

## Vital Spots, Mortal Wounds, and Forensic Practice: Finding Cause of Death in Nineteenth-Century China

Daniel Asen

Received: 18 November 2008 / Accepted: 2 October 2009 / Published online: 28 November 2009  
© National Science Council, Taiwan 2009

**Abstract** The Qing inquest was one function of the bureaucracy which administered justice throughout the empire. Concern over integrity of this component of judicial process fuelled development of standardized techniques to ensure quality of forensic determinations. A key method for determining cause of death was use of knowledge of parts of the body for which trauma could be fatal—the so-called “vital spots.” This way of conceptualizing wounds formed part of a basic rubric which officials used to determine the mortal wound and assign legal responsibility in homicide cases. This article uses a nineteenth-century homicide case drawn from Yilibu’s “Elementary Models for Studying Cases” (1838) to examine the observational and analytical procedures used in inquests to transform effects of violence on a body into evidence for adjudication. Not only did these techniques reinforce relationships of power within the bureaucracy but they also reflect the extent to which Qing forensic knowledge was conceptually, institutionally, and procedurally inseparable from judicial process and codified law.

**Keywords** Forensic medicine · Inquest · Coroners · Autopsy · History of the body · Law · Qing dynasty · History of death

In 1829, a man from Sichuan named Shi Darong was traveling to Tengyue subprefecture in Western Yunnan to sell jade paraphernalia. Stopping for rest in Yongping County, Shi and a porter whom he employed to transport his items encountered four individuals, three of whom were Hui (Sino-Muslims), transporting

---

D. Asen (✉)  
Columbia University, 611 Fayerweather Hall, MC 2527,  
1180 Amsterdam Ave., New York, NY 10027, USA  
e-mail: dsa2108@columbia.edu

goods through the area.<sup>1</sup> They too had stopped to rest and were preparing a meal. Hungry from his travels, Shi wanted to buy some rice. When his asking price appeared too low, however, a quarrel ensued between him and one of the men, named Long Aqi. The two soon came to blows. The others of Long's group joined the brawl after Shi picked up a knife and used it to wound Long. In the violent encounter that ensued Shi was struck several times with pieces of firewood, hands, and feet. After being taken from the scene by the porter, Shi claimed over the next several days that his rear ribs were aching and died soon after (Yi 1881 [1838], *gong'ou ren zhisi*, 1a–19a). Viewed within the context of the Qing empire's (1644–1911) southwestern frontier, the case might be read as indicative of the brewing ethnic tensions between Hui and the Han settlers who migrated to Yunnan en masse during the late eighteenth and early nineteenth centuries (Lee 1982; Atwill 2003). This was an area which demonstrated the limits of Qing imperial expansion: with pockets of malarial land and the ethnopolitical instability which it represented southwestern Yunnan was administered by a tense balance of Qing bureaucracy and local tribal chieftainships (Bello 2005). Nevertheless, once reported to the Yongping County yamen, the magistrate (and, undoubtedly, private secretaries) produced a routine report of the death that would pass through the proper channels of review within the province and then central government in Beijing. The ways that the magistrate determined the cause of Shi's death, found a proper charge within the Qing legal code, and proposed sentencing for the participants in the brawl were done in accordance with a highly sophisticated and routinized system for administering justice throughout the empire. This article examines the techniques of forensic investigation that imperial administration brought to bear in the death of Shi Darong. How these practices were negotiated locally—at the level of a dead body, its wounds, and the contingencies of an individual case—is the key question.

While much work has been done on Qing administration of justice (i.e., Bodde and Morris 1973; Alford 1984; Buoye 1995; Neighbors 2004; Na 2006; Brook et al. 2008) and the role of Qing law in negotiating social power, gender relations, and ethnic identity (Macauley 1998; Sommer 2000; Theiss 2004; Lipman 2006), less is known about the forensic practices on which this legal order was based. Chang Che-chia has shown that Qing forensic knowledge was meant for use by local officials during their supervision of inquest proceedings. Findings derived their authority from conformity with the authoritative *Records on the Washing Away of Wrongs* (Xiyuan lu 洗冤錄) and the openness of proceedings which would ensure that no abuses had been committed (Chang 2004). Routine inquests occurred within the context of an expansive body of knowledge on all manner of forensic problems which demonstrated at times close ties with classical medical texts (Will 2007, 88; Despeux 2007). But beyond the compilers of such texts for whom forensics had become an increasingly specialized area of inquiry, what kinds of forensic knowledge informed the handling of a routine homicide such as that of Shi Darong? As a field of official activity occurring under close bureaucratic supervision, how were the regulations on inquests and knowledge contained in works such as the *Washing Away of Wrongs* actually integrated into judicial practice at the local level (i.e., Jia 1984)? How did county

<sup>1</sup> For an overview of the terminological and conceptual problems of *hui* as a category, see, for example, Lipman 2006, 86–88.

magistrates and local functionaries carry out their roles as “death brokers” and what did this work involve (Timmermans 2006)? What implications did it have for the ways that dead bodies were made visible to the late imperial state (Prior 1989)?

This article examines a set of forensic practices that deeply shaped the ways that local magistrates investigated and adjudicated homicides. These practices relied on a highly developed conception of the arrangement of the body and of its vulnerabilities, termed “vital spots” (*yaohai chu* 要害處) or “fatal places” (*zhiming zhi chu* 致命之處) in Qing forensic discourse.<sup>2</sup> Defined generically by Lu and Needham as “spots of special sensitivity and danger in case of violent assault, where trauma, contusion, or shock will be exceptionally perilous, leading to internal injury or death, sometimes with no external sign of wounding at all” (Lu and Needham 1980, 302), this style of conceptualizing the vulnerabilities of the body and reading the visible signs of wounds has influenced forensic inquiry in imperial China since at least the Song dynasty (960–1279) (McKnight 1981, 65, 78, 80; Jia 1984). In Qing law, this body of knowledge formed the basis for a sophisticated set of techniques for examining and documenting the wounds on a body, calculating the potential for individual wounds to cause death, and tying these determinations to the questions of intent and culpability which were central to the Qing Code’s treatment of homicide. As such, the “vital spots” provide an excellent site at which to examine the ways that county magistrates produced authoritative forensic determinations within the bounds of the institutional practices of Qing bureaucracy, judicial procedure, and legal conceptions articulated in the Qing Code.

In order to show the way that this regime of forensic practice was carried out locally, this article provides an analysis of the case of Shi’s death within the context of such basic sources of Qing judicial and forensic procedure as the *Records on the Washing Away of Wrongs* and its expanded editions, the Qing Code, and *Conspectus of Penal Cases* (Xing’an huilan 刑案彙覽).<sup>3</sup> The case itself is included in Yilibu’s 伊里布 (1772–1843) 1838 *Elementary Models for Studying Cases* (Xuean chumo 學案初摸), a work which was to provide local officials with models of routine judicial procedure through presentation of cases handled correctly and approved by higher authorities (Yi 1881 [1838]; Will 2007, 76). Yilibu had served as Governor-General of Yunnan and Guizhou at one point in his illustrious career (1827–1835) and drew the cases which appeared in the collection from this jurisdiction (Hummel 1943–1944, 387). The 20 case files included in the text as well as its 1839 sequel were republished in 1881 in Gansu. For each case, Yilibu provided the documentation accompanying a magistrate’s initial investigation of a crime and communication with bureaucratic superiors within the province. The case file which is the focus of this article was composed of two parts. The first was an initial report of the circumstances of the case (Yi 1881 [1838], *gong’ou ren zhisi*, 1a–7b; Na 2006,

<sup>2</sup> These terms referred to the same thing (see Song 1904, 1.4b). In this article, *zhiming zhi chu* 致命之處 is translated as “vital spots” for the sake of clarity.

<sup>3</sup> The primary edition of the *Washing Away of Wrongs* that this article uses is the six *juan* Buzhu xiyuan lu jizheng 補註洗冤錄集證 (Records on the Washing Away of Wrongs with Collected Evidence, with Supplements and Notes), published by Wenchanghui 文昌會 in 1904. This work is an expanded edition of Wang Youhuai’s original recension (with 1796 preface) of the official Qing *Washing Away of Wrongs*. See Will 2007 for more on the history of the *Washing Away of Wrongs* and its various Qing editions. Also see the annotated bibliographies in Song 1957 and Jia 1984.

