

# Unruly People

## Crime, Community, and State in Late Imperial South China

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Hong Kong University Press  
The University of Hong Kong  
Pokfulam Road  
Hong Kong  
[www.hkupress.org](http://www.hkupress.org)

© 2016 Hong Kong University Press

ISBN 978-988-8208-95-1 (*Hardback*)

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British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library.

10 9 8 7 6 5 4 3 2 1

Printed and bound by China Translation & Printing Services Ltd. in Hong Kong, China

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## Note to Readers

With only a few exceptions, all Chinese names and terms are transliterated in *pinyin* romanization. In those cases for Chinese names or terms where the characters are unknown, I follow the romanization given in the original text. I have also retained the well-known English renderings for Canton, Hong Kong, and Macao. Throughout this study I use the term Canton delta rather than Pearl River delta, which I take as roughly equivalent to Guangzhou prefecture in the mid-Qing period. For places I use the following conventions: *cun* as village, *xiang* as canton, *she* as community, and *li* as neighborhood. In this study, in general the late imperial period refers to the larger time span of the sixteenth through nineteenth centuries, while mid-Qing refers to a shorter period from roughly 1760 to 1845.

In this book a person's age is calculated according to the Chinese system of reckoning in *sui*, that is the age a person will attain in the current year, not the actual number of months and years that have elapsed since birth. Thus newborns begin at one year old and at the lunar new year one year is added to the person's age. In general, a person who is thirty *sui* is only twenty-nine years old by Western reckoning.

In the notes dates to archival documents are given according to the reign year of an emperor in the Chinese lunar calendar as follows: QL 38.10.18, indicating the eighteenth day of the tenth lunar month of the thirty-eighth year of the Qianlong reign, and JQ 6.r7.15, indicating the fifteenth day of the seventh intercalary lunar month of the sixth year of the Jiaqing reign (the "r" indicates an intercalary lunar month). Besides QL and JQ, I also use YZ for the Yongzheng reign and DG for the Daoguang reign.

In the text, where indicated, measurements are given in the Chinese style of calculating. Because of fluctuations in the value of money, the equivalencies given below are only approximations. When taken from Chinese sources, references to dollars refer to Spanish silver dollars (*yuan*); however, references to "dollars" in Western sources are somewhat ambiguous.

# One

## Introduction

Upon receiving the seals of office in December 1828, the new governor-general, Lu Kun, issued a proclamation characterizing Guangdong as vast and unruly. “Canton province consists of hills and rivers blended together, and borders on foreign countries. To govern according to circumstances,” he wrote, “requires different measures from those adopted in other provinces.” He then went on to explain that “when the public morals are bad, it is a question by what means to reform them. . . . When the powerful and violent indulge in acting irregularly, it is a question how to alter their dispositions. When thieves and robbers abound, how to repress them.”<sup>1</sup>

Lu Kun’s comments raise some interesting questions. Why was banditry so unrelenting and rampant in Guangdong in the mid-Qing period? Why did Guangdong need special measures, different from other areas of the Qing Empire, to deal with bandits? What moral suasions did officials and community leaders use to reform public virtue and prevent violent crime? What actions did the state take to repress banditry? Who were the powerful and violent who engaged in illegal activities? Who indeed were the bandits and how were they organized? Other officials also mentioned the problems associated with sworn brotherhoods, which were ubiquitous in Guangdong. Governor Han Feng even proposed that in order to eliminate banditry, it was first necessary to eliminate brotherhoods and secret societies.<sup>2</sup> What then was the relationship between bandits and sworn brotherhoods? How did bandits, brotherhoods, and the state interact with local communities? These important questions are addressed in this book. Banditry provides a useful window on local communities, as well as state-society interactions, collaborations, and tensions. In writing this book, therefore, my aim is to explore the relationships and interconnections between bandits, brotherhoods, local communities, and the Qing state.

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1. *Canton Register* (January 3, 1829), 2:1.

2. TJD, JQ 16.3.12.

## Themes and Issues

The central concerns of this book are crime and law enforcement in Guangdong province in south China during the mid-Qing dynasty, roughly the years from 1760 to 1845. My focus is on bandits, sworn brotherhoods, and local law enforcement. Specifically, this study is divided into three parts: one, preventive measures and protective strategies; two, crimes, criminals, and community; and three, state and local law enforcement. The first part addresses the interactions of state and local communities in developing protective measures against banditry. The second part analyzes the activities, composition, and organization of bandit gangs and sworn brotherhoods in Guangdong. The third part examines in detail the policies, especially the adoption and application of laws, employed by the Qing government for suppressing these criminal associations and curbing their activities. This study, therefore, focuses on collective predatory crime and the legal responses of the state to those crimes. My purpose is to fill a hiatus in the existing scholarship on Chinese social history by examining mid-Qing Guangdong through the perspective of crime and law enforcement.<sup>3</sup>

The years between 1760 and 1845 were tumultuous ones for China. Although a number of historians view the start of the nineteenth century as the beginning of the Qing dynasty's decline, in reality its unravelling began nearly half a century earlier. The 1760s marked the beginning of a downward shift in the Qing equilibrium exemplified by the end of major frontier wars and territorial expansion, the start of chronic inflation and recurring fiscal crises, the growth of bureaucratic corruption and the concomitant moral decay of the imperium, and the breakdown of the military and judicial systems. Significantly too, beginning in the 1760s, Guangdong witnessed a sharp increase in secret society activity. The Opium War in the 1840s marked another important shift for the Qing state and society with a catastrophic military defeat followed by a protracted period of unequal treaties and foreign imperialism in China. In Guangdong the war also marked a major shift in the balance of power from the state to local society. Taken as whole, this eighty-five-year period was a time of profound change and transition driven by the dynamics of commercial expansion and population explosion. Commentators noted several disturbing trends—a weakening of traditional values, the growth of massive unemployment and underemployment, and the development of a huge floating population of itinerant laborers, peddlers, and vagabonds. What began as an age of relative peace and prosperity gradually deteriorated into an age of intense competition, restlessness, and turmoil.<sup>4</sup>

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3. Let me start with a disclaimer. This study does not attempt any cross-regional comparisons of banditry and law enforcement with other areas of China simply because there are no other similar studies in any language that cover the period under discussion in the current study. Therefore, at this stage in research, any comparisons, though indeed potentially useful and insightful, would be perfunctory and superficial.

