

## **Crime and Punishment: Analyzing the Writing Up of Criminal Cases Based on the *Xingke Tiben***

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Formulating a system of penalties and determining a system of rites are two sides of the same coin in traditional Chinese legal culture. Writings about criminal cases of any period are not only part of the penalty system, but also negative expressions of the Confucian values. As a historical essay about crime and punishment, this research aims at providing a new understanding of *Xingke Tiben* (Board of Punishments routine memorials) from the perspective of the culture of criminal case writing. To begin with, this is a genre of writings about criminal cases. Since the *Xingke Tiben* were an embodiment of official documentation, of the judiciary system, and of the integration of standards, they have become highly valuable as a lens into history. In addition, as they concern serious events and lawsuits related to human lives, and constitute an archive of official documents of the Qing Dynasty, almost every case was subject to the imperial gaze. Therefore, the writing up of cases according to fixed models and formulas can be found frequently and was a necessary evil.

This research asks how the style of writing up criminal cases came to be fixed and how it could be modified. Since the term “formula” is mentioned in the official documents of both the Ming and Qing Dynasties, this study explores the role of this concept, as well as its significance. The true purpose of a “formula” can only be seen in the context of daily life; meanwhile, particular Confucian values may be hidden in each of the different kinds of

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cases. In sum, the writings about criminal cases that relate to crime and punishment, such as the *Xingke Tiben*, are in the end a kind of textual performance.

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