81). This report was produced after initial investigation of the case and included the report of the inquest, statements of those involved, and the confession of the one identified as principally responsible for the death. The second part of the file included documentation accompanying the formal release of the case from the jurisdiction of the county magistrate to the next levels of review at the prefecture, province, and central government (Yi 1881 [1838], *gong'ou ren zhisi*, 7b–19a; Na 2006, 128). This document contained the contents of the initial report (including inquest report and statements), additional depositions, and the “statement of consideration” (*kanyu* 看語) with the magistrate’s sentencing recommendation (Yi 1881 [1838], *gong'ou ren zhisi*, 15b–19a). During the final stages of review, the county magistrate’s report and those produced during higher levels of review were summarized and excerpted in memorials sent for the emperor’s consideration. These memorials have served as valuable sources in recent studies of Qing law (i.e., Buoye 2000, 230; Hegel and Carlitz 2007).

## 1 Documenting Wounds

During the Qing dynasty, the forensic inquest was one function of the bureaucracy that administered justice throughout the empire. Inquests were to be conducted in all cases except for several scenarios in which the facts were already known.<sup>4</sup> In homicide cases, the main purpose of the inquest was to clarify the state of the wounds or other physical indications of criminality, determine circumstances leading to the death, and assist the magistrate in producing a proper sentencing recommendation. A *wuzuo* 仵作, sometimes translated as “coroner,” carried out the inquest under supervision of a district magistrate or other civil or military official (i.e., Chang 2004, 11).<sup>5</sup> Midwives were employed to examine the genitals of female victims of rape and other mortal and nonmortal violence but did not perform examinations in cases for which a victim was married (Sommer 2000, 83–84; Theiss 2004, 139–140).<sup>6</sup> Once a homicide case had been investigated at the level of the county, it was sent through levels of judicial review at the prefecture and province levels and then at the capital where it was again reviewed before being considered by the emperor. Even if the county magistrate’s authority to make final judgment in cases was limited, his investigation and sentencing recommendation provided a foundation for further adjudication by higher levels of the bureaucracy (Buoye 1995, 67). Additional inquests could be performed on decomposed remains when problems arose in the case during judicial review (i.e., Alford 1984, 1219). It was to protect the integrity of this crucial point in judicial process that a complex body of

<sup>4</sup> Requests for avoidance of an inquest could be approved in certain situations including suicides and cases involving death from attack by bandits. See Wu 1992 [1886], 1100. Permission could be granted only when the investigating official thoroughly understood the facts of the case and knew that there were no other causes of death nor anything doubtful about the circumstances.

<sup>5</sup> The form that this supervision would take was defined in detail in the “Examining the Wounds on a Corpse and not [Reporting] Correctly” (檢驗屍傷不以實) statutes in the Code.

<sup>6</sup> The participation of midwives in inquests is perhaps not surprising given that they were “identified with the negative and material aspects of birth and with society’s dirty work related to the physical body”. See Furth 1999, 281–282.

regulations was promulgated throughout the Qing, especially during the reigns of the Yongzheng (1722–1735) and Qianlong (1735–1796) emperors (Wu 1992 [1886], 1099–1104).

When the magistrate of Yongping County and the *wuzuo* Duan Chengfa 段成發 went to perform the inquest, they examined Shi's body under these levels of bureaucratic supervision and within the bounds of official procedure (Yi 1881 [1838], *gong'ou ren zhisi*, 1b). The key requirement was that inquest findings accord with the contents of the *Records on the Washing Away of Wrongs*, an official text in four *juan* that was published in 1694 under the authority of the Codification Office (*Lüliquan* 律例館) and left without substantial official revision during the rest of the Qing dynasty (Song 1957, 281; Will 2007, 70). The editors drew on various medical and forensic works, including the *Collected Records on the Washing Away of Wrongs* (Xiyuan jilu 洗冤集錄) of Song Ci 宋慈 (1186–1249), a work which deeply shaped the subsequent development of forensic knowledge in imperial China and was the namesake and stated lineage of Qing-era editions of the *Washing Away of Wrongs*. During the late eighteenth and nineteenth centuries, Qing officials and private secretaries produced numerous expanded editions of the official text. These included additional discussion, explanation, and cases which supplemented and corrected it. Following this text was a prerequisite for approval of inquest findings during judicial review even if, as Pierre-Étienne Will shows, investigating officials had to work creatively around the text in cases which did not exactly conform to its contents or revealed deficiencies in its coverage (Will 2007, 82). It was the body of knowledge contained in the *Washing Away of Wrongs*, reinforced by the weight of bureaucratic regulation and supervision, which defined the procedures used to examine Shi Darong's wounds and determine the cause of his death.

In Qing inquest procedure, examination of the body proceeded according to an official form for recording wounds called “checklist of the corpse” (*shige* 屍格) which was included in the official *Washing Away of Wrongs* with accompanying images (*tu* 圖) of the body (Song 1904, 1.12a–16a; Hegel 2004, 76; see Figs. 1 and 2).<sup>7</sup> The form listed 79 parts of the body, divided into front (*yangmian* 仰面) and back (*hemian* 合面) aspects and, within these categories, “vital” (*zhiming* 致命) spots and “non-vital” (*bu zhiming* 不致命) spots.<sup>8</sup> Sixteen spots on the front of the body and six on the back are listed as vital in total. There was discussion in Wang Youhuai's 王又槐 *Records on the Washing Away of Wrongs with Collected Evidence* (Xiyuanlu jizheng 洗冤錄集證) and its later editions on the problems raised by this binary classification (i.e., Song 1904, 6.9a). For example, appended to the section on the checklist in Wang's text was a 1786 memorial in which the Surveillance Commissioner of Yunnan discussed inconsistencies between the checklist and its images and the forms for examining bones. He noted that injury to the collarbone (*xuepengu* 血盆骨), listed as a non-vital spot on the front aspect of the body, would

<sup>7</sup> This form was also called *shizhuang* 屍狀. See Shen 2000 [1715], 1033.

<sup>8</sup> There were several discrepancies between the checklist and its *tu* which were noted in editions of the *Washing Away of Wrongs*. For example, the images distinguished between left and right frontal eminences (*ejiao* 額角) while the checklist did not. In addition, the images contained both navel (*qi* 臍) and lower abdomen (*xiaofu* 小腹), while the checklist listed only navel (*qidu* 臍肚) (Song 1904, 1.16a). Different compounds were also used for cheek (*saijia* 腮頰).