4. See, for example, studies by Maeda 1969; Kuhn 1980 and 1990; Antony 2003; and Rowe 2011.

The mid-Qing saw the start of a prolonged period of escalating violent confrontations between state and local society.<sup>5</sup> In a society that was rapidly turning in on itself, the proliferation of bandit and sworn brotherhood activism developed along with many other upheavals during this period. There was, in fact, an unusually large number of major social disorders: the Wang Lun Rebellion in 1774 in Shandong; the Lin Shuangwen Rebellion in Taiwan (1786–1787); disturbances of Miao minorities in the mountains of Hubei, Guizhou, and Sichuan in the mid-1790s; the White Lotus Rebellion in central China (1795–1804); massive pirate upheavals along the southern coast of China (1780–1810); Triad uprisings in Huizhou prefecture, just to the east of Canton (1802–1803); an uprising in north China in 1813 that was led by the Eight Trigrams sect and in which rebels broke into the Forbidden City in Beijing; and a massive Yao rebellion in 1832 in the mountainous area bordering Guangdong, Guangxi, and Hunan. These continuous and swelling social disorders and the equally relentless suppression campaigns by the Qing government are major themes in the history of China during this era.<sup>6</sup>

But there are other equally important yet unexplored themes in late imperial China's history. If rebellions were, as Susan Naquin has suggested, "occasional explosive acts of organized violence" that are "noteworthy precisely because they are unusual,"<sup>7</sup> then banditry was a more common, incessant, and everyday occurrence in local society and in the lives of ordinary people. Not only did local communities have to learn to cope with and endure the multitude of crimes and violence committed by gangs of bandits and sworn brotherhoods, but the state too had to deal with these criminal associations and their activities on a regular basis.

One of the most important trends among social historians over the last forty years has been the explosion of interest in the history of crime and law. Most of this work has been concerned with Western Europe, and with England in particular. Important studies by E. P. Thompson, Barbara Hanawalt, J. M. Beattie, George Rudé, Clive Emsley, J. Carter Wood, and others, by focusing on the social meaning of crime and the social context of law, have gone beyond the study of institutions, cases, and precedents that previously dominated the field.<sup>8</sup> These studies are based on the shared assumption that in order to fully understand a society we must examine it not only from the perspective of its ruling elites who make the laws, but also from the perspective of the lower orders, including those people convicted of breaking the laws. The

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5. See C. K. Yang 1975; Marks 1984; Rowe 2007; and Hung 2011. The time frame of this study largely overlaps that of Ho-fung Hung's insightful study (2011) of "protest with Chinese characteristics," which covers the years from 1740 to 1839. For analytical purposes Hung divides this century into three discrete periods of social protest to examine demonstrations, riots, and petitions. Crime and banditry *per se* are not the central concern of his study and therefore his periodization of the mid-Qing period better suits his study, but not mine.

6. See Suzuki [1952] 1971; Kuhn 1980; Naquin 1976; Murray 1987; Ownby 1996; and Antony 2003.

7. Naquin 1981, xi.

8. Thompson 1975; Hanawalt 1979; Beattie 1974 and 1986; Rudé 1985; Emsley 1996; and Wood 2004.

study of crime in past societies, as Beattie rightly explains, “promises to provide some insight into the behavior of ordinary men and women who have left few records of their lives and attitudes; and the means adopted to deal with crime promise in turn to reveal something of the mentality of the classes who made the law and ran the courts.”<sup>9</sup> By looking at crime as an integral part of society, Beattie and others have been able to discern an enormous and intricate web of social relationships that underpin criminality and its role in society as a whole. They demonstrate that the study of crime and law can tell us much about society itself, about its dynamics, tensions, values, and mentalities. These studies, which have made important contributions to Western social history, offer useful new approaches and methods for the study of Chinese social history.<sup>10</sup>

To date little has been published on the social history of crime in China. Although there are a number of excellent related studies on Chinese law, banditry, and secret societies, none of them have treated crime in a detailed or systematic manner. Older studies in Chinese legal history, such as those on the Qing period by Derk Bodde and Clarence Morris, Nakamura Shigeo, Shiga Shuzo, Zhang Weiren, and others, have been mainly concerned with changes and revisions in statutory laws, the development of legal principles and institutions, or judicial procedures.<sup>11</sup> Although Mark Allee’s study on law and local society in northern Taiwan in the nineteenth century is closely related to my own research, his study is about a frontier society that developed quite differently from Guangdong; it is most useful for the thick descriptions of the practical operations of the law in Taiwan in the late nineteenth century.<sup>12</sup> Recent studies by Philip Huang, Mathew Sommer, Bradley Reed, and Melissa Macauley have expanded the scope of Qing legal studies by examining such important issues as civil justice, sex crimes, yamen underlings, and pettifoggers through the perspective of social history, but they do not examine violent collective crime.<sup>13</sup>

Scholars who have broached the subject of Chinese banditry, such as Frederic Wakeman, Hsiao Kung-chuan, Philip Kuhn, Albert Feuerwerker, Elizabeth Perry, James Tong, David Robinson, and Huang Zhifan, have viewed it as a form of popular dissidence, a level of local militarization, or a stage of rebellion.<sup>14</sup> Perry, however, has made an important and influential contribution by analyzing banditry as a predatory survival strategy that developed out of the particular ecology of the Huaibei region of northern China in the post–Opium War period. Robinson also adds significantly

9. Beattie 1986, 3.

10. For a critical discussion of the scholarship on social history of crime in Europe see Sharpe 1982.

11. Bodde and Morris 1967; Nakamura 1973; Shiga 1974–1975; and Zhang Weiren 1983. For a recent study written in a similar vein see Sun Xiangyang 2013.

