CHAPTER 10

Cash Crimes: Why Cash Mattered in Mid-Eighteenth Century Petty Crime

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Qing legislation regarding violence and robbery follows closely on that of the Ming dynasty, as that, in its turn, to a great extent found its inspiration in the Tang Code.1 The Qing Code concerning Violence and Robbery (zeidao 賊盜) contains twenty-nine categories of crime, ranging from the great to the petty. Of the twenty-nine categories, the first eleven concern themselves with offences involving the imperial household and officialdom, including ‘Plotting Rebellion and Grand Sedition’, ‘Stealing Property from the Imperial Treasury’, ‘Stealing Plants or Trees within the Imperial Mausoleum’, and what one might believe was an infrequent crime, namely that of ‘Stealing the Keys to the City Gates’. Following these eleven offences comes a hotch-potch of examples of thievery, the most serious including ‘Forcible Robbery’, ‘Kidnapping’, ‘Obtaining Property by Threats’, and ‘Grave Robbery’. The last of the twenty-nine offences is ‘Removing Tattoos’, and thus deals rather with the punishment frequently meted out for robbery rather than the actual act of thievery itself. The least of the crimes, what may be categorized as petty crime, are ‘Theft’, ‘Stealing Horses, Cattle, and Livestock’, and ‘Stealing Rice and Wheat from Arable Land’. This last category, as so many others, extends far beyond its concise, apparently clearly bounded definition to include illegal mining, digging for ginseng in remote mountain regions, felling timber, as well as entering the imperial hunting grounds to gather firewood.2

The cases in this study derive from the Incoming Documents to the Imperial Household Department (Neiwufu laiwen 內務府來文) section of the National Archives stored in Beijing. The catalogue for the sixty packs of documents

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1 The research, undertaken at the National Archives of China and the Japanese National Archives, upon which this paper is based, was made possible by a generous grant from the Carl Fredrik Lyngby Foundation.
2 On theft and its punishment, see Qinding Da-Qing huidian shili 欽定大清會典事例 (Beijing: Zhonghua shuju, 1991 [original 1899]), 789, fol. 1a–2b, and the convenient commentary at Duli cunyi dianzhu 讀例存疑點注, comp. by Xue Yunsheng 薛允升 (Beijing: Zhongguo renmin gong'an daxue, 1994), 28, pp. 460–462.
concerning criminal cases for the reign of the Qianlong Emperor indicates that they contain a total of 4,947 cases. The documents are unsorted beyond year of decision, at times in poor and even fragmentary condition, yet they include a rich diversity of cases that did not necessarily result in the sentence of capital punishment for the convicted offenders. In this way, the cases differ from the sorts of crimes found taken up in routine memorials where the principal culprit almost invariably received the death sentence, even if his accomplices and those caught up in the net of the law, being regarded in some way as involved in the crime, may have received non-capital sentences. This paper will concern itself with the first twenty-nine years of the reign of the Qianlong Emperor, thus ending in 1764, and bases itself consequently on a selection of materials from nine hundred and seven cases. In fact, the majority of the cases that this paper deals with occurred during the 1750s. Furthermore, the cases for the most part do not involve thefts of imperial or official property, or cases in which the victims or owners of the objects stolen were officials. In other words, we are dealing principally with crimes committed against commoners.

Before considering a selection of cases and what they can tell us about the practice of traditional Chinese law, there is the question of why the cases appear at all in the Incoming Documents to the Imperial Household Department. The reason is that in some way each case was connected, first and foremost, with the Imperial Household’s bond-servants (baoyi 包衣) and their dependents, and thus found its way to the Department’s own tribunal for review and judgment. In general, punishments were lighter on bond-servants than those imposed on commoners—with banishment being commuted to whipping and bearing the cangue, and an absence of facial tattooing.\footnote{Preston M. Torbert, \textit{The Ch'ing Imperial Household Department: A Study of its Organization and Principal Functions, 1662–1796} (Harvard University Press, 1977), p. 69.} In addition to cases concerning bond-servants and those under their jurisdiction, there are those involving artisans formerly employed within the Imperial Household, others that concern commoners stealing Imperial Household property, robbery that has taken place within the precincts of the Forbidden City, and even referrals to the Imperial Household regarding the identification of possible fugitives. And when dealing with theft, the same issues that are central in regular judicial memorials are also treated in the Incoming Documents, namely the identity of the accused, the objects that were stolen and their value, the manner by which they were stolen, the location where they stolen, the ownership of the items, the way in which the thieves disposed of their booty, and the circum-

\footnote{Preston M. Torbert, \textit{The Ch'ing Imperial Household Department: A Study of its Organization and Principal Functions, 1662–1796} (Harvard University Press, 1977), p. 69.}