


RESEARCH ARTICLE

# Interrogating the Drunkards and Representing Drunkenness in the Qing Law

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## Abstract

The consumption of *shaqjiu* or distilled liquor played a significant role in Qing legal culture and contributed to a rise in alcohol-related crimes. Qing officials' attitudes towards intoxication not only influenced their judgments on many cases, but also reflected important trends of popular beliefs, notions, and practices that constituted shared knowledge and feelings between ordinary people and judges. This paper examines the transformation of Qing judicial practices and concerns regarding alcohol intoxication and crimes, arguing that specific cultural value and ideas that underpinned the public configuration of drinking behaviour during the Qing period contributed to a social pathology around intoxication. Due to the lack of a consistent interpretation of the effects of alcohol on the mind, early Qing officials tended to be lenient towards intoxicated offenders. However, mid-Qing law-makers and rulers recognized the serious administrative concerns associated with heavy drinking and began to conceptualize it as a serious social problem.

**Keywords:** intoxication; *mens rea*; alcohol; judicial practice; Qing Dynasty

## 1. Introduction

During the seventeenth and eighteenth centuries, the widespread consumption of sorghum-based spirits (*shaqjiu* 燒酒) among Chinese artisans, labourers, and peasants contributed to a surge in alcohol-related offences (Dunstan, 1996, pp. 222–3).<sup>1</sup> One of the central challenges faced by Qing judges during this period was determining whether a drunken offender had the requisite intent (*mens rea*) to harm or kill another person, and this issue played a pivotal role in shaping their judicial decisions (Albrecht, 1998, p. 86; Rehm, 1998, p. 90).<sup>2</sup> The lack of a consistent understanding regarding the effects of alcohol on the body and mind posed a dilemma for early Qing judges. As a result, they tended to be lenient toward intoxicated offenders who claimed they were unconscious (*wuzhi* 無知) of their actions when causing injury or death. This leniency was influenced by the perception that alcohol abuse could serve as a mitigating factor within early Qing legal culture. However, by the 1720s, mid-Qing rulers and law-makers began to acknowledge the serious administrative challenges associated with excessive drinking and started to conceptualize

<sup>1</sup> In the summer of 1737, Emperor Qianlong listened to Fang Bao's advice and issued a prohibition campaign against the consumption of spirits. According to Fang Bao's estimate, at least one-third of the urban population drank spirits habitually. See Dunstan (1996).

<sup>2</sup> In fact, it was an important question in most legal traditions of the early modern era. Judges in Western Europe were no less concerned with alcohol intoxication in their adjudications.

it as a broader social problem. This transformation in perspective led to criticism of the leniency previously extended to intoxicated offenders and prompted a rectification of legal practices that had prevailed during the earlier period.

This article argues that *zuijiu shangren* 醉酒傷人, or “wounding others under the influence of alcohol,” raised significant juridical and moral concerns during the Qing period, and acted as a nexus at which legal and non-legal forces, practices, knowledge, and public sentiments converged. Popular notions of justice and public sentiment played pivotal roles in shaping the perspectives of Chinese judges regarding alcohol abuse and the various associated crimes. The term *zuijiu shangren* frequently appeared in cases involving manslaughter, brawling, and verbal altercations. The vocabulary employed by Qing judges to describe intoxicated offenders drew from sources such as Buddhist texts, medical treatises, and vernacular literature, reflecting common knowledge that was prevalent among the ordinary people.

This paper contributes to a growing body of literature that illuminates the connection between popular beliefs and practices and the late imperial legal system. By highlighting the significant “disjunction between law and practice,” William P. Alford has astutely cautioned us about the often highly contested and dynamic nature of the Chinese legal system (Alford, 1997, p. 412). Acknowledging the importance of this argument, Paul Katz explores how judicial rituals and local customary practices influenced the application and enforcement of legal principles during the Qing period (Katz, 2007, p. 179). This article takes a step further to examine the ways in which popular conceptions of justice and feeling intersected with and transformed late imperial jurisdiction, with a specific focus on recognizing emotional expressions of sympathy in cases involving intoxication.

The impact of public sympathy on the Chinese adjudication process has been a subject of enduring fascination for historians. Eugenia Lean’s groundbreaking work on the trial of Shi Jianqiao vividly demonstrated how public emotions became entwined with the evolution of modern Chinese media, ultimately influencing legal proceedings and the decisions of government authorities during the Republican era (Lean, 2007, pp. 139–40). However, it is essential to inquire whether the late imperial context similarly provided opportunities and conditions for public sentiments and popular knowledge to shape the judicial practices of the time. Existing studies have primarily focused on Qing officials’ writings to showcase imperial rule and directives through the lens of the law. From these studies, we have gleaned that specific moral concerns and cultural contexts could lead officials to exhibit sympathy for certain criminal behaviours, such as those associated with mental illness (Gabbiani, 2013, pp. 119–20). Recent research has also suggested that local officials skilfully employed narrative techniques and precise terminology to emphasize imperial objectives of benevolence or compassion toward the people (Soh, 2019, pp. 210–1; Youd, 2007, pp. 215–33). Rather than solely examining whether a sympathetic stance was applied in assessing specific criminal cases such as *zuijiu shangren*, this article delves into the question of how public emotions and popular notions of justice and deviance influenced officials’ choice of vocabulary and the extent of their judicial sympathies during the late imperial era. This research will thus uncover productive findings about the interplay of law, social norms, and cultural practices as pivotal components that shaped the adjudication process within the Qing regime.

This article underscores the significance of specific cultural values, beliefs, and ideas that contributed to the emergence of a social pathology surrounding intoxication (Yeomans, 2014, p. 12). This is to say that public notions of alcohol abuse helped draw the boundaries between socially accepted and deviant behaviours (Stark and Bainbridge, 2012, pp. 4–5). It is essential to note that the social pathology associated with alcohol consumption is intertwined with a myriad of health, economic, and legal concerns that manifest differently across diverse contexts (O’Brien, 2018, p. 1). Sociological research has brought forth two noteworthy avenues of interpretation in this regard. First, the concept

of “alcohol problems” is in a state of continual evolution, subject to the prevailing moral discourse, societal conditions, and legal frameworks of a particular era (Yeomans, 2011, pp. 38–53). Second, these issues are inherently shaped by historical and cultural constructs (O’Brien, 2018, pp. 4–5).

Expanding upon this insight and the existing scholarship in late imperial Chinese jurisdiction, this article illuminates the context of intoxication-related crimes during the early and mid-Qing period as a fascinating nexus at which contemporary social, cultural, and intellectual values and perspectives converged (Buoye, 2007, p. 109). The absence of a shared understanding regarding the impact of alcohol on mental states posed a significant challenge for Qing officials who aimed to preserve social order and cohesion, thus creating opportunities for popular knowledge to influence judicial proceedings. This perspective draws inspiration from Emile Durkheim’s concept of a common consciousness, which refers to the collective beliefs and sentiments shared by ordinary members of the same society, often jeopardized by the presence of crime and other deviant behaviours (Durkheim, 1985, p. 17; Dicristina, 2004, pp. 71–3; Kaplan, 2001, pp. 3–4; Maimon and Kuhl, 2008, p. 922; Ben-Yehuda, 2017, p. 560).<sup>3</sup> However, it delves deeper by posing the question: Whose sentiments and knowledge were integrated into the discourse on the common consciousness in late imperial China? In pursuit of an answer, this article provides a distinctive vantage point from which to explore how popular ideas and sentiments actively contributed to shaping late imperial common consciousness concerning justice and propriety.