12. Allee 1994.

13. P. Huang 1996; Sommer 2000; Reed 2000; and Macauley 1998. For an insightful overview of recent trends in Chinese legal studies in the United States see You 2013.

14. Wakeman 1966; Hsiao 1960; Feuerwerker 1975; Kuhn 1980; Perry 1980; Tong 1991; Robinson 2001; and Huang Zhifan 2006.

to our knowledge by discussing mid-Ming banditry in terms of a broader economy of violence that was an integral component of Ming society. Building on earlier studies of Perry, Robinson, and others, William Rowe's book on Machang county in north China between the fifteenth and twentieth centuries examines local banditry in the context of the social ecology of violence.<sup>15</sup> Finally, although Phil Billingsley and several other scholars have written important histories of banditry in the early twentieth century, they are outside the scope of my study and lend little to our understanding of banditry in an earlier era.<sup>16</sup> None of the above-mentioned studies, in fact, examine banditry in south China in the mid-Qing period, nor do they specifically address the issue of crime.

Likewise, earlier studies on Chinese secret societies have generally discussed them within the narrow confines of rebellion, revolution, and class conflict. For example, Xiao Yishan, Jean Chesneaux, Fei-ling Davis, Lu Baoqian, and He Zhiqing have all analyzed secret societies in terms of proto-nationalism, social protest, and anti-dynastic dissent.<sup>17</sup> Although studies by Zhuang Jifa, Qin Baoqi, Dian Murray, David Ownby, and Barend ter Haar have redirected our attention to the social roles of secret societies in local communities, they have not adequately examined their close connections with banditry.<sup>18</sup>

All of these previous studies on law, bandits, and secret societies have overlooked the key issue: crime. The study of crime, together with the actual enforcement of laws, should be a logical extension to the work already done in Chinese legal history. Studies on secret societies and bandits, by drawing attention away from the crucial theme of crime, have not only inadequately treated but have also obscured what was quite obviously a fundamental activity of those associations.

But what do we mean by "crime"? Our modern Western concept was unfamiliar to the Chinese in the Qing period. Furthermore, even among historians and sociologists of today there is little agreement as to what exactly should be construed as crime. To begin we must realize that the notion of crime is relative to both time and place. It is essential, as J. A. Sharpe explains, "to define criminal behavior in the past in the terms in which contemporaries saw it."<sup>19</sup> Throughout this study I therefore spend a great deal of time and space analyzing and defining specific predacious crimes within the traditional Chinese context.

As a starting point for our discussions, in Qing China, as elsewhere, crimes included any activities punishable by law. We can discern four broadly defined types of crime: those against the state (e.g., treason and rebellion), those against society

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15. Rowe 2007.

16. Billingsley 1988; Tiedemann 1982; Wu Huifang 1990; P. Shen 2006; and He Wenping 2011; for a survey of recent Chinese scholarship on Republican-era banditry see Xu and Billingsley 2002.

17. Xiao Yishan 1970; Chesneaux 1971a; F. Davis 1971; Lu Baoqian 1975; and He Zhiqing 1996.

18. Zhuang Jifa 1981; Qin Baoqi 1998; Murray 1994; Ownby 1996; and ter Haar 1998.

19. Sharpe 1982, 188.

(e.g., homicide, robbery, kidnapping, rape), those contrary to the ideas and norms of the established state and society (e.g., heterodoxy), and civil offenses (e.g., breach of contract). This study is mainly concerned with the second type of crime, those against society. Law served as an important ideological instrument of the state, allowing officials to conveniently differentiate right from wrong, orthodoxy from heterodoxy, and legal acts from crimes. What is more, in fixing punishments the state also determined the varying degrees of criminality: in general, the more serious the crimes, the harsher the penalties. The state enacted laws, in large measure, to protect its own interests by assuring its longevity through the creation of a society that was controllable and orderly. In dealing with bandits and brotherhoods, I argue that the Qing state relied chiefly on both normal and extraordinary legal measures to suppress their activities; rarely and only when the situations got out of hand did officials resort to military suppression campaigns.

This leads to another problem of value and value judgments in labeling crime. Although there is no scholarly consensus on the definition of crime, a number of social historians have suggested that we divide crime into two broad categories: social crime and (for lack of a better term) predacious crime. The former includes such acts as smuggling, sedition, and riot, that is, offenses that are not necessarily regarded by most people as authentic crimes, and were in fact often carried out with the active, or at least tacit, approval of the community. The latter includes acts which are usually considered unlawful by both the state and the people, such as theft, robbery, kidnapping, extortion, rape, arson, and homicide.<sup>20</sup> These were serious crimes, as Beattie notes, that did “real harm . . . to a specific victim.”<sup>21</sup>

Bandits were mostly involved in predacious crimes. They typically engaged in crimes which respectable society and their victims, as well as officials, regarded as reprehensible, but which the perpetrators themselves perhaps regarded as unavoidable and necessary for survival.<sup>22</sup> In my discussions on brotherhoods and secret societies, in this study I focus on their connections with bandits, and therefore emphasize their predacious natures. However, it must be pointed out that not all brotherhoods and secret societies engaged in predacious crimes. Simply joining a sworn brotherhood, nonetheless, was a crime in the Qing dynasty.<sup>23</sup>

Guangdong province provides an ideal case study for collective crime and law in the mid-Qing period. This was a time when bandits and sworn brotherhoods flourished throughout the province. Banditry, in particular, was a chronic and widespread problem in Guangdong, but especially (and contrary to conventional wisdom) in the core Canton delta and along major inland trade routes. These were areas, not

20. See representative discussions in Hay, Linebaugh, and Thompson 1975, 13–16; Rule 1979; Beattie 1986, 6–8; Rudé 1985, 78–88; and Emsley 1996, 2–6.

