

Killing the Family in Eighteenth-century Shandong: Poverty, Despair, and Judicial Politics

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Abstract

In the highly articulated Qing legal bureaucracy, the adjudication and review of capital crimes would be an unlikely place to find evidence of legal pluralism. Indeed, the centralization of control over the final disposition of capital cases in the hands of the emperor reached its zenith in the Qing dynasty and the role of county magistrate was strictly limited to investigating and trying capital cases. By law and in practice, the contents of capital case records were largely limited to reporting information necessary to judge the crime and to determine the appropriate punishment. Despite the circumscribed role of the county magistrate in the prosecution of capital cases, a careful reading of trial records reveals that county magistrates clearly sought to influence the outcome of individual cases as well as the broader debate over the rise in violent crime during the eighteenth century. Focusing on an analysis of several cases that occurred in Shandong Province, this paper will demonstrate that despite broad imperial scapegoating of “bare sticks” (光棍) as the source of violent crime, county magistrates often included poignant depictions of downwardly mobile peasants in their reports of capital cases that revealed an troubling gap between the condemnatory rhetoric of the central government and the harsh realities of rural society that produced bare sticks. Deprived of a formal role in determining judicial policies or in making legislation, county magistrates relied on this subtle and indirect method to the legislative process.