## 2. Intoxication, violence, and sociability in Ming-Qing China

Alcohol abuse and drunkenness were pervasive issues in late imperial China, and they posed a unique set of challenges within the legal system of the time. One notable paradox was found in the *Great Ming Code* (*Daming Lyu* 大明律), in which the act of getting drunk and engaging in disruptive behaviour, known as “sloshed scolding” (*xujiu sapo* 酗酒撒潑), was categorized as a form of violation under the statute of “Gambling” (*dubo* 賭博) (Shu, 1522–66, *Juan* 26, pp. 1b–2a). Offenders faced the punishment of wearing a cangue for a month as a penalty. During the Qing Dynasty, judges had to contend with a rising number of criminal cases stemming from alcohol intoxication, which included incidents such as street brawls, manslaughter, and even cases of rape. *The Great Qing Code* (*Daqing Lyuli* 大清律例) collectively referred to these crimes as “troubles of intoxication” (*xujiu shengshi* 酗酒生事) (Liu and Yi, 1740, *Juan* 28, pp. 4b–5b). These incidents frequently involved conflicts between various parties, including officers and soldiers, parents and children, husbands and wives, as well as masters and slaves. In some of the most horrifying cases, even patricide occurred, which was considered an unforgivable offence under any circumstances (Gabbiani, 2013, pp. 115–7). For Qing rulers and law-makers, therefore, alcohol abuse posed a significant threat to the established social hierarchy and order. It disrupted the harmony of society and often led to acts of violence and transgressions of moral and legal boundaries.

The popularity of cheap and potent spirits, known as *shaqiu* (nowadays referred to as *baijiu* 白酒), played a central role in the occurrence of *zuijiu shangren* crimes, or crimes committed under the influence of alcohol. *Shaqiu* was particularly favoured by a diverse range of consumers, including peasants, artisans, military officers, clerks, and soldiers. By the seventeenth century, it had become the most widely consumed alcoholic beverage,

<sup>3</sup> See Dicristina (2004) for further discussions about the Durkheimian approach to crime and common consciousness. In sociological studies, deviance generally refers to “behaviors or attitudes manifested by specified kinds of people in specified circumstances that are judged to violate” group standards of appropriateness or inappropriateness. See Kaplan (2001); Maimon and Kuhl (2008); and Ben-Yehuda (2017).

fuelling the growth of small-scale taverns in towns and villages. These establishments were among the very few public spaces for common people during their leisure time.

The popularity of cheap and fiery spirits—*shaojiu* (known in the modern day as *baijiu* 白酒) was the leading cause of *zuijiu shangren* crimes. The main consumers of *shaojiu* were peasants, artisans, military officers, clerks, and soldiers. By the seventeenth century, it became the most widely consumed alcoholic beverage and contributed to the boom of small-scale taverns in towns and villages. These establishments were among the several public spaces that the grass roots frequently visited during their leisure time. The appeal of *Shaojiu* stemmed from its affordability and significantly higher alcohol content compared with fermented beverages such as *huangjiu* 黃酒. Its low cost made it especially attractive to Chinese peasants and wage labourers (Nakagawa, 1966, pp. 209–11).<sup>4</sup> Hence, the early and mid-Qing periods saw a boom of small-scale taverns serving such people during after-work hours. It is important to note that most taverns did not have their own cooking facilities, meaning that patrons often consumed alcohol on empty stomachs unless they brought their own snacks (*Neige Daku Dang'an*, cited as NGDKDA, No. 012226). This practice left many drinkers extremely intoxicated and irritable. As a result, disputes, quarrels, and brawls over trivial matters were common occurrences among intoxicated patrons leaving these establishments.

In taverns, many peasants intentionally accrued debt, especially when they had close relationships with the tavern owners, such as being acquaintances, neighbours, or even friends. Over time, these accumulated debts could grow significantly, often reaching amounts of hundreds or even thousands of copper coins (*Baxian Dang'an*, cited as BXDA, No. 006–001–01917). When tavern owners tried to collect these debts, it often led to intense confrontations and violent outbursts from the indebted patrons. In many cases, these drinkers would become furious and resort to destructive actions, including smashing drinking utensils, breaking tables, and chairs, and even physically harming the tavern owners (BXDA, No. 006–001–01351). Disputes over the sharing of alcohol fees were also common occurrences in such settings. Patrons who gathered in taverns typically agreed to split the cost of alcohol, and any refusal to do so or disputes over uneven distribution of expenses could escalate into heated and sometimes violent conflicts. For instance, a specific incident in 1735 illustrates the volatile nature of such disputes. In the county of Shanyang, a man named Xu Zhihua drank with his friend Chen Dongyu at a tavern. During their drinking session, Xu ended up paying more coins than Chen for their drinks. Later, Xu requested that Chen repay him ten coins to settle the debt. However, Chen refused to do so. When they encountered each other again that evening, Xu once more asked Chen to settle the debt, but Chen claimed he had no money to give. This disagreement escalated quickly, with Xu attempting to take Chen's hat, leading to physical confrontations. Chen headbutted Xu and attempted to punch him, while Xu responded by striking Chen in various parts of his body. Tragically, a day later, Chen succumbed to his injuries and passed away at a local monastery (NGDKDA, No. 065975).

Alcohol intoxication became a significant social issue, characterized by heightened aggression, brutality, and unpredictability in drunken individuals. During the early Qing Dynasty, officials lacked a consistent understanding of alcohol abuse, often categorizing the offensive actions of intoxicated offenders as either severe transgressions (*zuida e ji* 罪大惡極) or forgivable lapses (*qingyou keyuan* 情有可原). In 1649, for example, in

<sup>4</sup> In comparison to some other daily essentials and commodities, distilled spirits were in general cheaper than meat and oil. According to Tadateru Nakagawa's comprehensive work about Chinese people's everyday life in the eighteenth century, a catty of alcoholic beverage was sold for 30 coins, which was lower than the costs of salt (45 coins) and chicken (60 coins), and only slightly higher than the cost of red beans (20 coins). Such a low price made it very affordable. For example, a carpenter was able to earn 140 coins per day, equalling the price of seven catties of alcohol.

Luanzhou, a soldier named Wang Ziqiang fatally stabbed Zhang Yangkuan in a tavern. Wang's motive was Zhang's failure to respond when asked to purchase a chicken and a bottle of spirits (NGDKDA, No. 117487). A similar incident occurred in Henan a year later when a drunken man named Zhao Bangkui requested Wei Yingxuan's assistance in paying for a prostitute and tobacco. When Wei refused, Zhao, consumed by anger, stabbed him in the stomach. Two days later, Wei died of the injury (NGDKDA, No. 007878).

Many commoners during the Qing Dynasty held a strong belief in the importance of engaging in the practice of buying or sharing a drink with acquaintances, and sometimes even strangers, known as *yaoyin* (邀飲). This cultural norm, as observed in Thomas Brennan's examination of early modern French taverns, extended beyond mere libations; it carried with it new responsibilities related to expenditure, the strengthening of friendships, and the cultivation of certain behaviours, feelings, and comportment (Brennan, 1988, pp. 12–4). In seventeenth-century China, male commoners frequently extended invitations to one another to partake in drinks at taverns or restaurants. This act served as a means of exchanging courtesies and fostering both transient and enduring companionships. It was widely accepted that, if one received an invitation for a drink, it was appropriate to express gratitude to the inviter for their kind gesture. Conversely, if an invitation were rebuffed in an impolite manner, it could cause distress to the person extending the invitation. This customary practice and the associated sentiment were intrinsically linked to the proliferation of small-scale commercial drinking establishments throughout Qing society.