21. Beattie 1986, 6.

22. See Antony 1995.

23. See Antony 1988, 351–65.

coincidentally, where commercialization and population density were the greatest, and where the contradictions between rich and poor were most pronounced. This period also saw the rapid growth of sworn brotherhoods and secret societies in the province, as well as their increasing involvement in banditry. The promulgation of numerous new and increasingly harsher laws, particularly special statutes that dealt exclusively with bandit and sworn brotherhood activities in Guangdong, indicated the state's growing concern over predacious crime and criminal associations in this important southern province.<sup>24</sup>

I develop several key arguments in this book. First, most individuals who joined bandit gangs and sworn brotherhoods belonged to the working poor. Banditry became one of the chief weapons in the arsenal of poor and marginalized people in their unrelenting struggle to survive. Second, bandits and brotherhoods were intrinsic components of Guangdong's social and cultural fabric. While some were embedded in the structures of local communities, most gang members were highly mobile and not tied to any particular town or village. Third, in large part, due to the high degree of mobility and sporadic nature of most criminal bands, officials found it difficult to suppress them. Fourth, except when bandits and brotherhoods got out of hand and the government had to launch military suppression campaigns, officials normally dealt with them through routine or extraordinary legal methods. As banditry and brotherhood activities increased tremendously over the eighty-five years in this study, the state reacted with a proliferation of new anti-bandit and anti-brotherhood laws that dealt specifically with problems in Guangdong province. Fifth, the degree of suppression depended on the degree of cooperation between the state and local communities. Whenever communities believed that officials were lax in their duties, particularly in repressing banditry, villagers took the law into their own hands; at other times they cooperated with officials, through various local paramilitary organizations, to suppress bandits and other local disturbances.

## Sources and Evidence

There is no lack of primary sources for the study of crime and law in Guangdong province during the mid-Qing period. In fact, there exist rich archival collections in Beijing and Taipei that contain records and information quite similar to those used by scholars who study the social history of crime in the West. Among the Qing archives the most useful sources for my study are the palace memorials (*zouzhe*) and routine memorials (*tiben*). These documents, the most important of which emanated

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24. Guangdong province was never a peaceful place, as studies by James Tong (1991) on the Ming dynasty and C. K. Yang (1975) on the late Qing dynasty demonstrate. At any rate, contemporary mid-Qing officials and literati were almost unanimous in their opinions that Guangdong was the most bandit-ridden and unruly province in the empire.

from high-ranking provincial officials, shed much new light on the conditions in local society, the daily lives of ordinary people, and their interactions with the state. In particular, much of the information about the poor, illiterate, and those labeled as social misfits—those individuals who were most likely to have joined bandit and brotherhood gangs—cannot be gained elsewhere. As official reports they also detail government reactions to crime and lawlessness in Guangdong at that time.

The palace and routine memorials were the heart of a complex communication system that linked the central government in Beijing with the provinces. Administrative integration was maintained by the ceaseless flow of documents to and from the throne. Provincial officials sent information and reports to Beijing via the imperial postal service in the form of rigidly formulated memorials and the emperor sent down orders in edicts, decrees, and rescripts. Each type of document was different and used for different purposes. Palace and routine memorials, for instance, differed in form, style, and content. In general, the former were normally concerned with important, and indeed often pressing, matters of state, while the latter dealt mostly with ordinary or routine matters. Besides the original memorials sent to the emperor and which were endorsed in his vermilion or red ink, a number of central government agencies also made duplicate copies and registered memorials in record books either in total or in summary form. Thus, both palace and routine memorials can be found in a number of archival collections; today they are mainly located in the First Historical Archives in Beijing, the National Palace Museum in Taipei, and the Grand Secretariat Archives at Academia Sinica in Nangang, Taiwan.<sup>25</sup> From these archival collections, I have collected, recorded, and analyzed roughly 2,300 criminal cases involving bandit and sworn brotherhood activities in Guangdong between 1760 and 1845. These archival sources form the central core of evidence used in this book.

Although the memorials dealt with a large variety of matters, the most important ones for this study are the records of criminal cases (*xing'an*) found in both the palace and routine memorials. All of these criminal cases involved serious crimes which carried the death penalty. Qing law required that officials report all capital cases to the throne in either palace or routine memorials. A whole set of complex regulations governed the appropriate type of memorial that could be used in reporting cases. On the one hand, in general, palace memorials had to be used for all important cases (*zhongan*) involving the death penalty, specifically in cases carrying sentences of imminent decapitation and exposure of the head (*zhan lijue xiaoshi*), death-by-slicing (*lingchi*), and all types of summary executions (*wangming xianxing zhengfa*). Routine memorials, on the other hand, were used for ordinary (*xunchang*) cases, which included those with penalties of strangulation (*jiao*) or decapitation (*zhan*) after the assizes (*jianhou*), as well as imminent strangulation (*jiao lijue*) and

25. See, for example, Silas Wu 1967; Ju Deyuan 1982; Zhuang Jifa 1983; and Park and Antony 1993.

imminent decapitation (*zhan lijue*).<sup>26</sup> In rare instances I discovered several cases with penalties of imminent decapitation and exposure of the head and with penalties of death-by-slicing that were reported in routine memorials.

The memorialized records of criminal cases contain a wealth of information not only on offenses and punishments, but also on the convicted criminals and their victims. Because palace memorials were more informal and less rigid in style, their content varied in detail from author to author. Yet in most cases they included a good bit of information on principal offenders, including their native place, the date, place, and nature of the crimes committed, the number of men involved in each crime, and their arrest and sentencing. Sometimes their occupations were also mentioned. Palace memorials, however, rarely contained information on the ages or family backgrounds of convicted criminals. Routine memorials, which were more formal standardized documents, included not only the same sorts of information found in palace memorials, but usually in greater detail, as well as important information on ages, occupations, and family backgrounds of both principals and accessories in crime.