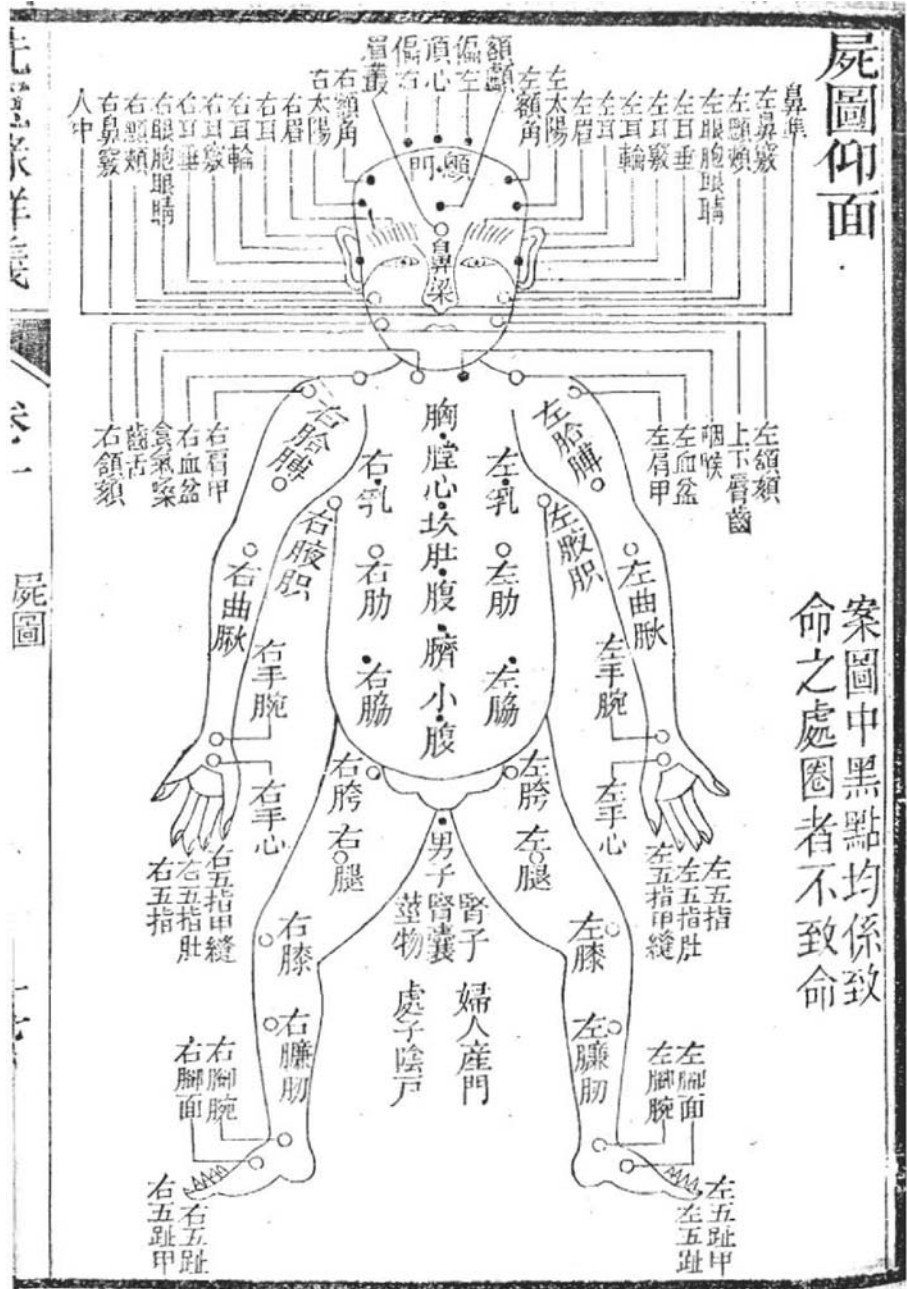


Fig. 1 From: Xu Lian 許璉, *Records on the Washing Away of Wrongs with Detailed Explanations* (洗冤錄詳義), 1890 [1854]

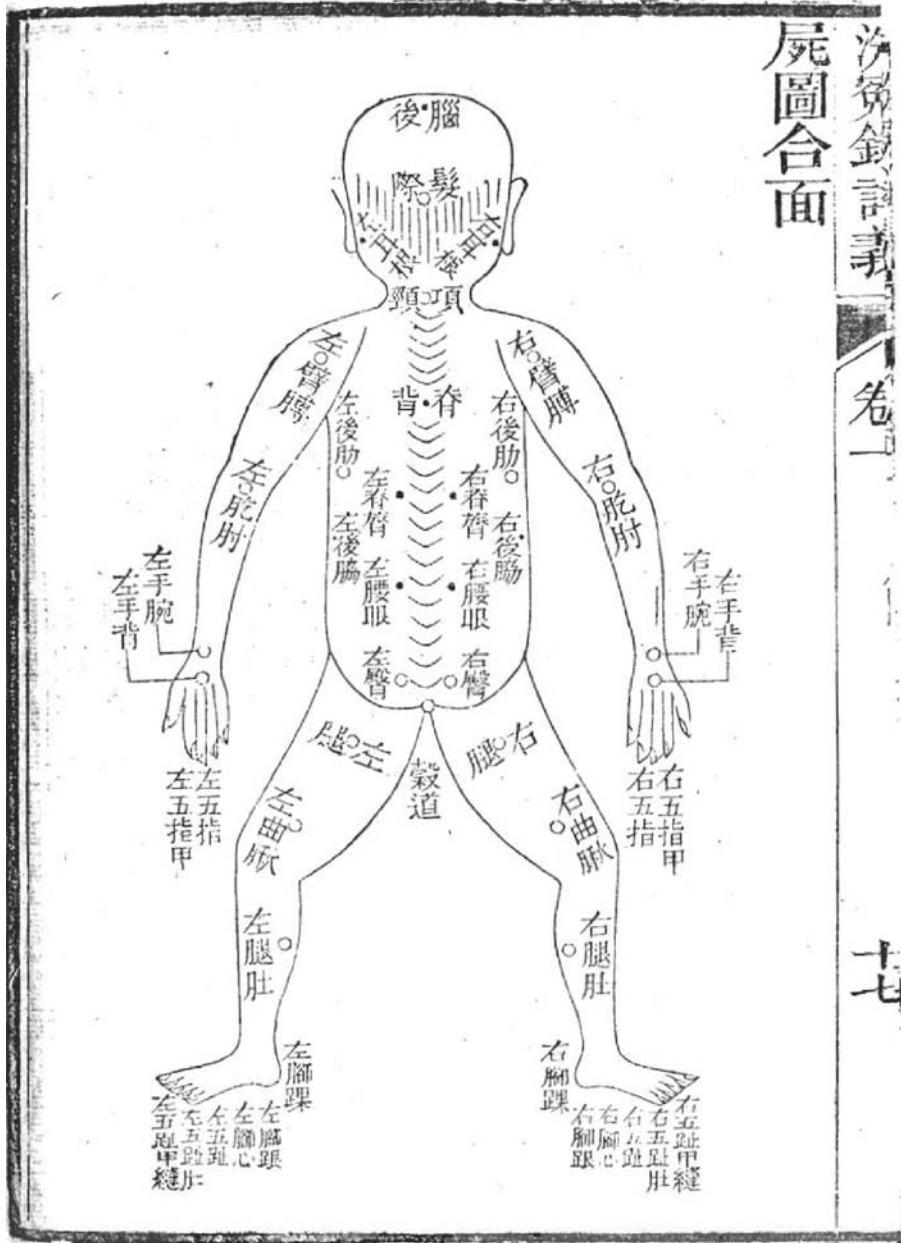


Fig. 2 From: Xu Lian 許璉, *Records on the Washing Away of Wrongs with Detailed Explanations* (洗冤錄詳義), 1890 [1854]

not cause death if the skin was broken but would be immediately fatal if the bone itself was damaged. Thus, the bone could be vital or non-vital (“是一骨有致命不致命之分”) (Song 1904, 1.13a). This point spoke to the larger problem of reconciling the location of a wound with its severity, two characteristics that were crucial to the

way that the Code sentenced fatal affrays with multiple attackers. The terminology of the checklist including points of the body and the “mortal” and “non-mortal” distinction appears not only in such basic components of judicial process as the *Washing Away of Wrongs* and the Code (i.e., Wu 1992 [1886] 795), but also in the *Conspectus of Penal Cases* (see below), suggesting the extent to which it informed the conceptualization and management of physical violence throughout the Qing legal system.

The conception of the body and its vulnerabilities presented in the checklist and images shaped the ways that magistrates and *wuzuo* documented wounds during the

### Front

#### Vital spots

One wound on forehead, one *cun* and nine *fen* in circumference, uneven, skin is broken and blood clotted, wound caused by falling.

One wound on left temple, diagonal, one *cun* and four *fen* long, one *cun* and one *fen* wide, purple-deep red.

One wound on right temple, diagonal, one *cun* and two *fen* long, seven *fen* wide, purple-red. Both wounds caused by a wooden implement.

#### Non-vital spots

One wound on right cheek, round, one *cun* and three *fen*, purple-red, wound caused by the palm of a hand.

One wound on mouth, round, three *cun* and two *fen*, blue-purple and swollen, four upper teeth fell out, there is a bruise, wounds caused by being stamped upon with a foot.

One wound on left inner elbow, diagonal, one *cun* and two *fen* long, seven *fen* wide, purple-red in color.

One wound to left ribs, diagonal, one *cun* and five *fen* long, seven *fen* wide, purple-deep red, bone injured.

### Back

#### Non-vital spots

One wound connecting back of left hand to middle finger, straight, one *cun* and eight *fen* long, seven *fen* wide, purple-red, wound caused by a wooden implement.

One wound on right rear ribs, conical, three *cun* and four *fen*, blue-black, bone broken. Wound caused by being kicked with a foot.

The conclusion of the *wuzuo* was that Shi had died from his wounds (*shoushang shensi* 受傷身死).

**Fig. 3** Report of the *wuzuo* Duan Chengfa



inquest, analyzed them in the case file, and gave them legal significance in relation to the Qing Code. The importance of this mode of observation is apparent in the written report produced during Duan Chengfa's examination of Shi Darong's body (Yi 1881 [1838], *gong'ou ren zhisi*, 1b–2a, 8a, 8b; see Fig. 3). Every wound on Shi's body was identified in relation to the “front” and “back” aspects of the checklist and the standard set of points contained within each. Duan recorded seven wounds on the front of Shi's body and two on the back. The order in which each wound was described matched the order of the checklist, beginning with the category of vital spots on the front of the body and ending with that of non-vital spots on the back of the body. This ordering method also structured the presentation of other information about the wounds which would be used in later discussions of the mortal wound. Every wound was identified as either on a vital spot or non-vital spot. Three of the frontal wounds were recorded as occurring on vital spots and four as non-vital spots, while no wounds on Shi's back were inflicted on vital spots. Other information included color of the wounds, their dimensions, and instrument or manner of wounding. The first statute on “Examining the Wounds on a Corpse and not [Reporting] Correctly” in the Code required officials to determine all of these pieces of information in their examination of the body (Wu 1992 [1886], 1099). These were in fact highly formalized descriptions of wounds. According to a 1751 statute in the Code, officials were required to measure wounds according to standards provided by the Ministry of Works (Wu 1992 [1886], 1101). The recorded color of wounds—in formulaic uses of blue (*qing* 青), red (*hong* 紅), deep red (*chi* 赤), purple (*zi* 紫), and black (*hei* 黑)—was a key factor used in determining the severity of a wound in relation to other wounds, with darker colors indicating greater severity.<sup>9</sup> It was for this reason that counterfeiting the color of wounds was such a concern in the *Washing Away of Wrongs* (Song 1904, 1.29a).