On the sixteenth day of the eighth lunar month in 1738, a Hunanese worker named Xia Kejia was on his way home when a drunk man named Hu Zhanchen invited him to have a drink at a nearby tavern. Xia declined the invitation and pushed Hu, causing him to fall. Unfortunately, Hu's forehead was pierced by thorns during the fall and he passed away later that evening. During Xia's testimony, the local magistrate questioned why he had rejected Hu's invitation, remarking: "If Hu Zhanchen invited you to drink together, it must have been an act of goodwill. Why did you push him over and cause a wound to his right chest, resulting in his death?" (NGDKDA, No. 012226). The magistrate seemed to suggest that Xia would likely have accepted the invitation without intending harm, highlighting how the prevailing custom of accepting drink invitations influenced the judgment and handling of specific cases by government authorities.

### 3. Intoxication as a form of insanity and delusion

Qing officials faced the challenge of understanding the impact of alcohol on individuals' mental states, and they drew from a diverse range of sources, including medical theory and religious works, to help them make sense of it. These sources effectively formed the legal vocabulary of late imperial officials and played a role in shaping their decisions in relevant cases. Medical theory and Buddhist doctrine both characterized alcohol as a harmful substance capable of inducing mental disorders and delusions. As a result, many officials tended to lean toward the belief that individuals who committed offences while intoxicated were more likely to be excused, as they might not have had the intent to commit crimes or control over their actions and emotions due to the influence of alcohol. This perspective influenced their judgment of cases involving alcohol-related offences and played a role in shaping the legal landscape of the time.

During the late imperial period in China, physicians and doctors would have played a crucial role in interpreting alcohol intoxication as a form of mental disorder—specifically, a type of insanity. This perspective aligned with the understanding that insanity was one of the two major categories of mental disorders. In texts such as the *Huangdi Neijing* (黃帝內經) (*The Yellow Emperor's Classic of Internal Medicine*), insanity was categorized as a form of *kuang* 狂 disorder, which was believed to result from an imbalance of the *yang* 陽 force (Wang anno., 1852, Juan 8, p. 15b; Ng, 1990, pp. ix–x). Recent studies have



revealed that late imperial Chinese physicians generally regarded all forms of lunacy as transient illnesses, potentially caused by a range of factors, including supernatural agents or toxic substances (Baum, 2018, p. 2). An example from the early eighteenth century, the *Taiyi Shenzen Xinfu* 太乙神針心法 (*Divine Acupuncture Tactics of Taiyi*), listed three primary causes of insanity. These causes encompassed somatic dysfunctions such as hear illness and the presence of thick phlegm, encounters with occult forces such as demons or ghosts, and negative emotions such as frustration and sorrow (Han, 1717, pp. 11b–12a).

In short, intoxication was commonly perceived as a transient and elusive mental symptom. Physicians of the time generally shared a consensus on the detrimental effects of *shaojiu*, considering it a poisonous and highly heating substance that could lead to a wide range of chronic diseases. For example, Yuan Dynasty scholar Jia Ming 賈銘 (1269–1374) noted: “The property of *shaojiu* is sweet and piquant. It is an overwhelmingly hot and poisonous substance. Those who drink it to an excessive amount would injure their stomach and gallbladder, exhaust the marrow, and weaken the tendon 燒酒味甘辛, 性大熱. 有毒, 多飲敗胃傷膽, 潰髓弱筋” (Jia, 1936, p. 33). In other words, it was believed that overindulgence in alcohol disrupted the balance of *yang* force and bodily fluids, leading to various health issues. This understanding was further supported by a case documented by the late Ming physician Xue Ji 薛己 (1487–1559). Xue recorded the unusual symptom of a scholar named Chen Shiyong, who experienced severe testicular swelling and pain after consuming spirits and being rejected from having sex by his wife. Xue diagnosed this condition as being a result of excessive heat in the liver inflamed by alcohol toxins (*jiudu* 酒毒) (Jiang, 1784, Juan 10, p. 6a).

In summary, there was a widespread belief that individuals who consumed excessive amounts of *shaojiu* were more prone to heat-related illnesses, which manifested with symptoms such as abnormal sweating, floating (*fu* 浮) and deficient (*xu* 虛) pulses, excruciating pain, and even faintness and loss of consciousness (*hun* 昏) (Jiang, 1784, pp. 49b–50a). This recognition of drunkenness as a symptom within the broader context of traditional Chinese medicine could have led to a sympathetic view of individuals who exhibited signs of intoxication, as being reflected in the attitudes of early Qing officials toward intoxicated offenders. Since excessive alcohol consumption was understood as potentially causing these physical and mental disturbances, physicians, and society in general, were more likely to regard intoxicated individuals as afflicted by a condition rather than simply engaging in wilful misconduct.

Buddhist literature, alongside medical knowledge, played a pivotal role in shaping the shared understanding of alcohol intoxication among late imperial elites. This influence was particularly evident in the use of the characters *kuang* 狂 and *mi* 迷 by officials to describe the mental state of intoxicated offenders during the late Ming and early Qing periods. One of the widely adopted legal terms, *kuangyao mixin* 狂藥迷心, had clear origins in early medieval Buddhist writings. The term consisted of two distinct words. The first, *kuangyao* 狂藥, could be translated as a “deceptive drug.” In classic literature, the character *kuang* referred to denoted both a mental disorder, as described earlier, and an unbridled idiosyncratic personality free from societal conventions, customs, or ritual constraints.

The term *kyangyao*, initially employed by literati scholars as a synonym for alcohol and bold drinking, took on more profound meanings as Buddhism gained influence in Chinese society (Fang, 1862–75, Juan 3, p. 14a–b).<sup>5</sup> Within the Buddhist perspective, alcohol was

<sup>5</sup> The use of *kuangyao* can be traced back to a literati dialogue between a prominent scholar of the Jin Dynasty (266–420), Pei Kai 裴楷 (237–91), and a powerful official Shi Chong 石崇 (249–300). It was recounted that Pei Kai’s younger brother, Pei Chuo, also known as Ji Shu, was known for his heavy drinking. During a banquet hosted by Shi, Pei Chuo consumed a large amount of alcohol and behaved rudely. Shi intended to accuse Pei Chuo of his improper conduct, but Pei Kai interceded, stating: “People throughout the land know Ji Shu as a passionate drinker. How can you blame him for not adhering to proper decorum after offering him a deceptive drug?”

considered the root of all evils and was seen as a foul and harmful substance (Daoxuan, 1922–37, *Juan* 26, p. 11a–b).<sup>6</sup> Buddhists believed that consuming the deceptive drug was akin to ingesting toxins, which would lead to the ignition of vicious desires and obstructing the path to liberation. They also regarded alcohol as a source of distraction for the six senses or *liugen* 六根, and viewed it as the origin of all faults, miseries, and sufferings (Falín, 1134, p. 13). In essence, alcohol was seen as a catalyst for various delusions in people's minds, tarnishing the spirit and giving rise to endless sorrows and regrets.

The second word, *mixin* 迷心, which originated from Buddhist accounts of alcohol, emphasized the delusional and addictive nature of alcohol. This term found various applications in late imperial legal terminology, particularly in cases related to alcohol-induced crimes, such as *qunie mixin* 麴蘖迷心 (being deluded by yeast and malt). It underscores the close connection between Buddhist doctrine and the legal lexicon of late imperial China, and demonstrates how the Buddhist concept of delusion was integrated into the characterizations of alcohol-related offences and their consequences within this cultural context.