However, these archival sources, like any other historical sources, have certain biases and shortcomings. As part of the bureaucratic system these documents were often used to advance and protect official careers and, as such, had a tendency to minimize problems of banditry, for instance, by reporting robbery as the less serious crime of theft. Because the archival records were written by and for officials, one obvious problem is that criminality was legally defined and categorized by the state and therefore reflects its concerns at a particular time and location. Furthermore, there is always the problem of missing data because of gaps in the records due to lost files. Another crucial question for any study of crime that is based on criminal records is to what extent do such documents reflect the actual amount of crime and criminality. It is certain that criminal case records only represent a fraction of the actual total number of crimes committed. Most crimes, in fact, remained unreported and therefore unrecorded. This puts certain limitations on the use of evidence employed in this study; for example, it is impossible to determine crime rates. Nonetheless, I argue that these records do reveal a fairly reliable explanation of criminal patterns over the eighty-five-year period examined in this book, as well as rich descriptions of the personal backgrounds of convicted bandits and brotherhood members and the circumstances surrounding their activities. Furthermore, these case records accurately

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26. On the various regulations governing the use of memorials in reporting capital cases, see *Qing shigao xing-fazhi zhujie* 1957, 88–89; and HDSL 1899, 845:14b–15b. Throughout this book I use the term “imminent” rather than the more conventional “immediate” to describe the so-called *lijue* executions (thus imminent strangulation and imminent decapitation). Immediate executions is a misnomer because they were never carried out immediately after trial, but rather had to await the approval from the throne, which sometimes took months or even longer.

reflect the government's attitudes and responses towards crime and lawlessness in Guangdong at that time.

Aside from the above-mentioned archival records, this study draws on a considerable body of other primary sources as well as extensive historical fieldwork that I have conducted in rural Guangdong over the past fifteen years. I have consulted all of the standard published sources on the Qing dynasty: the *Veritable Records* (*Qing shilu*), the *Compendium of Statutes and Precedents of the Qing Dynasty* (*Da Qing huidian shili*), the *Conspectus of Penal Cases* (*Xing'an huilan*), and various legal treatises by Huang Liuhong, He Gengsheng, Liu Heng, and others, as well as the extant Qing- and Republican-era local gazetteers from Guangdong. One of the most useful sources, particularly for the Daoguang period, is the multi-volume *Leading Cases from Guangdong, first series* (*Yuedong cheng'an chubian*), compiled by Zhu Yun and published in Canton in 1832. Unlike the *Xing'an huilan*, which only includes brief summaries of leading cases, the *Yuedong cheng'an chubian* collection includes extended detailed accounts of exemplary legal cases involving robbery, snatching, theft, kidnapping, extortion, and so forth, all of which are relevant to this study on banditry and sworn brotherhood activities in Guangdong.

I have also found a number of contemporary Western accounts in books and journals quite informative, especially for the 1820s to 1840s, for which there are fewer extant archival documents. Finally, fieldwork has greatly informed and enhanced my study; I have been able to visit many rural villages, to collect folktales and stories about bandits and secret societies that have been handed down orally from generation to generation, and to record epigraphic materials, especially stone inscriptions from the mid-Qing period, which often included information on local conditions, bandit activities, and village protective measures not found in any other sources.

## Organization of the Book

The following chapter contextualizes banditry and brotherhood activities in mid-Qing Guangdong with a discussion of geopolitical conditions, escalating ecological crises, and mounting large-scale social disorders in the province. The main body of the book is divided into three sections: one, preventive measures and protective strategies (chapters 3–5); two, crimes, criminals, and community (chapters 6–9); and three, state and local law enforcement (chapters 10–12). These are followed by a conclusion.

Chapter 3 discusses the Qing state's attempts to prevent crime and maintain social order through the dissemination of law and moral suasion. For the state this meant that educating the people about the law was a vital preliminary step in crime prevention. Officials distributed throughout the empire copies of the law code and imperial injunctions and required that each community establish semi-monthly community lectures to explain them. Important laws and local regulations were routinely posted

in markets and at city gates, often engraved on stone steles. Officials also encouraged lineage and family elders to teach their members about what conduct was appropriate and legal. Nonetheless, despite all the efforts of the state to disseminate the law among the lower orders, in and of themselves, these measures had little impact on actual law enforcement and deterrence of crime.

Contrary to conventional wisdom, which informs us that the reach of the state stopped at the county yamen, in the fourth chapter I argue that state agencies, particularly subcounty officials, yamen staff, and military personnel, actually penetrated deep into local society and played an indispensable role in law enforcement efforts at the grassroots level. Although there were tensions in the relationship, nonetheless it was to their mutual advantage that state agents and community leaders cooperate to rid the countryside of social disorders caused by bandits. Major conduits for this cooperation were the mutual surveillance (*baojia*) and local constable (*dibao*) systems, both of which operated in the nebulous space between state and local society. All of these efforts, I argue, had mixed results for local crime prevention.

The fifth chapter analyzes local self-regulation and law enforcement efforts. In conjunction with government, local communities also devised various methods for their own security and self-defense. Despite the state's efforts and accomplishments in reaching down into local communities, the countryside was too vast and populous for state agents to penetrate everywhere. Normally the government preferred not to intervene directly in local affairs, but rather, to do so only indirectly through community lecture (*xiangyue*) and mutual surveillance (*baojia*) agents. Occasionally, in times of crises, the state would intervene more directly, such as in cases of famine relief and the suppression of riots and rebellions, but more routine security matters were normally left to each individual community. Rural towns and villages adopted a number of strategies for self-protection against bandits, including walls and other fortifications, guardsmen units, crop-watching associations, and militia. Nonetheless, I also argue that there was a complicated mix of activities in local communities involving both protection and predation.

Chapter 6 begins the second part of this study with an examination of the structures of collective crime. I begin with explanations of the various Chinese terms that have been used in the past to depict what in English is called "banditry" and next move on to present a typology of sworn brotherhood associations common in Guangdong in the mid-Qing period. Much of the remaining discussion focuses on recruitment methods and organizational attributes of bandit gangs and sworn brotherhoods. Here I consider several types of bandit organizations, such as formal and informal gangs, and the close relationships that sworn brotherhoods had with banditry in Guangdong during that time.