As a repository of knowledge about the body and a form that literally had to be filled in (Yi 1881 [1838], *gong'ou ren zhisi*, 2b), the checklist was central to the material practice through which officials and *wuzuo* transformed the contingent effects of violence on a body into textual evidence (Pugliese 2002). The characterizations which wounds acquired in this process had significance not only for determining the mortal wound but also for assigning culpability when multiple attackers were involved in an affray. The Qing Code and discussions of affrays elsewhere in Qing law determined sentencing in terms of “vital spots” and the severity of wounds, as we will see below. In their capacity to materialize the body of vital spots, the *tu* 圖 that accompanied the checklist served as true “templates for action” and potentially as guides for observing actual bodies (Bray et al. 2007, 2; i.e., Kuriyama 1992, 25). Pugliese's discussion of the techniques used in modern forensic pathology to inspect wounds is in this context applicable to Qing forensics: “A repertoire of spatialising terms construct the body into a cartographic corpus: distal and proximal, lateral and medial....Upon this corporeal map a series of topographico-anatomical landmarks are identified in order to systematise the location of injuries in relational and thus measurable terms” (Pugliese 2002, 372). The problem of making the wounds on a corpse “fit” with the “spatializing terms” of

<sup>9</sup> See Song 1904, 1.2a and 1.3b for this basic formulation of the colors of wounds, without deep red (*chi* 赤). For more on deep red, see 5.4a.

the fixed points defined in the checklist was addressed in Wang's *Records on the Washing Away of Wrongs with Collected Evidence*. His commentary in the work urged officials to ensure that the relative sizes of a wound and (standard) location on the body (*buwei* 部位) matched in the inquest report:

When examining the wounds of corpses, first look at the location that was wounded to see how wide it is. Then examine the dimensions of the wound. If it conforms to the width of the location then there will be no error when filling in [the checklist]. If the wound is broad and the place of the wound small, the wound can be said to connect (*jielian* 接連) with other places. For instance, the location of the base of the earlobe is only several *fen*. If one receives a wound that is one and more *cun* it will necessarily connect to the cheek and other places. One should record the phrase 'base of earlobe connecting with cheek, however many [*cun* and *fen*] long' (Song 1904, 1.6b)<sup>10</sup>

The locations mentioned in the passage were not arbitrary. Base of the earlobe and cheek were standard points in the checklist, categorized, respectively, as a vital spot on the back of the body and non-vital spot on the front. One of Shi's wounds was described in precisely this way, as connecting (*jielian* 接連) the back of his left hand and finger.<sup>11</sup> Another way of making wounds "fit" with the standard points was discussed in the commentary appearing in Ruan Qixin's 1832 edition of Wang Youhuai's recension of the *Washing Away of Wrongs*. Ruan noted that during his time as a senior officer in Beijing, when wounds did not fall directly on one of the locations ("如不在部位之正中者"), phrases like "to the left of such-and-such a place" (*mouchu pianzuo* 某處偏左), "to the right of such-and-such a place" (*mouchu pianyou* 某處偏右), "just above such-and-such a place" (*mouchu jinshang* 某處近上) and "just below such-and-such a place" (*mouchu jinxia* 某處近下) could be used in the description of wounds in the report (Song 1904, 1.7a). It was in the process of recording wounds according to the checklist that the traumata of the body were brought into relation with the fixed points with which they would be identified throughout the rest of the case file. This amounted to a process of "translation" in which the wounds on the body were made to match the body of knowledge about the legal and forensic significance of wounds articulated in the Qing Code and *Washing Away of Wrongs* (ie. Pickering 1995, 81). By examining Shi's body according to the checklist, the *wuzuo* and county magistrate produced evidence of Shi's wounds that could be used in the text-based process of adjudication.

## 2 The Problem of Intent

The initial problem which the magistrate of Yongping County faced in his investigation of Shi's death was defining the homicide according to the six main "intent-defined categories" included in the Qing Code and explained in handbooks on the administration of justice: premeditated homicide, intentional homicide, killing in an affray, mistaken homicide, killing at play and accidental-negligent homicide

<sup>10</sup> 1 *cun* ("inch")=10*fen*. During the Qing, a *cun* was equivalent to 3.2 cm. See Wilkinson 2000, 237–238.

<sup>11</sup> For a case which used *lian* 連 (connecting) to describe wounds, see Song 1904, 2.60b.

(Neighbors 2004, 6, 7; Jones 1994, 268–284). The distinctions between these categories of homicide for those who killed Shi Darong would mean different levels of corporeal punishment, ranging from beheading—a serious punishment which threatened “somatic integrity”—to strangulation or non-capital punishments such as flogging (Brook et al. 2008, 50). In the context of this case, resolving the problem of intent involved answering several questions about the circumstances of Shi’s death: Did Long and the others plan to kill Shi before the attack occurred? Did the intent to kill him arise during the brawl? Did they plan to harm him, but not kill him? Were they roughhousing? Was Shi’s death an accident? (Neighbors 2004, 7). These were not questions that could be resolved on the basis of examination of Shi’s body alone. They required that the magistrate match the statements gained from interrogation of those involved with the wounds observed during the *wuzuo*’s examination of the body, reflecting the procedural overlap between interrogation and inquest in the early investigation of a homicide (Huang 1984 [1694], 325; Wu 1992 [1886], 1099). During this process, the ways of examining the body and characterizing wounds defined in the checklist became the medium through which the magistrate described the course of physical violence that led to Shi’s death.

The initial report that the magistrate filed with the prefectural and provincial authorities after the inquest and interrogations indicated strongly that it was a case of an “affray” (*douou* 鬥毆) leading to death, a determination made formally in the magistrate’s subsequent sentencing recommendation. Initially, however, this argument was made in the edited statements of those involved with the case. Recent scholarship on Qing homicide cases has shown the myriad ways that officials included narrative elements in descriptions of criminal acts and testimony to argue for particular interpretations of the crime and grounds for leniency (Buoye 1995; Hegel and Carlitz 2007). Full of the formulaic “markers” which Thomas Buoye has shown indicate “killing in an affray” rather than “intentional homicide” or “premeditated homicide”, the edited statements of the porter Tang Tianhua, Long Aqi, and the other three participants in the affray (Yuxiaoyuliu, Ma Sande, Ma Dingxing) frame the homicide as an unintentional affray that was the result of a spontaneous altercation between complete strangers (Yi 1881 [1838], *gong’ou ren zhisi*, 2b–7a; Buoye 1995, 66, 72). Given the lack of a plot to kill, the distinctions between “intentional homicide” and “killing in an affray” often hinged on the presence of enmity between the parties prior to the altercation leading to death, with a conflict between strangers indicating the lower degrees of intent involved in an “affray” killing (Buoye 1995, 66; Neighbors 2004, 93). This was the scenario established by the statements in the initial report of the case.

All of the statements indicated the exact same sequence of events, used the same language to describe the circumstances of the homicide, and demonstrated that there had been no intent to kill before the altercation. The cause of the altercation was described in the deposition of the porter who witnessed the homicide (Yi 1881 [1838], *gong’ou ren zhisi*, 2a–4a). Upon his arrival with Shi at Yongping County, they encountered Long and the others washing rice in preparation to cook it. Seeing that they had an abundance, Shi asked to buy some. Long asked for 17 copper coins. When Shi only offered 12, Long did not accept the price. Shi accused Long of taking advantage of the situation to raise the price. After Long replied by cursing him, the two quarreled. Shi kicked over the basket with the rice and Long grabbed him and

demanded compensation. Shi responded by striking Long with his fists, initiating the exchange that ultimately cost him his life. This was clearly a case of “killing in an affray” and not “premeditated homicide” or “intentional homicide.” The porter’s narration of the background of the homicide established immediately that Shi and Long Aqi were strangers and had no enmity prior to that day. Long’s own confession made this point as well, stating that they were strangers and had no long-standing grudge (Yi 1881 [1838], *gong’ou ren zhisi*, 5b). Long’s confession concluded with the same point, calling the exchange “truly a case of group affray arising from a momentary quarrel” and noting as well that he “did not intentionally kick him to death” nor did they plan in advance to stir up an affray (Yi 1881 [1838], *gong’ou ren zhisi*, 7a). The magistrate emphasized all of these points in his own sentencing recommendation in the final report (Yi 1881 [1838], *gong’ou ren zhisi*, 17b). These characterizations of the homicide as the result of a spontaneous altercation also indicated to the magistrate that it was not a case of Hui who “band together and fight” (*jiehuo zheng’ou* 結夥爭毆) and should not be sentenced as such (Yi 1881 [1838], *gong’ou ren zhisi*, 18a). Portrayed as violent and combative, from the Qianlong period onwards, Hui had become the object of discriminatory laws in the Qing Code (Lipman 2006).