The concept of the toxic and delusive properties of alcohol, as depicted in Buddhist literature, likely contributed to a compassionate attitude toward alcohol abuse among early Qing officials. This alignment was rooted in Mahayana Buddhism's aspiration to achieve the salvation of all deluded beings, including those afflicted by alcohol-related issues. Viewing alcohol as an external substance capable of causing temporary mental disorders and ailments provided an explanation for the disputes, conflicts, and injuries that often arose among offenders over trivial matters when under the influence of alcohol. For instance, a common legal term *yijiu sidu* 倚酒肆毒, meaning “wreaking malicious feelings under the effects of alcohol,” suggested that offenders were provoked by alcohol to exhibit aggressive behaviour (NGDKDA, No. 121287). Furthermore, the character *mi* was translated as obsession and infatuation in this context. Phrases such as *milian huajiu* 迷戀花酒 (obsessed and infatuated with alcohol and sexual desire) could be found in both litigation indictments and the testimonies of offenders (No author, *Xinke fabi jingtian lei*, c. 1644–1911, pp. 16b–17a). In these contexts, *mi* referred to the inability of intoxicated offenders to control their cravings and thirst for alcohol, which often led them to engage in harmful behaviours driven by their obsession and infatuation.

#### 4. Sympathy and penalty in debate

The combination of medical and religious values encapsulated in legal terms such as *kuangyao mixin* had a persuasive influence on many early Qing judges. These terms led judges to believe that offenders lacked clear intent to commit offences due to the delusional and impairing effects of alcohol. This perspective was also commonly shared by intoxicated offenders themselves, who often used the term *wuzhi* (not knowing) to convey that they were unaware of their surroundings and actions under the influence of alcohol.

On the evening of the Lantern Festival in 1651, a tragic incident occurred in the City of Datong, Northern Shanxi Province. Guo Xirong, the victim, was found dead in a quiet alley and his friend Ma Yifen was identified as the perpetrator. Guo and Ma had purchased and consumed some spirits at a local tavern, with the understanding that they would share the cost. However, Ma paid less than his share, which led to an argument on their way home. Guo accused Ma of taking advantage of his generosity and this confrontation escalated when Ma, in a fit of anger, pulled out a blade and fatally stabbed Guo in the chest. In his

<sup>6</sup> This depiction was widespread in medieval and late imperial Buddhist works. Notable examples include Emperor Wu of the Liang Dynasty, or Xiao Yan's 蕭衍 (464–549) *Duan Jiurou Wen Sishou* 斷酒肉文四首 (Four Treatises on Abandoning Alcohol and Meat), in which he described alcohol as having the “effluvium of decayed water and grains 酒者何也, 謂是臭氣水穀.”

testimony, Ma asserted that he had no recollection of the events between himself and Guo because he was heavily intoxicated. This claim had a significant impact on the legal proceedings. Judge Xie Zuti, the sub-prefect (*tongpan* 通判) of Xuanda and the initial official to review the case, initially sentenced Ma to immediate decapitation. However, the inspector (*qianshi* 僉事) of Datong, Lyu Fengchun, later reduced the penalty to decapitation after the autumn assizes. Subsequently, another judge further revised the decision to a strangulation penalty, and the execution was postponed for two years. In 1653, the prefectural judge (*tuiguan* 推官) of Datong, Shen Huilin, even proposed exempting Ma from the death penalty and resentencing him to exile. Shen appeared to be convinced that Ma did not have the intent to kill Guo. He argued that Ma should not face execution because he was “drunk and unconscious of his actions” (*jiuzui wuzhi* 酒醉無知) (NGDKDA, No. 008000).

The notion that intoxicated offenders often lacked the intent to cause harm was a valuable explanation for seemingly irrational actions in legal disputes. In 1655, a bannerman named Zheng Kuli accused his Chinese servant, Chai Du, of drinking spirits and injuring his arms and lips. Zheng insisted the Chai must have been sober during the altercation, stating: “He was not drunk. He just snatched my neck and hit me violently!” When officials at the Board of Punishments, including Minister Ren Jun 任濬 (1595–1656), reviewed the case, they believed that Chai must have been heavily intoxicated: “If Chai was not drunk, how dared he beat his master without any reason?” (NGDKDA, No. 120278). Instead of imposing the standard penalty of decapitation after the autumn assizes, as regulated by the statute of “Servants and Slaves Beating their Household Masters” (*nubi ou jiazhang* 奴婢毆家長), Ren chose to revise the penalty to 100 floggings (Tian, 1999, p. 456).

These cases highlight the conflicting views surrounding the nature of alcohol and its impact on the decision-making process of early Qing officials when dealing with crimes committed under its influence. In reviewing the testimonies of offenders, officials regularly grappled with two challenging questions. First, they needed to assess the level of intoxication of the offender at the time of the offence. Second, they had to determine how long the effects of alcohol persisted in the offender’s state of mind. These questions presented substantial challenges, as they were often impossible to definitively answer or verify, especially in the absence of witnesses. Suspicion loomed over many cases, with officials questioning whether offenders might be deliberately fabricating claims to evade the death penalty. This inherent ambiguity surrounding the degree of intoxication and its lasting effects complicated legal proceedings and led to variations in the sentencing of offenders in alcohol-related cases during the early Qing period.

In 1653, a troubling incident unfolded when a Manchu bondservant and two Chinese men consumed spirits and subsequently injured four men a woman on the streets of Zhuozhou. When local authorities apprehended them, the offenders attempted to flee. During their trial at the local court, all three claimed that they were drunk and unconscious of the events that had transpired. This defence raised doubts among the judges from the Ministry of Punishments, leading to further interrogation of one of the offenders, Guo Li: “You assert that you were drunk and unaware of your actions. However, according to the report from the local prefect, when you were arrested, you managed to escape from the officers. How do you explain this?” (NGDKDA, No. 008388). Guo Li’s response did not provide much clarity, as he admitted to being initially drunk and unconscious but insisted that he was also inebriated when he managed to escape. A similar line of questioning was posed to the Manchu bondservant, Niyang Shitu, who likewise provided an answer that was difficult to verify: “Yes, I escaped, and I was drunk and unconscious.” Despite recognizing the severity of the case, the judges were unable to reach a decision on the appropriate penalty for Niyang Shitu and Guo Li. This was because the intent of the intoxicated offenders remained unclear based on their testimonies, adding to the complexity of alcohol-related cases in the early Qing period (NGDKDA, No. 008388).



In contrast, another case from 1645 illustrates that testimonies provided by offenders could be intentionally falsified. In this case, a 27-year-old butcher named Li Qing invited Wang Qi and his brother-in-law, Gu Kun, to visit a local market. They spent time drinking together at a tavern until late afternoon and then walked home together. As the Sun began to set, Gu asked Li to settle a gambling debt that Li had borrowed from him previously. Li refused, and a heated argument ensued between them. Moments later, the dispute escalated into a physical altercation, with Li stabbing Gu in the left chest using a short blade and causing injuries to Gu's testicles (NGDKDA, No. 007877).

The case took a critical turn due to the presence of a witness, Song Ming, without whom it would have been challenging to determine whether Li intentionally killed Gu. When summoned to court, Song Ming confessed to having witnessed the altercation and had questioned Li about why he had wounded Gu. According to Song's account, Wang Qi was a relative of Li and had joined in the fight to help him against Gu. Gu attempted to escape, but Li pursued him and stabbed him. Even after Gu's death, Li attempted to harm Song, who knelt and made a promise not to divulge what he had seen. Song's narrative provided crucial evidence indicating that Li had intentionally wounded Gu and had also menaced Song afterward. This evidence played a pivotal role in enabling the magistrate to conclude that Li should be charged with murder rather than manslaughter. The magistrate emphasized:

Later, when Song Ming arrived and witnessed the homicide, Li was concerned that Song might disclose the incident. Therefore, Li attempted to harm Song as well, and he was not willing to spare Song unless Song knelt and begged for his life. Clearly, [Li] Qing was not fully intoxicated and unaware of his actions.