While the archival records reveal little about the psychology of criminals and criminality, they do shed important light on the identities and personal backgrounds

of bandits. In Chapter 7 I examine the social composition of members of bandit gangs and sworn brotherhoods: age, marital status, geographic mobility, and occupations. Significantly, and contrary to the usual interpretation of banditry in the scholarly literature, the evidence from Guangdong demonstrates that banditry was not merely an occupation of younger men but also of older, more mature adults, many of whom were married with families. Most convicted bandits and brotherhood members came from China's laboring poor, those individuals who were highly mobile, lived on the fringe of respectable society, and earned only a subsistence living. The fact that such a large number of bandits and brotherhood members were mature working family men suggests that they turned to crime in times of desperation or as a necessary supplement to honest work. Unemployment and chronic underemployment, I maintain, forced many among the working poor to commit crime; stealing became an important, though normally only occasional, part of their livelihoods and life cycles.

Chapter 8 closely examines criminal activities. Bandits engaged in a large variety of illegal activities. They formed predatory gangs to operate outside the law and used real and implied violence to prey upon and manipulate others. They became involved in what the Qing government regarded as serious crimes, such as robbery, theft, snatching, kidnapping, extortion, murder, and rape. Most of these crimes carried the death penalty. Some gangs, and in particular sworn brotherhoods, also became increasingly involved in organized forms of crime including prostitution, gambling, and opium smuggling. While banditry occurred everywhere in Guangdong, contrary to conventional wisdom, bandits and brotherhoods were most active in the core Canton delta and along major inland trade routes. The archival evidence strongly suggests an underlying economic, not political, basis for banditry and brotherhood activities in late imperial Guangdong.

Like other types of criminal organizations, bandits also depended on "outside" help to survive. The ninth chapter explores criminal networks. Although Elizabeth Perry and others have argued that bandits were deeply embedded in the structures of local communities, I contend that the situation was much more complicated and nuanced. Bandit connections to local communities often were through intermediaries or networks of accomplices that included kinsmen and strangers. Bandits and brotherhoods, indeed, were intrinsic components of the local social fabric; they relied on a vast covert network of spies, fences, yamen underlings, soldiers, commoners, and local gentry for support. Bandits also were part of a vast underground culture of violence and vice that rejected the dominant Confucian values upheld by officials and so-called respectable society.

Chapter 10 begins the final section on state and local law enforcement with a discussion on the promulgation of several crucial Qing laws. Although officials and other observers throughout the eighteenth century frequently complained about Guangdong's lawlessness, it was not until the 1780s that the central government

began to enact specific laws to deal with bandits, sworn brotherhoods, and social disorder in the province. Between 1780 and 1845, a time when officials perceived a rising crime wave in the province, the government passed at least twelve special sub-statutes to handle the problems in Guangdong and neighboring provinces. The burst of special legislation during those years was both an indication of a rise in bandit and brotherhood activity in Guangdong as well as the deep concerns that the state had about maintaining law and order.

In the eleventh chapter I address questions regarding the judicial processes at the local level. First of all, I discuss how crimes came to the attention of officials and the sorts of procedures or formalities that were involved in reporting crimes to local officials. Next, once a crime came to the attention of officials, how did they investigate crimes? What rules governed these procedures? How were suspects apprehended? In this chapter I argue that subcounty officials, yamen underlings, and the military played vital roles in apprehending bandits. Finally, I address the government's use of military campaigns, mostly in mountainous areas, to suppress persistent problems of banditry when normal law enforcement methods proved inadequate.

In the final chapter, I explore issues related to local vigilante justice as well as hearings and trials at the local level of government of those persons arrested for involvement in banditry and sworn brotherhood activities. This necessarily involves discussions of jails and detention of criminals, magistrates' hearings, and punishments. I end with an analysis of the patterns of prosecutions and punishments and assess the successes and failures of the judicial system in suppressing banditry and brotherhood activities in late imperial Guangdong.

The conclusion summarizes the main findings of this book with discussions of the underside of Guangdong society and the connections between banditry, community, and the state in late imperial Guangdong. Lastly, I briefly discuss the pressing problems of criminal gangs and secret societies in contemporary China in terms of the relevance of the past in understanding the present. As sociologist Ho-Fung Hung reminds us, "The past is always a constitutive part of the present, and it will continue to be part of the future."<sup>27</sup> With this in mind let us engage the past.

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27. Hung 2011, 201.

## Afterword

My research has always focused on what is called history from the bottom up. I believe that in order to understand a society, and its history, we must look at it not only through the eyes and words of the men at the top but also from the perspective of the little guy, both men and women, at the lower end of the social ladder. This sort of history, however, is not easy to get at and involves tedious research using both conventional and unconventional sources as well as innovative methodologies and lots of imagination. I find my clues to the past not only in dusty archives but also in gritty fieldwork in rundown villages and in beach resorts that were areas once inhabited by bandits and pirates. My interests range from the history of crime and the culture of violence to popular religion and local folkways in late imperial south China.

This book is the product of over thirty years of research that involved more work than any sane person would ever want to admit. When I began this project, I never imagined that it would take so long to complete. It is a work of both joy and pain. Over those years I visited and revisited libraries across the United States, Europe, China, Taiwan, Hong Kong, and Macao, as well as national and local archives in China and Taiwan, always seeking some new or missing piece of evidence I thought essential for my argument. I have been fortunate to live and work in Asia, on the southern edge of south China proper, for the past ten years, and this has given me many opportunities to visit the areas that I have read so much about. The archival research, which forms the core of this study, has provided me the essential context for my understanding of local history, while the fieldwork in rural communities and small country towns has provided me a depth of understanding unavailable in written sources and a better appreciation of the lived histories of the people I study.