The statements also framed the violence that led to Shi’s death in a way which mitigated the fatal assault by Shi’s attackers, showing their attacks on Shi to be the result of his own instigation. After describing the background of the altercation, the porter described the initial exchanges in the brawl: “Shi Darong beat [Long] with his fist and Long Aqi slapped him in the right cheek. Shi Darong broke away from him and lifting a knife he stabbed Long Aqi’s left shoulder.” Ma Sande and Ma Dingxing picked up pieces of firewood and hit Shi Darong’s left inner elbow and back of his left hand and fingers. At this point Shi “raised the knife and chaotically stabbed [at them].” Long Aqi picked up firewood and wounded Shi’s left temple while Yuxiaoyuliu used firewood to hit his right temple. Shi Darong struck at Yuxiaoyuliu who was able to fend him off, in the process wounding Shi’s left ribs and knocking him to the ground. After being stamped on by Long Aqi, Shi Darong crawled up and tried to use the knife to stab at him. Long seized the knife, cutting his own fingers, and kicked it away. As Shi bent to pick it up he was kicked by Long in the right rear ribs, falling to the ground for the final time (Yi 1881 [1838], *gong’ou ren zhisi*, 3a–4a).

The porter’s description of the physical violence that led to Shi’s death emphasized that Shi continuously tried to use the knife to injure Long and the others. Each blow that landed on Shi was depicted as a response to Shi’s continuing attack with the knife. The narration of the physical altercation also lacked the key physical indications of intent to kill: deliberate attacks on vital spots, extraordinarily severe wounds, the use of a firearm, and continued attacks after incapacitation of the victim (Buoye 1995, 71–75; Neighbors 2004, 93–95). The statements matched exactly with the report of the *wuzuo* in the terms used to describe parts of the body and the manner in which injuries were caused. Of the three wounds classified as occurring on vital spots, those on the left and right temples were explained in the statements as responses to Shi’s “chaotic stabbing” while the wound on his forehead was caused by falling down. Likewise, the wound that Long inflicted on Shi’s right rear ribs was in response to Shi’s attempt to regain control of the knife. The

statements of Yuxiaoyuliu, Ma Sande, Ma Dingxing, and Long Aqi all confirmed the same sequence of violence narrated by the porter Tang (Yi 1881 [1838], *gong'ou ren zhisi*, 4a, 5b). Yilibu viewed the consistency of the edited statements as a strength of the case file, noting in his commentary: “The confession of the murderer [Long Aqi] and the depositions of the others and the porter are all uniform and have no discrepancies” (Yi 1881 [1838], *gong'ou ren zhisi*, 5b).

### 3 Group Affrays, Mortal Wounds, and Legal Responsibility

With the inquest completed, statements taken, the accused detained, and belongings of Shi inventoried, the magistrate submitted the initial report to his bureaucratic superiors within the province (Yi 1881 [1838], *gong'ou ren zhisi*, 7a–7b). Receiving their order to proceed, the magistrate produced his final report. This document is the second part of the case file that appears in *Elementary Models*. It contained the contents of the initial report as well as the magistrate’s own description of the affray and sentencing recommendation. It was in this part of the file that the magistrate formally claimed that the crime was a case of “killing in an affray,” citing a substitute and statute of the Qing Code and recommending a sentence of strangulation with delay for Long Aqi and 100 strokes of the heavy bamboo for the others (Yi 1881 [1838], *gong'ou ren zhisi*, 15b). These determinations were made on the basis of the characterizations of Shi’s wounds produced during the inquest and in accordance with the particular ways that the Qing Code conceptualized the legal significance of mortal violence. As in many articles of the Code dealing with sentencing in cases of physical violence leading to death, the laws on fatal group affrays required that *one* participant in the attack be identified as the one to suffer capital punishment. This requirement reflected the principle of “one life [taken], one life repaid” (一命一抵), a formulation that appeared in the commentary of Shen Zhiqi and in other writings on Qing law (Shen 2000 [1715], 687; Neighbors 2004, 20–22). Scholars have interpreted this concept in different ways, at times taking it to reflect a cosmological view of “basic harmony existing between man and nature” and the need for such harmony to be restored after a death (i.e., Bodde and Morris 1973, 331–332). Dau-lin Hsu convincingly argues that the inflexibility implied by such a rigid explanation was incompatible with the complexity of legal reasoning in late imperial China (Hsu 1970, 124–125). He also makes the important point that such an approach to punishing homicide was hardly unique to Qing law. In addition, Geoffrey MacCormack and Jennifer Michelle Neighbors show the various ways that requital was not applied rigidly in the Code and during sentencing, diminishing the strength of the argument that this was a “general principle” of Qing law (MacCormack 1996, 122–123; Neighbors 2004, 22–25).

The techniques used to examine Shi’s body during the inquest were central to the way that the magistrate resolved the problem of requital in the case. The Qing Code required that in cases of fatal group affray, one of the attackers be identified as causing the mortal wound and the one to receive a capital sentence. The “Engaging in an Affray [and Killing] or Intentionally Killing Another” statute stated: “If several persons have formed a plot in common to strike someone, and if death thereby results, the fatal injury is considered to have been the most serious. The one who,

with his hand, inflicted it (the wound on a vital spot or severe wound) will be punished with strangulation (with delay)” (Wu 1992 [1886], 794; Jones 1994, 276).<sup>12</sup> In order to determine which attacker would be given a capital sentence, the magistrate had to determine which wound was the “mortal wound” (*zhiming shang* 致命傷). The “Engaging in an Affray [and Killing] or Intentionally Killing Another” statute itself explained mortal wounds as simply wounds on vital spots or severe wounds—the very categories used to characterize wounds during the inquest. Determining just how “mortal” different wounds were in relation to each other became a crucial question when multiple attackers had been involved in an affray. In 1725, a substatute was promulgated which provided a routine way of resolving this question. It mandated that in cases where two people killed someone in an affray, an injury on a vital spot was to be considered the mortal wound, indicating the attacker who would be sentenced to strangulation. The abbreviated text of the substatute was included in the checklist of the points on the body used during the inquest, showing as well the conceptual linkages between the “forensic” application of vital spots and the use of this knowledge in the Code. The substatute states:

When you evaluate homicide cases, if one person alone beats another to death, regardless of whether the wound is on a vital spot or not, in all cases the killer must atone with his life. If two people beat a person to death in an affray, decide requital according to [injuries on the following] vital spots (為致命論抵): crown of the head, fontanel, temples, ear aperture, throat, chest, breasts, bosom, abdomen, navel, ribs, scrotum, back of the head, base of earlobe, the back, spinal column, rear flanks, small of the back, the right and left of the crown of the head, forehead, and frontal eminence (Wu 1992 [1886], 795)

In cases for which one person acting alone beat another to death, there was no need to determine the relative potential of different wounds to cause death because it was certain that the lone assailant would suffer capital punishment. The substatute established that in affrays with multiple participants, wounds inflicted on vital spots would have special legal significance: the attacker who wounded such a spot would be sentenced to death. But what if all wounds were inflicted on vital spots? This problem was addressed in 1740 with promulgation of a substatute stating that in cases for which several persons have plotted to strike someone, all wounds were on vital spots and the victim died immediately, the last one to cause a severe wound was the one who would suffer capital punishment (Wu 1992 [1886], 795). When the victim died after the affray, officials were to determine which wound had caused death, punishing according to severity.