This assessment underscored the importance of witness testimony in determining the offender's intent in cases involving alcohol-related violence (NGDKDA, No. 007877).

Qing officials' sympathetic stance toward intoxicated offenders led to administrative and legislative concerns in the eighteenth century. This shift in perspective was driven by a series of reformative policies aimed at regulating the alcohol market, including the continuous efforts of Emperors Yongzheng and Qianlong to restrict alcohol consumption in China proper (Guo, 2023, pp. 66–95).<sup>7</sup> In an edict dated 1727, Emperor Yongzheng expressed his dissatisfaction with lenient judges:

When they adjudicate cases of manslaughter and robbery, provincial governors and coordinators often attempt to exonerate the suspects by arguing that they were either under the influence of alcohol or driven to crime by poverty. [These officials] display excessive leniency, behaving as though they were women or eunuchs, devoid of any knowledge of the righteous teachings of sages and worthies. [They fail to recognize that] alcoholics are not kind-hearted people, but inherently evil-natured, as are those who injure and kill others while under the influence of alcohol. If [the officials] do not punish these criminals severely and instead reduce their penalties, I am deeply concerned that the wicked and treacherous will wantonly take innocent lives under the pretext of “being deluded by yeast and malt” 向來各省督撫，於命盜案件或稱酒後殺傷，或稱飢寒所迫，巧為開釋，是皆婦寺之仁，未聞聖賢之義者，夫酗酒之徒，已非良善，況恃酒致傷人命，更屬兇殘，今不因酗酒而加其罪，反因酗酒而寬其罪，恐姦惡之徒借齎藥迷心之名，以肆其兇暴殺人之計。 (No author, 1964, p. 973b)

<sup>7</sup> For detailed information about the Yongzheng-Qianlong reformist actions on the sale and production of alcoholic drinks, see Guo (2023).

In this edict, Emperor Yongzheng expressed explicit dissatisfaction with local officials who disregarded imperial directives and displayed sympathy towards cases involving crimes committed under the influence of alcohol. He sternly ordered these officials to change their practices. This decree not only reflected the extent of officials' compassion for such criminals, but also marked a significant turning point in how the Qing state, from top to bottom, reconsidered intoxication, and crime. Indeed, the words employed by the emperor, such as "behaving as though they were women and eunuchs," may have been part of his consistent push for local officials to maintain a strict and serious stance in their judicial proceedings. However, the essence of this passage lies in the fact that, for the first time in the Qing Dynasty, the imperial authority explicitly acknowledged alcohol-related violence as a prominent form of social pathology. This recognition represented a significant departure from past practices and highlighted the gravity with which the Qing state would view crimes committed under the influence of alcohol in the following decades.

Emperor Yongzheng's distinction between "kind-hearted" (*liangshan* 良善) and individuals with an inherently "evil-natured" disposition in the context of alcohol-related crimes represented a significant departure from prevailing beliefs about alcohol intoxication. He applied this differentiation to their behaviour while under the influence of alcohol. In Yongzheng's perspective, those addicted to alcohol and involved in criminal activities should not receive leniency under Qing law, regardless of whether their actions were involuntary or if they were unconscious of their deeds. This viewpoint contradicted popular medical and religious beliefs, which regarded alcohol intoxication as a temporary impairment caused by the ingestion of a toxic substance, highlighting the clash between imperial directives and popular knowledge and sentiments. According to Yongzheng, individuals who committed offences while intoxicated were inherently predisposed to evil or inhuman behaviour, with alcohol serving to magnify these negative traits. In contrast, those with a naturally kind disposition were less likely to engage in aggressive or harmful actions even when consuming alcohol. This interpretation acknowledged the capacity for impulse control among individuals and significantly influenced Qing officials' attitudes toward crimes related to intoxication. As this article demonstrates, this perspective closely aligned with the evolving public perception of alcoholics and had a lasting impact on how Qing officials approached cases involving such crimes.

## 5. Alcohol addiction as a social pathology and deviance

During the eighteenth century, both Qing judges' sympathy towards intoxicated offenders and Chinese commoners' attitudes towards alcohol abuse underwent a significant transformation. Commoners began to harbour a strong aversion to excessive drinking. In vernacular fiction, litigation lawsuits, and indictments, drunken criminals were portrayed as beast-like, repugnant, and malevolent figures who posed a threat to social and moral order. This growing public fear of alcohol abuse among mid-Qing commoners contributed to the portrayal of drunkenness as a social pathology, representing a convergence of elite and common notions and practices related to justice and normativity. These sources highlighted the brutal and merciless nature of intoxicated offenders, often comparing them to predatory beasts such as jackals and wolves (NGDKDA, No. 226978).<sup>8</sup> This image served to justify the imposition of severe penalties on these individuals and played a crucial role in the promotion of moral values, including the principles of filial piety and brotherhood.

<sup>8</sup> A butcher, Song Chenggong, who was also an alcoholic, killed Zheng Wenming in 1653. The provincial judge of Shanxi described Song as a cruel and ruthless ruffian who was rapacious like jackals and wolves. See this case, among others, for the ways in which such vocabulary was employed in legal cases during the Qing period.

The vilified image of a drunken offender served to underscore the depraved and irredeemable nature of serious criminals. Many commoners adeptly utilized this image in their legal disputes. It was a widely held belief that individuals addicted to alcohol were exceptionally stubborn, defiant, and resistant to reason and moral persuasion. As a result, many parents portrayed their disobedient sons as alcoholics to emphasize their incorrigible behaviour. For example, in a lawsuit dated 1787 involving a man named Xiang Wenda and his son Xiang Heng, Xiang Wenda accused his son of disrespecting his stepmother Lishi and attempting to steal her jewellery. Xiang Wenda described Xiang Heng as an “unrepentantly presumptuous and savage” (*henghan bugai* 橫悍不改) son who never heeded any advice from his parents or relatives (BXDA, No. 006–001–1589). This portrayal was common in numerous other legal cases during that era. In general, the prevailing belief among Chinese citizens was that alcoholics were impervious to moral persuasion or education.

The menace posed by dreaded alcoholics struck fear in the hearts of both mid- and late Qing commoners and government officials and functionaries. Alcoholism seemed to be a characteristic associated with rogues, criminals, outlaws, and gangsters. In a written communication, a magistrate from the nineteenth century penned the following:

My office has gathered information regarding a group of rogue individuals who, on a daily basis, engage in disruptive behavior in the streets and alleys, teahouses, and riverside restaurants. They frequently resort to extortion through deceitful means, intimidate and oppress innocent people, and readily resort to violence over trivial matters, seeking retribution for the slightest grievances. These troublemakers typically roam the markets in groups of three to five, causing disturbances wherever they go. They congregate at gambling establishments during the day and engage in theft during the night. Both local constables and residents live in dread of potential retaliation, causing them to refrain from reporting these wrongdoers or engaging in disputes with them 本署司訪有不法棍徒，每於大街小巷及茶坊酒肆沿河等處，酗酒打降遇事生風，或藉端訛詐，或欺壓善良，或以口角細故動輒逞兇，因睚眦微嫌群起爭鬧，三五成群浪游街市，日則聚賭為恆業，夜以偷竊做生涯，地保居民畏其挾嫌報復損害，因而隱忍不舉，亦不敢與爭。 (No author, 2012, pp. 353–4)

This bulletin reveals the pervasive fear that gripped Qing society. Government officials and ordinary citizens shared a deep concern regarding the issue of alcohol abuse and dreaded the violent actions of inebriated gang members. Drunkenness was widely viewed as a prominent indicator of social instability and moral distress, with its consequences extending unpredictably into everyday life and governance. Consequently, the government felt compelled to address the problem of intoxicated offenders and habitual drinkers with severe penalties. In 1778, an official in Baxian emphasized that, to maintain order and public safety, it was imperative for local constables and officials to apprehend and incarcerate any troublemakers who engaged in activities such as “cutting and stealing people’s queues, gambling, playing dice, and causing disturbances after consuming spirits” (BXDA, No. 006–001–00073).