Over all these years I have accumulated countless debts to teachers, colleagues, classmates, students, and friends, who have all in one way or another helped me along the way. First and foremost I am grateful to my teachers Gabriel Chien, Richard Collin, Jerah Johnson, Paul Sanford, Harry Lamley, Brian McKnight, Alvin So, T. Y. Tao, John Stephan, Robert Sakai, K. C. Liu, Wei Qingyuan, Ju Deyuan, Qin Baoqi, Ye Xianen, Yang Guozhen, Wejen Chang, and Zhuang Jifa, all of whom have taught me a great deal about doing history. Among my colleagues, classmates, and friends, too many

to mention, I would like to express my indebtedness to Odoric Wou, Jane Leonard, Lin Man-houng, Lin Wei-hung, Joseph Lee, On-cho Ng, Roy Hanashiro, Nancy Park, Paul Van Dyke, Zhidong Hao, T. J. Cheng, Kit Kelen, Peter Zabielskis, Tianshu Zhu, Vincent Ho, Li Qingxin, Liu Ping, Xu Youwei, Wu Xiaoling, He Xi, Henry Pontell, John Hipp, Bill Porter, and Bill Guthrie; they have all helped in ways usually unbeknown to them. In recent years several graduate research assistants have been of tremendous help to me both in libraries and in fieldwork: Ma Guang, Hei Rei, Chen Bin, He Xingyin, Liang Xiuqing, Huang Meiling, Li Huishi, Kuang Meihua, Xue Qianhui, and Raquel Dias. Intellectually, I have benefited tremendously from the works of fellow scholars Frederic Wakeman, James Watson, David Faure, William Rowe, Helen Siu, Robert Marks, Liu Zhiwei, James Hayes, and David Ownby.

Nothing could have been written without several generous research grants. I am grateful for four Fulbright fellowships to Taiwan and China between 1984 and 2002, an NEH summer grant for research in Taiwan in 1989, a CSCPRC grant for research in Beijing in 1990, and several university faculty grants that allowed me to visit libraries and archives, and to do extensive fieldwork in Guangdong. In writing this book I took advantage of opportunities as a visiting scholar at Academia Sinica in Taiwan in 1995–1996, 1997, and 2001–2002, at People's University in Beijing in 1990, at Beijing Normal University in 1995, and at the University of California at Irvine in the summer of 2013. I did much of the writing of this book during those visits.

My deepest gratitude, however, goes to the local scholars, cultural experts, and countless villagers that I have met, interviewed, and become friends with over the years. I would like to especially mention Chen Zhijian, former director of the Zhanjiang Municipal Museum, and Cao Chunsheng, director of the Liu Yuxi Memorial Institute in Lienzhou; both men took time out of their busy schedules to accompany me and my research team on numerous occasions in the Leizhou peninsula and mountains of Lienzhou and Liannan. Finally, I wish to thank my wife, best friend, and collaborator, Chang Lanshin, who has unwaveringly endured and patiently supported this project over so many years. She has been my constant source of encouragement and perspicacity.

# Glossary

This glossary provides the Chinese characters for special terms and expressions, but not for the names of people and places. For the Chinese or Japanese characters for authors and titles of books and articles see the bibliography.

anjian	暗監
aojia	澳甲
aozhang	澳長
bafeng	把風
baiyi	白役
baizhou qiangduo	白晝搶奪
banfang	班房
bang	幫
banguan	班館
bao (watch)	保
bao (fort)	堡
bao (written complaint)	報
baogao	報告
baojia	保甲
baozhang	保長
bazong	把總
bei	碑
biao	表
bing	稟
bingci	稟詞
bushoufen	不受分
buyi	捕役
caihua	採花
caipiao	彩票
canjiang	參將
caoer	槽兒

chaipiao	差票
chaiyi	差役
chi	答
chihongqian	吃紅錢
chongjun	充軍
chuanhuan	傳喚
chuoji	戳記
cizi	刺字
cun (village)	村
cun (measure)	寸
dadan	打單
dadan feifan	打單匪犯
dage	大哥
Dai	傣
daigao	代告
daigun	帶棍
daishu	代書
dan	石
Dan	蛋
dangpiao	當票
dangpu	當舖
danqi jiancong	單騎減從
dao	盜
daoan	盜案
daofen	盜氛
daohui	盜會
daozei	盜賊
dayouxun	大遊巡
dazai	打仔
dazhegu	打鷓鴣
Dengtianjunhui	鄧天君會
Deyitang	得意堂
dianshi	典史
diaolou	碉樓
dibao	地保
diren	敵人
diyu	地獄
dongshi	董事
douli zhi xi	鬪力之戲
duilian	對聯

dun	墩
e su	惡俗
falü	法律
fanli	凡例
fantan	番攤
fanyin	番銀
faqian	發遣
fei	匪
feigai	匪丐
feilei	匪類
feiya	肥鴨
fen	分
fengzai	風仔
fu	府
fufan	復犯
fujiang	副將
fumuguan	父母官
futou	夫頭
gaitou	丐頭
ganyuan	幹員
gao	告
geng	更
gengfu	更夫
genglian	更練
genglou	更樓
gong	供
gongfu shi	功夫市
gongguan	公館
gongsheng	貢生
gongsuo	公所
gongtong hehe jiewan weiji	共同和合結萬為記
gongyue	公約
gongzhao	供招
gu	股
guan	貫
Guandihui	關帝會
guanggun	光棍
guanxi	關係
guazi	瓜子
gugong	僱工

guilucheng	歸路呈
guntu	棍徒
Hakka (Kejia)	客家
hanbao	喊報
hanbing	喊稟
hancheng	喊呈
haohan	好漢
hebosuo guan	河伯所官
heihua	黑話
heishouhui	黑手會
heiyu	黑獄
Heshen Miao	河神廟
Hoklo (Fulao)	福佬
Hong	洪
huapiao	花票
hui	會
huibu	會簿
huifei	會匪
huiguan	會館
huitu	繪圖
Hutuli	瑚圖禮
jia	甲
jiagun	夾棍
jiahao	枷號
jiahou	家后
Jing	京
jianghu	江湖
jiangui	姦宄
jiangyue suo	講約所
jianhou	監候
jianmin	賤民
jianpiao	剪票
jiansheng	監生
jiao	絞
jiao lijue	絞立決
jiazong	甲總
Jinlanhui	金蘭會
jinshi	進士
jufei	巨匪
juren	舉人