One problem with using location and severity as categories of analysis in determining culpability was that when combined in various permutations, the two were not quantifiable. In other words, was a light wound on a vital spot more likely to have caused death than a severe wound on a non-vital spot? This problem was

<sup>12</sup> The text of the Code is as follows: “若同謀共毆人因而致死者，以致命傷為重，下手(致命傷重)者，絞(監候)”. The phrases in parentheses are explanations included in the Code and cited in sentencing recommendations. William C. Jones has translated the second clause as “The one who with his hand inflicted (*the fatal injury*) will be punished with strangulation (*with delay*)” (1994, 276). I have modified his translation in order to reflect the full meaning of *zhiming shangzhong* 致命傷重.

addressed in the 1834 *Conspectus of Penal Cases*, which contained several precedents, themselves drawn from actual cases, for sentencing based on different configurations of location and severity (Zhu 2004, 1084–1086). These included: (1) in cases for which there is a wound on a non-vital spot which is “truly more severe” (*shi zhongyu* 實重於) than a wound on a vital spot, the assailant who caused the more severe wound should suffer capital punishment; (2) in cases for which there are wounds on vital spots and non-vital spots that are of equal severity, the assailant who caused the wound on the vital spot should be punished with death; and (3) if all wounds are not on vital spots, then regardless of the order in which the wounds were inflicted, the assailant who inflicted the more severe wound should suffer capital punishment. These precedents established a framework through which officials could find a sentencing routine which suited the circumstances of a particular case.

#### 4 Finding the Mortal Wound

In the case of Shi Darong, the Yongping County magistrate used these laws to determine which participant in the affray was to receive a capital sentence. The initial step, however, was to use the inquest to find the particular configuration of wounded vital spots and severe wounds in the case. Then a suitable law could be chosen. The magistrate’s rhetorical strategy in the sentencing recommendation was to cite the laws first (even though prior analysis of the wounds necessarily informed his choice of laws), choosing ones that established the legal requirement that the attacker who caused the “severe wound” would be punished with strangulation. Then he provided an analysis of the wounds themselves in order to show that a wound inflicted by Long Aqi was the most severe one. The first law that the magistrate cited was the clause of the 1740 statute that stipulated “in group affrays where the victim does not die at the time but only afterwards, you must determine which wound led to death and punish the one who inflicted the severe wound” (Yi 1881 [1838], *gong’ou ren zhisi*, 17b; Wu 1992 [1886], 795). The magistrate did not cite the earlier, inapplicable clause that addressed cases where all wounds were on vital spots and the victim died immediately, exercising his prerogative to cite one part of laws which addressed multiple matters (Na 2006, 121). The magistrate then cited the “Engaging in an Affray [and Killing] or Intentionally Killing Another” statute itself: “In group affrays which result in death, the one who with his hand inflicted the severe wound (下手傷重者) will be punished with strangulation with delay. The other persons will each be punished with 100 strokes of the heavy bamboo” (Yi 1881 [1838], *gong’ou ren zhisi*, 17b). In citing the statute in this way, the magistrate only copied the half of the Code’s explanation that defined the mortal wound as a severe wound (下手 [致命傷重] 者) and omitted the other half that defined it as a wound on a vital spot (下手 [致命傷重] 者). Yilibu approved of the magistrate’s selective use of the Code’s explanation, writing in his commentary on the case file: “The text of the statute originally included ‘the one who with his hand inflicted the wound on a vital spot or severe wound will be punished with strangulation’. In this case, the right rear ribs that Long Aqi kicked were not vital, therefore the two characters ‘vital spot’ in the statute have been removed.”

By citing these two laws, the magistrate established that for this case, the attacker who inflicted the “severe wound” would be the one to suffer capital punishment. The

magistrate then presented his own analysis of the wounds. This discussion was more detailed than the determination of the *wuzuo* that Shi had simply “died from his wounds” (*shoushang shensi* 受傷身死). In analyzing the wounds, the magistrate focused on the problem of severity:

We find that the wound which Shi Darong sustained on his inner elbow from the initial beating by Ma Sande and Ma Dingxing, and the wound connecting the back of his hand to his fingers, as well as the wound to his right temple inflicted by Yuxiaoyuliu were all not severe (*shang jun buzhong* 傷均不重). As for the wound which Yuxiaoyuliu inflicted on his left ribs, even though it reached the point of injuring the bone (*gusun* 骨損), Shi Darong was still able to get up and struggle. It was not fatal (*bu zhiyu si* 不致於死). It was only afterwards when kicked in the right rear ribs by Long Aqi that Shi fell to the ground. The color [of the wound] became blue-black, and it was so severe that the bone was broken (*zhong zhi guzhe* 重至骨折). While still alive Shi Darong stated that his rear ribs ached. There is no question that he was killed by this wound (Yi 1881 [1838], *gong'ou ren zhisi*, 18a)

In this passage the magistrate made several claims about the relative severities of the wounds. First, he stated that the wounds on the inner elbow, back of the hand and finger, and right temple were “not severe” (*buzhong* 不重). From the statements of those involved, we know that these wounds had been inflicted by Ma Sande, Ma Dingxing, and Yuxiaoyuliu, respectively. The magistrate’s determination that they were less severe than the wounds on Shi’s front or rear ribs was made on the basis of the color of the wounds: all three were “purple-red” (*zihong* 紫紅), a lighter color than that of the wounds inflicted on Shi’s right rear ribs.<sup>13</sup> They were also of comparable sizes, ranging from 1 *cun* and 2 *fen* long and 7 *fen* wide (wounds on inner elbow and right temple) to 1 *cun* and 8 *fen* long and 7 *fen* wide (wound on left hand and finger).

The magistrate then compared the relative severities of the wounds caused by Yuxiaoyuliu on Shi’s left ribs and Long Aqi on his right rear ribs. The extent of damage of the two wounds was different: the bone was only injured on the front ribs but broken on the rear ribs. In size, the round wound on the rear ribs was 3 *cun* and 4 *fen*, while the wound on the front ribs was 1 *cun* and 5 *fen* long by 7 *fen* wide. The wound on the left ribs was purple-deep red, darker than the purple-red wounds but also lighter than the blue-black (*qinghei* 青黑) wound on Shi’s right rear ribs. This indicated that the wound on the left ribs was less severe than the one on his right rear ribs. Added to the magistrate’s use of color as a sign of severity, he also found it significant that being wounded on the rear ribs not only incapacitated Shi (unlike the wound to his left ribs), but that this wound continued to ache during the period between the attack and Shi’s death. With the exception of the wound on Shi’s forehead that was caused by falling down, the three remaining wounds were not mentioned in the magistrate’s discussion, presumably because they were all caused by Long Aqi and being purple-red or purple-deep red would have been less severe

<sup>13</sup> See *Conspectus of Penal Cases* for a case in which the wounds caused by multiple assailants were all red (*hong* 紅); thus, severity was not distinguishable across the wounds (“各毆之傷均係紅色，並無輕重可分”). Zhu 2004, 1085.



than the wound on Shi's right rear ribs. Ultimately, the magistrate found that the wound on Shi's right rear ribs was the mortal one, recommending for Long a sentence of strangulation with delay on the basis of this wound. Yuxiaoyuliu, Ma Sande, and Ma Dingxing were fit to be punished for taking part in the affray but not causing mortal wounds. Nevertheless, the magistrate identified mitigating circumstances: Ma Sande and Ma Dingxing were not yet 15 *sui*, so would be able to avoid the punishment through monetary redemption (Yi 1881 [1838], *gong'ou ren zhisi*, 4a, 18b; Wu 1992 [1886], 264; Jones 1994, 52).

In his analysis, the magistrate decided that the three wounds inflicted on vital spots were not the ones that caused Shi's death. Two of these were determined to be less severe than the wound on Shi's right rear ribs on the basis of their color (purple-deep red and purple-red). The third, inflicted on Shi's forehead from falling, did involve broken skin but was not considered to be the mortal wound by the magistrate. Thus, despite being inflicted on "vital" (or "fatal") spots, such wounds were not automatically the mortal wounds. The magistrate's determination that the wounds on vital spots did not kill Shi accorded with Qing forensic doctrine. Late Qing editions of the *Washing Away of Wrongs* firmly established that wounds on vital spots should not be counted automatically as the mortal wounds. Qu Zhongrong 瞿中溶 provided a critical view of using location as the sole criterion of the mortal wound in his 1827 *Identification and Correction of Errors in the Records on the Washing Away of Wrongs* (Xiyuan lu bianzheng 洗冤錄辨正). Qu criticized the way that the checklist of wounds distinguished between vital and non-vital parts of the body: "Formerly, even though lists [of body parts] were divided into front and back views, they were not divided into *zhiming* (vital spots) and *bu zhiming* (non-vital spots)." The assumption underlying Qu's argument was that the use of this distinction should not supersede more complex determinations: "Generally speaking, the parts of the body which the checklist lists... all occupy vital spots. Whether they are mortal or not depends on the severity of the wound, the strength and virility of the person, and is also affected by whether the person is ill or not. Originally the forms did not differentiate between vital and non-vital" (Song 1904, 6.9a). Of course, the vital/non-vital dichotomy performed other work: it was a basis for resolving the problem of culpability when multiple attackers were involved in an affray.