Above all, the portrayal of intoxicated offenders represented a socially and culturally constructed reality that significantly influenced late imperial public sentiments and moral values. The persistence of this image inevitably led to the formation of stereotypes surrounding alcoholics, who were generally perceived as societal outliers by the majority of the population. Examination of the testimonies provided by these offenders reveals that many of them were aware of these stereotypes. While some offenders embraced the monstrous image they were associated with and deliberately used it to intimidate and harm others as a form of vengeance, others were deeply distressed by the stereotypes and

expressed profound feelings of anguish and sorrow.<sup>9</sup> A murder case from Lijin County in Shandong Province provides a revealing account of the intricate emotions experienced by a drunken offender:

Chen Qixin and Wang Chaozuo were employed as servants for a Chinese bannerman named Yi Zhaogong. They had shared a room and diligently served their master for several years. However, starting from the second lunar month of 1740, Yi had not assigned any tasks to Chen. This led Chen to suspect that Wang had spoken ill of him. On the eleventh day of the fourth month, Wang decided to move his bedding, including his blanket and pillow, to the room of the stoker Lyu Longfang, which was situated about 20 yards away from his own. Wang remained in this new location until the morning of the thirteenth day, during which he complained about how Chen would make unbearable noises every night after consuming alcoholic spirits (NGDKDA, No. 070845).

On the thirteenth day, Wang returned to his room with a catty of spirits and consumed it before going to sleep. Chen approached Wang, requesting to share the drink, but Wang declined. Shortly after, Chen expressed his longing for his parents and implored Wang to assist him in composing a letter. In response, Wang mocked Chen for his alcohol addiction, labelled him as worthless, and subjected him to verbal abuse:

On the evening of the eleventh day of the fourth month, I got drunk and stayed up late. Wang was not happy, so he took away his blanket and pillow and moved to the stoker's room. He returned on the thirteenth day with some spirits and drank on his own. He did not share the spirits with me, nor did he say a word to me. I begged him to write me a letter to my family. However, he said that I may just die someday very soon, and there was no need to write a useless letter! I tried to argue, but he fell asleep. I could not inhibit my anger, because I already drank a catty of spirits. It was about midnight, and Wang Chaozuo slept like a log. I went to the stable and took away the straw chopper. I stood beside the bed. Under the dim light, I cut through his throat and his head and face. He died! Then I decided to cut my throat and I fainted away. (NGDKDA, No. 070845)

In contrast to many early Qing offenders who often feigned ignorance of their actions, Chen was acutely aware of his motivations for wanting to end Wang's life and the manner in which he carried out the gruesome act. This self-awareness pushed him to contemplate suicide, as he understood the grim fate that awaited him under the legal system. Chen's emotional state during that pivotal moment must have been incredibly intricate. He harboured a complex mix of envy towards Wang, who had earned the trust of Yi, and suspicion that they had colluded to exclude him from their circle. When Wang interacted with him, it was with an unmistakable air of disdain and repulsion, causing Chen to lose control over his mounting anger and resentment. On the other hand, Wang perpetuated damaging stereotypes commonly associated with habitual drinkers such as Chen, characterizing them as inept, unproductive, and bothersome. These stereotypes, verging on prejudice, served to demarcate the boundary between societal norms and deviant

<sup>9</sup> A case that unfolded in Peking in 1763 serves as a compelling illustration of how a habitual drinker, Zhang Wu, experienced discomfort at being perceived as a social deviant. Zhang was addicted to alcohol and faced accusations of sexually assaulting several women in his neighbourhood between 1760 and 1763. He was commonly characterized as an alcoholic, rapist, and masochist who inflicted fear and intimidation on his victims while deriving satisfaction from self-inflicted harm. His testimony revealed deliberate behaviour aimed at frightening people to demonstrate his dominance over his victims. Zhang was also extremely sensitive to any unfriendly gestures or negative behaviours directed at him. For instance, when a Manchu man named A'Kedun closed his gate upon seeing Zhang Wu in the street, Zhang reacted with anger and promptly entered A'Kedun's courtyard. This reaction appeared to signify his displeasure with being marginalized and ostracized by society. See NGDKDA, No. 203397 (QL30/Run2/?).

behaviour. They provided a pretext for non-alcoholics to impose legal and moral authority over those who struggled with alcohol addiction. The outcome of these societal dynamics was the systematic silencing, neglect, and oblivion of the voices and emotions of the latter group—those battling alcoholism.

## 6. Narrating the horrible intoxicated offender

The portrayal of criminal acts in Qing China frequently employed specific rhetorical strategies aimed at crafting narratives that were culturally plausible. These narratives not only served as a platform for the examination of popular notions of justice, but also allowed the simultaneous consideration of the perspectives put forth by officials and elites. In this paper, I have diligently identified and dissected various sources of information that played a pivotal role in shaping the perspectives of legal actors regarding the relationship between drunkenness and criminal behaviour. These sources, when taken together, coalesced to create a public perception of voracious drinkers, often eliciting feelings of fear, trauma, and righteous indignation. It was this very perception that laid the foundation for both moral and legal judgments concerning *zuijiu shangren* crimes.

In this context, alcohol functioned as a crossroads at which virtues, emotions, and ideological principles related to social harmony and justice converged. At this juncture, societal values and sentiments resonated with the fundamental tenets governing the legal system, which illuminated the intricate and multifaceted nature of the relationship between alcohol, criminal behaviour, and the broader societal framework. As the perception of drunkenness evolved into a recognized social pathology, linked to domestic violence and the elicitation of negative emotions, many plaintiffs strategically leveraged this cultural understanding. They did so by crafting narratives that portrayed the opposing parties as habitual drinkers—a tactic aimed at capturing the attention and favour of magistrates. The representation of inebriated offenders, in this context, held substantial judicial weight during the Qing Dynasty. A pertinent case exemplifies how common individuals were cognizant of the perceived value of intoxication and employed it as a tool for false accusations (referred to as *wugao* 誣告) to further their interests in the courtroom. This highlights the strategic manipulation of prevailing cultural beliefs about alcohol to gain an advantage within the legal system (Javers, 2014, p. 27).

In the eighth month of 1786, a middle-aged man named Wang Mingzhou brought a case before the court of Baxian, seeking justice for his son-in-law, Wen Dexin. Wen, a young husband who had married Wang's daughter, Wangshi, was at the centre of this grievance. Wangshi, as per her father's account, found herself in a dire situation. Wen was not well-off and had recently fallen ill, prompting him to send Wangshi to a neighbouring village in search of a doctor. On the third day of the eighth month, Wangshi embarked on this journey. Tragically, as she passed by a benchland situated alongside a river, she encountered an unfortunate and distressing incident. It was here that she crossed paths with Wen Dacai, who happened to be Wen Dexin's uncle. Wen Dacai was notorious within the community, rumored to be an alcoholic and a repeat offender involved in cases of sexual assault (BXDA, No. 006-001-01772).

