society in Late Imperial China*. Stanford: Stanford University Press.
- Sun Jiahong** 孫家紅 (2013). *Guanyu zisun weifan jiaoling de lishi kaocha: yige weiguan fashixue de changshi* 關於“子孫違反教令”的歷史考察：一個微觀法史學的嘗試 (“The Historical Development of the Law of ‘Disobedient Descendants’ in Traditional China from the Perspective of Micro-Legal History”). Beijing: Shehuikexue wenxian chubanshe.
- Theiss Janet** (2005). *Disgraceful Matters: The Politics of Chastity in Eighteenth-Century China*. Berkeley and Los Angeles: University of California Press.
- Weinstein Jodi L.** (2013). *Empire and Identity in Guizhou: Local Resistance to Qing Expansion*. Seattle: University of Washington Press.
- Wu Jianfan** 吳建璠 (2001). “Qingdai de fazui conliu yangqin” 清代的犯罪存留養親. *Faxue yanjiu* 5, pp. 126–36.
- Zhang Taisu** (2017). *The Laws and Economics of Confucianism: Kinship and Property in Preindustrial China and England*. New York: Cambridge University Press.
- Zhang Taisu** (2014). “Social Hierarchies and the Formation of Customary Property Law in Pre-Industrial China and England.” *The American Journal of Comparative Law* 62:1, pp. 171–220.
- Zhang Ting** (forthcoming). *Printing, Law, and the Making of Chinese Legal Culture, 1644–1911*. Seattle: University of Washington Press.
- Zhang Wuwei** 張五璋 (2008 [1812]). *Jiangqiu gongji lu* 講求共濟錄 (“Records of Seeking the Public Benefit”). Ming Qing fazhi shiliao jikan 明清法制史料輯刊 (“A Collection of Ming and Qing Legal Sources”), series 1, vol. 16. Beijing: Guojia tushuguan chubanshe.
- Zhang Zhongkui** 張中奎 (2012). *Gaitu guiliu yu miaojiang zaizao* 改土歸流與苗疆再造 (“Replacing Native Chieftains with State-Appointed Officials and the Reconstruction of the Miao Territories”). Beijing: Shehui kexue wenxian chubanshe.
- Zito Angela** (1997). *Of Body and Brush: Grand Sacrifice as Text/Performance in 18th-Century China*. Chicago: University of Chicago Press.