Qu noted that an injury on a non-vital spot could not be summarily ruled out as cause of death. The presence of other factors could cause a person to die from his or her non-vital wounds, a point which implicitly diminished the certainty of determinations made on the basis of the vital/non-vital rubric: "Furthermore, for the parts which the present form calls non-vital, all should be investigated closely. Even if it is not a vital spot, if an old, young, or ill person is concerned, a wound can still be mortal. You must be detailed and cautious when dealing with these kinds of wounds." The magistrate in the case of Shi Darong made such a determination when he decided that the wounds that were inflicted on Shi's vital spots were less severe than the "non-vital" ones. Of course, if the severe wounds on Shi's body had been inflicted on vital spots, the magistrate who handled the case would have had a different set of forensic problems to solve. If he had to apply laws which took wounds on vital spots to be indicative of the mortal wounds (as in the 1725 statute), then the "vital" or "non-vital" locations of wounds would have had

additional legal significance. In this sense, Qu's criticism of the distinction between "vital" and "non-vital" spots on the body was not just a "forensic" matter but challenged the foundations on which culpability in fatal affrays was determined in the Qing Code.

There was another way that Qing commentators discussed the fact that a wound's vital or non-vital location did not always indicate whether or not it had caused death. This was the didactic juxtaposition of a "light wound on a vital spot" (*zhiming qingshang* 致命輕傷) and a "severe wound on a non-vital spot" (*bu zhiming zhongshang* 不致命重傷). These were the permutations obtained by combining the categories of location and severity in both possible ways. Xue Yunsheng 薛允昇 (1820–1901) used this juxtaposition in his commentary *Lingering Questions When Reading the Substatutes* (*Duli cunyi* 讀例存疑): "If a wound on a vital spot is light, or if there is a wound not on a vital spot that is severe, one must investigate and clarify which wound caused death. One cannot simply consider whether the wound is on a vital spot or not" (1970 [1905], 831). This formulation also appeared in a key passage of the official *Washing Away of Wrongs* that elaborated on the location/severity rubric for analyzing wounds (Song 1904, 1.9b).<sup>14</sup> It distinguished between "vital spots" (*zhiming zhi chu* 致命之處) and "mortal wounds" (*zhiming zhi shang* 致命之傷), identifying the latter as "where the flesh is blue or black, the skin broken, a deep gash, bones broken, brains coming out, blood flowing."<sup>15</sup> Within the "vital spots," the passage then distinguished between "spots of rapid death" (*susi zhi chu* 速死之處) and "spots of inevitable death" (*bisi zhi chu* 必死之處), stating:

Where a mortal wound is given on a vital spot of the kind first mentioned [spots of rapid death], death will result in three days; on an ordinarily vital spot [spots of inevitable death], in ten days. If a light wound has been given on a vital spot, or a severe wound on a non-vital spot, though death ensue within the limit, yet other circumstances should be taken into consideration and allowed to influence your verdict. One cannot without exception be put to death. How much more so when [death occurs] outside of the limit!

The assumption underlying this passage as well as that of Xue is that a severe wound inflicted on a vital spot will be mortal, and a light wound inflicted on a non-vital spot will not be mortal. The distinctions between "spots of rapid death" and "spots of inevitable death" made predicting the time period between injury and death more precise, but even this calculation rested on certainty that the wound would be mortal.<sup>16</sup> That a wound not matching either extreme (vital/severe or non-vital/light) required consideration of "other circumstances" suggests the relativity of this style of forensic reasoning as well as a particular conception of its limitations. These "other circumstances" could include inflammation (*kuilan* 潰爛) of the wounds or wind

<sup>14</sup> This passage (with slight modification) appears to have been drawn from a work by Lü Kun (1536–1618) entitled "On the Duties of Provincial Surveillance Commissioners" (Fengxian yue 風憲約). The work appeared both independently and as *juan* six of *Master Lü's Writings on Practical Governance* (Lügong shizheng lu 呂公實政錄).

<sup>15</sup> Modified from Giles' (1924, 6) translation.

<sup>16</sup> See Song 1904, 1.10b for a 1744 case that shows how this method was used in determination of a fatal wound.

heteropathy entering open wounds (*poshang feng* 破傷風), either of which could lead to death regardless of the location of the part injured or severity of the injuries.<sup>17</sup> However, these kinds of cases existed beyond the outer limits of the analytic rubric based on location and severity and required other kinds of analyses. In the case of Shi Darong, the magistrate of Yongping County used the location/severity rubric to reconcile human agencies and culpabilities with the corporeal trauma that led to Shi's death.

## 5 Conclusion

Long's fate would be decided after further deliberation during the Autumn Assizes in Beijing, a process which would potentially lessen the punishments prescribed by the Code (Bodde and Morris 1973, 134–143). From the perspective of the administration of justice, however, without later indications of malfeasance in the case raised during appeal or review, the Yongping County magistrate had fulfilled his investigatory responsibilities. Several key determinations were made in the case of Shi Darong on the basis of the forensic techniques examined in this article: It was a case of “killing in an affray” without the intent to kill of “premeditated homicide” or “intentional homicide”; the wound on Shi's right rear ribs was the mortal wound; Long Aqi was the one who killed Shi; by implication, Yuxiaoyuliu, Ma Sande, and Ma Dingxing simply took part in the affray but did not cause Shi's death. These determinations formed the basis of the proposed sentences. This article has examined the process through which the magistrate arrived at these conclusions. We have seen how techniques used during the inquest applied a standard discourse to Shi's wounds, classifying them according to a set of fixed points on the body as well as “vital” and “non-vital” designations. The statements in the case file relied on this discourse to reconstruct the fatal violence, establishing in the process that no intent had existed before the exchange, and that the blows inflicted on Shi had even been precipitated by his own violent actions. In the final report of the case, the magistrate cited in his sentencing recommendation a statute and substatute chosen from the larger body of Qing law on fatal group affrays. The legal requirement of these laws was to find the mortal wound based on a rubric of location of wounds and their severity and use this determination to decide on one attacker as legally responsible for the death. Finally, the magistrate analyzed the wounds, focusing on the severe wound on Long's right rear ribs as the mortal wound. As Stefan Timmermans observes in the work of modern medical examiners, “every decision about an investigation might make some causes of death more likely to show up than others” (Timmermans 2006, 47). It was during the process of negotiating official procedure, legal conceptions of homicide, and examination of Shi's body that the magistrate explained the death as caused by a “severe wound” on his “right rear ribs.” This article has shown the ways that this particular conception of the body and mortal causality became the register through which Shi's death was brought into Qing legal discourse.

<sup>17</sup> For a case involving death from inflammation on an injured finger, see Song (1904, 2.10a). For more on exposure to wind, see commentary for the section on fatal beatings (*ousi* 毆死), 2.2a.

A routine case such as this one can reveal much about the knowledge produced and used in Qing inquests. Chang Che-chia (2004) and Pierre-Étienne Will (2007) have persuasively argued that judicial process was a major determinant of the classification, organization, and circulation of knowledge relating to inquests. As we have seen in my analysis of this case and the procedures for examining wounds used within it, discussion of vital spots and the ways that knowledge of location should be negotiated with that of severity took place across forensic handbooks, case documents, the Qing Code, and the *Conspectus of Penal Cases*. The magistrate used knowledge of the body and its vulnerabilities to address the needs of the law, defined in this case as the problem of determining culpability in fatal group affrays. In this sense, the “mortal wound” inflicted on Shi’s right rear ribs was a legal entity in addition to a corporeal one. It was following procedure and the assessment of findings within judicial process that gave the magistrate’s determinations authority. The mechanisms for assessing inquest findings reinforced relationships of power and control within the bureaucracy. Those who proposed regulations related to inquests were officials with responsibility for supervising the judicial activities of local government.<sup>18</sup> As members of the bureaucracy’s system of supervision, which itself reflected the concentration of power in the Qing bureaucracy, these officials promoted the interests of the greatest judicial powers—the central government and Emperor. While officials did find ways to work around the perceived deficiencies of the official knowledge—in the process producing works that far surpass the official *Washing Away of Wrongs* in scope—these activities occurred within a system of review which made accordance with procedure a requirement. As such, even if the techniques for examining wounds discussed herein were simply one part of a larger body of forensic knowledge, the core role of “vital spots” and “mortal wounds” in the inquest suggests the extent to which judicial procedure shaped determinations of cause of death and, more generally, forensic practice during the Qing.