In Wang's narrative, Dacai was portrayed as heavily inebriate, attempting to rape Wangshi when he spotted her. He seized Wangshi's clothes and savagely scratched her breasts. Wangshi did all she could in resistance and ran away. Wang's neighbour, Zhang Kuirong, expressed empathy for Wangshi and urged Dacai to apologize for his misbehaviour. However, Dacai refused and instructed his son, Wen Zeliang, to verbally insult Wangshi outside her home. Wangshi, profoundly hurt and offended, found the insult unbearable. On the fifth day, she made a desperate attempt to end her life, but Wangshi Mingzhou intervened and saved her (BXDA, No. 006-001-01772).



At the local court, Dacai presented a different narrative. He explained that he had been a long-time neighbour of Dexin's family, particularly of Dexin's father-in-law, Wang Mingzhou. Dacai asserted that Wang Mingzhou was an unemployed gambler, and he had cautioned Dexin to stay away from Wang due to the risks associated with gambling. Unfortunately, Dexin had not heeded this advice and had instead developed animosity toward Dacai for what he perceived as unwelcome interference in his affairs. Dacai recounted an incident that occurred several days prior to Wang's lawsuit. According to Dacai, Wang had visited Dexin's home with his gambling associates, and Dacai had attempted to intervene to prevent them from gambling. However, in the process, Dexin had forcibly pushed Dacai, which led to an injury. Dexin, apprehensive that Dacai might sue him for the harm caused, had then called Wangshi to seek refuge in Wang Mingzhou's home. From Dacai's perspective, Dexin was a disobedient and ruthless nephew who consistently disregarded his well-intentioned advice. Dacai believed that Dexin had even resorted to making false complaints to tarnish his reputation (BXDA, No. 006-001-01772).

The magistrate found both narratives perplexing and questionable. After carefully considering both sides of the story, he found Wang Mingzhou's accusation against Dacai to be more compelling and believable. The magistrate made a comment indicating that he was trying to make sense of the case by relying on common notions, saying: "It is against our sense and common understanding that a man would, in any way, encourage his son-in-law to gamble." Although he remained somewhat uncertain, the magistrate was evidently leaning toward believing Wang's account of the incident involving the intoxicated uncle. Over the following days, Wang Mingzhou and Wangshi submitted additional complaints to the magistrate, emphasizing Dacai's alleged alcohol addiction and labelling him as "a malevolent uncle" (*dushu* 毒叔). On the other hand, Dacai gathered witnesses and evidence to demonstrate his innocence. A month later, Wang Mingzhou, Wen Dexin, and Wangshi eventually confessed to orchestrating the false accusation against Dacai. They admitted that they resented him for preventing Dexin from gambling and had hoped to extort money from him through their scheme (BXDA, No. 006-001-01772).

This case, like numerous others of its kind, highlights the role of alcohol or intoxication as a complicating factor within the legal culture of mid-Qing China. It illuminates the existence of popular narratives that linked heavy drinking or intoxication with acts such as rape and various forms of violence. These narratives likely contributed to the characterization of Dacai as a brutal wrongdoer within Wang's account. As argued in this paper, the association between heinous crimes and intoxication during the mid-Qing period was not merely a factual observation, but rather a socially and culturally constructed reality. This construct provided a foundation for both moral and legal judgments concerning offences related to intoxication. Many individuals, as demonstrated in this case, strategically incorporated the concept of intoxication into their narratives, either as a means of excuse or as a weapon to further their legal interests. This dynamic illustrates the multifaceted ways in which intoxication was employed and understood within the broader context of mid-Qing litigation culture.

## 7. Conclusion: representing intoxicated offenders in the Qing law

This paper captures the ways in which intoxicated offenders were represented in late imperial Chinese legal writings and seeks to explain how the formation of such representations was itself a product of contested values, practices, norms, and conceptions between government authorities and ordinary people. It unveils a fresh perspective on the nature of late imperial law and its enforcement in everyday functioning by highlighting the interconnectedness of public sentiment and judicial procedures. This interplay is shown to be a dynamic and evolving process, demonstrated through the examination of

*zuijiu shangren* crimes. Despite the noticeable trend towards increased professionalism, the judicial system and legal culture during late imperial China remained significantly influenced by popular beliefs and knowledge.

This research thus underscores the enduring influence of these practices on shaping the legal landscape and the way justice was administered during this period (Hegel, 2007, pp. 5–6). The phenomenon was particularly evident in cases in which the existing legal framework did not provide a definitive answer to address the behaviour and intentions of a criminal offender. In such situations, it becomes crucial to examine how extra-legal factors influenced the formulation of laws and the implementation of judicial procedures, as well as how the legal system, in turn, had an impact on these non-legal elements. This dynamic interplay between legal and non-legal factors sheds light on the complexities of law-making and the administration of justice when faced with ambiguous or uncertain circumstances.

In this paper, intoxication or excessive drinking is conceptualized as a form of social pathology. It is seen as a significant component that contributed to the collective set of beliefs and emotions, often referred to as the “common consciousness,” as defined by Emile Durkheim. This common consciousness serves as the underlying foundation of a society, contributing to its coherence and unity (Durkheim, 1985, pp. 27–8). The question of who produced the common consciousness is a complex one, especially in the context of late imperial China. State agents and institutions representing dominant values did exert significant influence, but the degree of their impact varied depending on specific circumstances. In situations in which state authorities had limited capacity to dictate, control, and manipulate the common consciousness, there was ample room for popular or non-authoritative trends of thought, ideas, and sentiments to shape it. Therefore, the examination of *zuijiu shangren* crimes offers valuable insights into how Chinese law transcended being merely a reflection or embodiment of neo-Confucian concepts of social order and ethics. It was not solely an instrument employed by the government to instil desired outcomes and state values. Instead, it served as an interface at which legal and non-legal forces and practices converged. Importantly, it emerged from the daily negotiations of interests by ordinary people through the operation of the legal system. This highlights the intricate interplay between legal and societal dynamics within the context of late imperial China.

**Acknowledgements.** I would like to express my sincere gratitude to the anonymous reviewers for their valuable feedback and time dedicated to reviewing this article. I am also deeply thankful to Li Chen for his insightful comments, critiques, and suggestions during the writing and review processes. His contributions have greatly strengthened the argumentation of this article. I am especially grateful for his generous assistance in language checking this article. Furthermore, I would like to acknowledge the inspiring comments provided by Daniel Bender, Jeffrey Pilcher, Yvon Wang, and Ying Zhang. Their supervision and review of my dissertation chapters, from which this article originated, have been instrumental in its development. Without their dedicated efforts, this project could never have reached its current form.

## References

- Albrecht, H.-J. (1998). “Addiction, Intoxication, Criminal and Criminal Justice: An Introduction.” *European Addiction Research*, 4(3): 85–8.
- Alford, W. P. (1997). “Law, Law, What Law? Why Western Scholars of Chinese History and Society Have Not Had More to Say about Its Law.” *Modern China*, 23(4): 398–419.
- Baum, E. (2018). *The Invention of Madness: State, Society, and the Insane in Modern China*. Chicago: University of Chicago Press.
- Ben-Yehuda, N. (2017). “Contextualizing Deviance Within Social Change and Stability, Morality, and Power.” *Sociological Spectrum*, 26(6): 559–80.
- Brennan, T. (1988). *Public Drinking and Popular Culture in Eighteenth-Century Paris*. Princeton: Princeton University Press.