ka	卡
kanqinghui	看青會
kanyan	勘驗
kemin	客民
kezhang	客長
konghe qucai	恐嚇取材
kou	寇
lanzai	爛仔
laxin	拉心
li (substatute)	例
li (neighborhood)	里
Li	黎
lijue	立決
liang	兩
liangmin	良民
liaomin	寮民
liaozhang	寮長
lidian	禮典
liji zhengfa	立即政法
lijian	裡監
limu	吏目
ling	令
lingchi	凌遲
liu	流
liumang	流氓
Liuyu	六諭
liuzei	流賊
Longpai	龍牌
lou	樓
lougui	陋規
lū	律
lueren luemairen	略人略賣人
Lüliguan	律例館
luocao	落草
mengfeng	猛風
menpai	門牌
miaozhu	廟祝
minbing	民兵
ming	銘
mingdan	名單

mingguan jiuzhi	鳴官究治
Minglun tang	明倫堂
minzhuang	民壯
mu	畝
muchuo	木戳
mudou	木斗
neihefei	內河匪
neizheng baojing	內政保警
neizheng zhiguan	內政職官
Niutouhui	牛頭會
pai	牌
paotai	砲台
pengmin	棚民
pi	批
pian	片
pin bu shoufen	貧不受分
pu	鋪
Punti (Bendi)	本地
qi	旗
qian	錢
Qiandaohui	千刀會
qiangdao	強盜
qiangdao zhongan	強盜重案
qiangshou	槍手
qianpu	錢鋪
qianzong	千總
qiedao	竊盜
qiyi	起義
ren shi	人市
ruanjian	軟監
sanbuyaodi	三不要地
Sandianhui	三點會
<i>Sanguo yanyi</i>	三國演義
Sanhehui	三合會
shangdan	傷單
Shangdihui	上帝會
shangyu	上諭
shanren	善人
shantang	善堂
shanzei	山賊

shatian	沙田
shaxue fenbiao	歃血焚表
she	社
sheng	生
shenghui	聖會
Shengyu	聖諭
Shengyu guangxun	聖諭廣訓
shengyuan	生員
Shenming ting	申明亭
shenminghui	神明會
shidan (stolen property list)	矢單
shidan (death report)	屍單
shiya	食鴨
Shouyihui	守義會
shu	熟
shuangshou	孀守
shuntian xingdao	順天行道
si	死
sui	歲
tai	臺
Taipinghui	太平會
taizi	太子
tang (association)	堂
tang (courier post)	塘
tangming	堂名
tanwu	貪污
teyu	特諭
Tianchai	天差
Tiandihui	天地會／添第會
Tianfeihui	天妃會
Tiandaohui	添刀會
tiaozi	跳子
tiben	題本
tiemao	鐵貓
ting	廳
tongbing	通稟
tongdao jifei	通盜濟匪
tongdao xiaozang	通盜銷贓
tongpan	通判
tongxiang	通詳

toumu	頭目
tu	徒
tuanlian	團練
tudishen	土地神
tufei	土匪
tulou	土樓
tuzi	兔子
wajjian	外監
wanglou	望樓
wangming	王命
wangming xianxing zhengfa	王命先行政法
wei	圍
weicong	為從
weishou	為首
wen	文
woyang feitu	窩養匪徒
wuji feitu	無籍匪徒
wujuren	武舉人
wulai zhi tu	無賴之徒
wulun	五輪
wusheng	武生
Wushuntang	五順堂
wuxing	五刑
xi	檄
xian	縣
xiancheng	縣丞
xiang (canton)	鄉
xiang (formal report)	詳
xiangyong	鄉勇
xiangyue	鄉約
xiangyue suo	鄉約所
xiangyue ting	鄉約亭
xianren	線人
xiaoshi	梟示
Xiaozihui	孝子會
xiecao	鞋草
xiedou	械鬥
xing'an	刑案
xingshui	行水
xishen	洗身

xuanshou geci shizhong	懸首各祠示衆
xujia	墟甲
xun	汛
xunbu xiancheng	巡捕縣丞
xunchang	尋常
xunchuan	巡船
xunjian	巡檢
yang	陽
yang'e shengdan	養鵝生蛋
yangfei	洋匪
yangji yuan	養濟院
Yangyuanshuaihui	羊（楊）元帥會
Yao	獠
yaopai	腰牌
yaoping	腰憑
yapu	押鋪
yaqian	牙籤
Yaqianhui	牙籤會
yayi	衙役
yazi	鴨子
yin	陰
ying	營
yingling	英靈
Yishengtang	益勝堂
yixue	義學
yong	勇
youji	游擊
youmin	遊民
youshou wuye	遊手無業
youxia	遊俠
yucheng	輿呈
yue	約
yuezheng	約正
yumin	愚民
za	雜
zanzhi	拶指
zei	賊
zeidang	賊黨
zeifei	賊匪
zha	札

zhai	寨
zhan	斬
zhan lijue	斬立決
zhan lijue xiaoshi	斬立決梟示
zhang	杖
zhangcheng	章程
zhangxiong	長兄
zhengyi	正役
zhengyinguan	正印官
zheyi	赭衣
zhili ting	直隸廳
zhili zhou	直隸州
zhongan	重案
zhongjian	重監
zhou	州
zhoupan	州判
Zhuang	壯
zhuangci	壯詞
zhuantiao	專條
zhuanying	專營
zhubu	主簿
zhuoren leshu	捉人勒贖
zongbing	總兵
zongdaoshou	總盜首
zonghui	總會
zonghuishou	總會首
zouzhe	奏摺
zuo	佐
zuoren buhao	做人不好
zuoza	佐雜
zuzhang	族長
zuzheng	族正

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