**Acknowledgments** My thanks go to Nathan Sivin, Paul R. Goldin, and Yangwen Zheng for their support and feedback when I began the research that led to this article at the University of Pennsylvania. Since that time, I have benefited greatly from the comments of Thomas Buoye and Eugenia Lean. My thanks also go to the two anonymous EASTS reviewers for their suggestions.

## References

- Alford, W. P. (1984). Of arsenic and old laws: Looking anew at criminal justice in late imperial China. *California Law Review*, 72(5), 1180–1256.
- Atwill, D. G. (2003). Blinkered visions: Islamic identity, Hui ethnicity, and the Panthay rebellion in Southwest China, 1856–1873. *The Journal of Asian Studies*, 62(4), 1079–1108.
- Bello, D. A. (2005). To go where no Han could go for long: Malaria and the Qing construction of ethnic administrative space in frontier Yunnan. *Modern China*, 31(3), 283–317.
- Bodde, D. & Morris, C. (1973). *Law in imperial China: Exemplified by 190 Ch'ing dynasty cases*. Philadelphia: University of Pennsylvania Press.
- Bray, F., Dorofeeva-Lichtmann, V., & Métaillé, G. (2007). *Graphics and text in the production of technical knowledge in China*. Leiden: Brill.

<sup>18</sup> The substitutes which accumulated in the Code came primarily from the proposals of Surveillance Commissioners, Governors, and Censors. These were the officials who would have had the best view of local administration of justice.

- Brook, T., Bourgon, J., & Blue, G. (2008). *Death by a thousand cuts*. Cambridge: Harvard University Press.
- Buoye, T. (1995). Suddenly murderous intent arose: Bureaucratization and benevolence in eighteenth-century Qing homicide reports. *Late Imperial China*, 16(2), 62–97.
- Buoye, T. (2000). *Manslaughter, markets, and moral economy: Violent disputes over property rights in eighteenth-century China*. Cambridge: Cambridge University Press.
- Chang, C 張哲嘉. (2004). 'Zhongguo chuantong fayixue' de zhishi xingge yu caozuo mailuo '中國傳統法醫學' 的知識性格與操作脈絡 (Knowledge and practice in 'traditional Chinese forensic medicine'). *Zhongyong Yanjiuyuan Jindaishi Yanjiusuo Jikan* 中央研究院近代史研究所集刊, 44, 1–30.
- Despeux, C. (2007). The body revealed: The contribution of forensic medicine to knowledge and representation of the skeleton in China. In F. Bray, V. Dorofeeva-Lichtmann & G. Métaillé (Eds.), *Graphics and text in the production of technical knowledge in China*. Leiden: Brill.
- Furth, C. (1999). *A flourishing Yin: Gender in China's medical history, 960–1665*. Berkeley: University of California Press.
- Giles, H. A. (1924). *The "Hsi Yuan Lu" or "Instructions to coroners": Translated from the Chinese*. London: Bale & Danielsson.
- Hegel, R. E. (2004). Imagined violence: Representing homicide in late imperial crime reports and fiction. *Zhongguo Wenzhe Yanjiu Jikan*, 25, 61–89.
- Hegel, R. E. & Carlitz, K. (eds). (2007). *Writing and law in late imperial China: Crime, conflict and judgment*. Seattle: University of Washington Press.
- Hsu, D. L. (1970). Crime and cosmic order. *Harvard Journal of Asiatic Studies*, 30, 111–125.
- Huang, L. (1984 [1694]). *A complete book concerning happiness and benevolence: A manual for local magistrates in seventeenth-century China*. Tucson: University of Arizona Press. Trans. and ed. by Djang Chu.
- Hummel, A. (1943–1944). *Eminent Chinese of the Ch'ing period*. Washington: Government Printing Office.
- Jia, J 賈靜濤. (1984). *Zhongguo gudai fayixue shi* 中国古代法医学史 (A history of legal medicine in ancient China). Beijing: Qunzhong Chubanshe.
- Jones, W. C. (1994). *The Great Qing Code*. Oxford: Clarendon Press.
- Kuriyama, S. (1992). Between mind and eye: Japanese anatomy in the eighteenth century. In C. Leslie & A. Young (Eds.), *Paths to Asian medical knowledge*. Berkeley: University of California Press.
- Lee, J. Z. (1982). Food supply and population growth in Southwest China, 1250–1850. *Journal of Asian Studies*, 41(4), 711–746.
- Lipman, J. N. (2006). 'A fierce and brutal people': On Islam and Muslims in Qing Law. In P. K. Crossley & H. F. Siu (Eds.), *Empire at the margins: Culture, ethnicity, and frontier in early modern China*. Berkeley: University of California Press.
- Lu, G. & Needham, J. (1980). *Celestial lancets: A history and rationale of acupuncture and moxa*. Cambridge: Cambridge University Press.
- Macauley, M. (1998). *Social power and legal culture: Litigation masters in late imperial China*. Stanford: Stanford University Press.
- MacCormack, G. (1996). *The spirit of traditional Chinese law*. Athens: University of Georgia Press.
- McKnight, B. E. (1981). *The washing away of wrongs: Forensic medicine in thirteenth-century China*. Ann Arbor: Center for Chinese Studies, The University of Michigan.
- Na, S 那思陆. (2006). *Qingdai zhouxian yamen shenpan zhidu* 清代州县衙门审判制度 (The county trial system during the Qing dynasty). Beijing: Zhongguo Zhengfa Daxue Chubanshe.
- Neighbors, J. M. (2004). Criminal intent and homicide law in Qing and Republican China. PhD Dissertation, UCLA.
- Pickering, A. (1995). *The mangle of practice: Time, agency, & science*. Chicago: The University of Chicago Press.
- Prior, L. (1989). *Social organisation of death: Medical discourse and social practices in Belfast*. New York: St. Martin.
- Pugliese, J. (2002). 'Super Visum Corporis': Visuality, race, narrativity and the body of forensic pathology. *Law and Literature*, 14(2), 367–396.
- Shen, Z 沈之奇. (2000 [1715]). *Da Qing lu jizhu* 大清律輯注 (The Great Qing Code with compiled commentary). Beijing: Falü Chubanshe.
- Sommer, M. H. (2000). *Sex, law, and society in late imperial China*. Stanford: Stanford University Press.
- Song, C 宋慈. (1904). *Buzhu xiyuan lu jizheng* 補註洗冤錄集證 (Records on the washing away of wrongs with collected evidence, with supplements and annotation). Beizhi 北直: Wenchanghui 文昌會.

- Song, D 宋大仁. (1957). *Zhongguo fayi dianji chuban kao* 中国法医典籍版本考 (Study of editions of classical books on Chinese forensic medicine). *Zhonghua Yishi Zazhi* 中华医史杂志, 8, 278–285.
- Theiss, J. M. (2004). *Disgraceful matters: The politics of chastity in eighteenth-century China*. Berkeley: University of California Press.
- Timmermans, S. (2006). *Postmortem: How medical examiners explain suspicious deaths*. Chicago: The University of Chicago Press.
- Wilkinson, E. (2000). *Chinese history: A manual. Harvard-Yenching Institute monograph series, 52*. Cambridge: Harvard University Asia Center for the Harvard-Yenching Institute.
- Will, P. E. (2007). Developing forensic knowledge through cases in the Qing dynasty. In C. Furth, J. Zeitlin & P. Hsiung (Eds.), *Thinking with cases: Specialist knowledge in Chinese cultural history*. Honolulu: University of Hawaii Press.
- Wu, T 吳壇. (1992 [1886]). *Da Qing lüli tongkao jiaozhu* 大清律例通考校注 (Thorough examination of the Great Qing Code, collated and annotated). Beijing: Zhongguo Zhengfa Daxue Chubanshe.
- Xu, L 許璉. (1890 [1854]). *Xiyuan lu xiangyi* 洗冤錄詳義 (Records on the washing away of wrongs with detailed explanations). Hubei: Guanshuchu 官書處.
- Xue, Y 薛允昇. (1970 [1905]). *Duli cunyi chongkan ben* 讀例存疑重刊本 (Lingering questions when reading the statutes, reprinted edition). Taipei: Chengwen Chuban She.
- Yi, X 伊莘農. (1881 [1838]). *Xuean chumo* 學案初摸 (Elementary models for studying cases). Gansu: Nieshu 臬署.
- Zhu, Q 祝庆祺. (2004). *Xing'an huilan sanbian* 刑案匯覽三編 (Three volumes of conspectus of penal cases). Beijing: Beijing Guji Chubanshe.