- Buoye, T. (2007). "Filial Felons: Leniency and Legal Reasoning in Qing China." In R. E. Hegel & K. Carlitz, eds., *Writing and Law in Late Imperial China: Crime, Conflict and Judgement*, 109–24. Seattle: University of Washington Press.
- Daoxuan. (1922–37). *Guang Hongmingji Ji [Documents to Promote the Grand Dharma]*. 30 juan. Shanghai: Sibū Congkan Ben.
- Dicristina, D. (2004). "Durkheim's Theory of Homicide and the Confusion of the Empirical Literature." *Theoretical Criminology*, 8(1): 57–91.
- Dunstan, H. (1996). *Conflicting Counsels to Confuse the Age: A Documentary Study of Political Economy in Qing China, 1644–1840*. Ann Arbor: Center for Chinese Studies, The University of Michigan.
- Durkheim, E. (1985). *Readings from Emile Durkheim*, K. Thompson, ed. London: Routledge.
- Falin. (1134). *Bianzheng Lun [A Treatise on the Righteous Way]*, Fuzhou: Dongchan Si Cangben.
- Fang, X. (1862–75). *Jinshu [Chronicle of the Jin Dynasty]*. 130 juan. Peking: Wuyingdian Keben.
- Gabbiani, L. (2013). "Insanity and Patricide in Late Imperial China [Eighteenth–Twentieth Centuries]." *International Journal of Asian Studies*, 10(2): 115–41.
- Guo, J. Y. B. (2023). "Drinking in the Sea of Passion and Pleasure: Social Distinction, Public Sentiment, and Chinese Identity, 1680s–1930s." PhD diss., Department of History, University of Toronto (Canada).
- Han, Y. (1717). *Taiyi Shenzhen Xinfu [Divine Acupuncture Tactics of Taiyi]*. 2 juan. Qing Kangxi Keben.
- Hegel, R. E. (2007). "Introduction: Writing and Law." In R. E. Hegel & K. Carlitz, eds., *Writing and Law in Late Imperial China: Crime, Conflict and Judgement*, 3–26. Seattle: University of Washington Press.
- Javers, Q. (2014). "The Logic of Lies: False Accusation and Legal Culture in Late Qing Sichuan." *Late Imperial China*, 35(2): 27–55.
- Jia, M. (1936). "Yinshi Xuzhi [Mandatory Knowledge About Drinking and Eating]." In Wang Yunwu, ed., *Benxin Zhai Shushipu Ji Qita Erzong*, 35–108. Shanghai: Shangwu Yinshuguan.
- Jiang, G. (1784). *Mingyi Lei'an [Medical Cases of Famous Doctors]*. 12 juan. Peking: Wenyuange Siku Quanshu Ben.
- Kaplan, H. B. (2001). *Social Deviance: Testing a General Theory*. New York: Kluwer Academic/Plenum Publishers.
- Katz, P. (2007). "Indictment Rituals and the Judicial Continuum in Late Imperial China." In R. E. Hegel & K. Carlitz, eds., *Writing and Law in Late Imperial China: Crime, Conflict, and Judgment*, 161–85. Seattle: University of Washington Press.
- Lean, E. (2007). *Public Passions: The Trial of Shi Jianqiao and the Rise of Popular Sympathy in Republican China*. Berkeley: University of California Press.
- Liu, T. and L. Yi, eds. (1740). *Daqing Lüli*. Peking: Xingbu Siwuting.
- Maimon, D. & D. C. Kuhl. (2008). "Social Control and Youth Suicidality: Situating Durkheim's Ideas in a Multilevel Framework." *American Sociological Review*, 73(6): 921–43.
- Nakagawa, T. (1966). *Shinzoku Kibun [Records of the Customs of the Qing Society]*. Shohan, Tokyo: Heibonsha.
- Ng, V. W. (1990). *Madness in Late Imperial China: From Illness to Deviance*. Norman and London: University of Oklahoma Press.
- No author. (c. 1644–1911). *Xinke Fabi Jingtian Lei [Justice Brush and the Thunder that Shocks the Heaven, A New Print]*. 4 juan. Qing Dynasty.
- No author. (1964). *Shizong Xian Huangdi Shilu [Veritable Records of Emperor Yongzheng]*. Taipei: Hualian Chubanshe.
- No author. (2012). "Gaoshi Ji." In D. Liu & Y. Yang, eds., *Zhongguo Gudai Difang Falü Wenxian Bingbian [Third Compilation of Legal Documents in Ancient China]*, 191–380. Beijing: Shehui Kexue Wenxian Chubanshe.
- O'Brien, J. (2018). *States of Intoxication: The Place of Alcohol in Civilisation*. London: Routledge.
- Rehm, B. F. J. (1998). "Intoxication, the Law and Criminal Responsibility: A Sparkling Cocktail at Times—The Case Studies of Canada and Germany." *European Addiction Research*, 4(3): 89–101.
- Shu, H., ed. (1522–66). *Daming Lü Fuli [The Great Ming Code with Appendices and Supplements]*. 30 juan. Jiajing keben.
- Soh, Y. (2019). "Crafting Testimony: The Qing Homicide Reports and Narrative Structure." *Law & Literature*, 31(2): 191–219.
- Stark, R. & W. S. Bainbridge. (2012). *Religion, Deviance, and Social Control*. New York: Routledge.
- Tian, T. (1999). *Daqing Lüli [The Great Qing Code]*. Beijing: Falü Chubanshe.
- Wang, B. anno. (1852). *Huangdi Neijing [The Yellow Emperor's Classic of Internal Medicine]*. 24 juan. Qian Peijie.
- Xue, J. (1784). *Waikē Shuyao [Pivotal Knowledge about Surgeries]*. 4 juan. Peking: Qing Wenyuange Siku Quanshu Ben.
- Yeomans, H. (2011). "What Did the British Temperance Movement Accomplish? Attitudes to Alcohol, the Law and Moral Regulation." *Sociology*, 45(1): 38–53.
- Yeomans, H. (2014). *Alcohol and Moral Regulation: Public Attitudes, Spirited Measures and Victorian Hangovers*. Bristol: Policy Press.
- Youd, D. M. (2007). "Beyond Bao: Moral Ambiguity and the Law in Late Imperial Chinese Narrative Literature." In R. E. Hegel & K. Carlitz, eds., *Writing and Law in Late Imperial China: Crime, Conflict, and Judgment*, 215–33. Seattle: University of Washington Press.

## Archival sources

BXDA: *Baxian dang'an* [Archives of Ba County]. Sichuan Provincial Archives, Chengdu, China.

NGDKDA: *Neige daku dang'an guan* [The Archives of the Grand Secretariat]. Institute of History and Philology, Academia Sinica, Taipei, Taiwan.

BXDA. No. 006-001-00073 (QL43/3/3).

BXDA. No. 006-001-01351 (QL49/11/01).

BXDA. No. 006-001-01772 (QL51/8/7).

BXDA. No. 006-001-1589 (QL52/5/28).

BXDA. No. 006-001-01917 (JQ6/10/30).

NGDKDA. No. 117487 (SZ6/10/?).

NGDKDA. No. 007877 (SZ7/01/?).

NGDKDA. No. 226978 (SZ10/?/?).

NGDKDA. No. 008388 (SZ10/03/12).

NGDKDA. No. 121287 (SZ10-12/?/?).

NGDKDA. No. 120278 (SZ12/3/12).

NGDKDA. No. 008000 (SZ13/Run5).

NGDKDA. No. 065975 (QL1/8/20).

NGDKDA. No. 070845 (QL5/8/21).

NGDKDA. No. 012226 (QL5/7/25).

NGDKDA. No. 007878 (QL29/5/?).

NGDKDA. No. 203397 (QL30/Run2/?).