THE

PUNISHMENTS

OF

CHINA,

ILLUSTRATED

BY

TWENTY-TWO ENGRAVINGS:

WITH

EXPLANATIONS

IN

ENGLISH AND FRENCH.

LONDON:

PRINTED FOR WILLIAM MILLER, OLD BOND-STREET,
BY W. BULMER AND CO. CLEVELAND-ROW,
ST. JAMES’S.
1801.
Blinding with lime, a Qing dynasty punishment

by

James Ravin

Henry Mason (London: William Miller, 1801) is a classic that is collected both for its text and its color plates. One plate in particular, “Blinding with Lime,” is a curious image of a repugnant subject. Punishing a person with blindness was not an authorized form of justice under the Qing penal code at the beginning of the 19th century, but may have taken place nevertheless.

Much is known about this book, the topic, and the legal system in force at the time. Mason, the author, had been a British army officer, and was deployed in India with the 36th Foot Regiment between 1782 and 1793. Becoming ill in India, he recuperated at Canton, China, about 1790. He was well aware of hostility of the Chinese toward foreigners at that time. He knew of the failure of the British embassy to China led by Viscount Macartney in 1793, that attempted to open China to trade. The British refused to kowtow (kneel) to the Emperor and the Chinese refused to kneel before an image of the English king. During his time in Canton, Mason went into the center of the city with a group of tourists who were harassed, and one individual was arrested. Mason obtained a large number of colored illustrations of various Chinese topics, including punishments, which must have included one about blinding.

The artist of the Punishments of China was Pu Qua, who headed a studio, but was not an independent artist as in the West. The word Qua is a suffix of questionable origin, given by Europeans to merchants and artisans. Qua was “a word of respectful meaning added at the end of a same in the south [of China], equivalent to Mr or Esquire.” (Encyclopedia Sinica, 1917) A year before the Punishments appeared, Mason wrote another book, The Costume of China, with the same artist and same publisher.

Lime and lye are both toxic to ocular tissues. Lime is a calcium containing inorganic material in which carbonates, oxides and hydroxides predominate. Lye is a form of caustic soda, sodium hydroxide.

Precedents

There have been many precedents for blindness as punishment. The Hammurabi code authorized an eye for an eye, about 1754 BCE. In the Bible, written about 1100 BCE, Samson was blinded by the Philistines (Judges) and King Zadekiah was blinded by the Babylonians (Jeremiah). The blinding of the Cyclops Polyphemos by Odysseus was described by Homer in the Odysseys, at the end of the 8th Century BCE. Sophocles, in Oedipus Rex, 429 BCE, described Oedipus’s removal of his own eyes. In England, William the Conqueror, in the 11th Century permitted blinding as punishment for treachery, as did Henry I during the 12th Century.

---

James G Ravin, MD, MS
3000 Regency Court
Toledo
OH 43623 USA
email jamesravin@bex.net
academic affiliation: Univ of Toledo College of Medicine
At the present time retributive justice still exists. Recent cases of blinding as punishment have taken place under Sharia law in Saudi Arabia, Iran, and Pakistan. In Shenzen, China, drivers who illegally use high beams have been forced to stare into bright lights for one minute, even though this is not authorized by Chinese law.

In the preface to The Punishments of China, Mason wrote, “The Chinese code of penal laws is compiled in such a manner to have a punishment appropriated for every crime. Justice, moderation and wisdom, in the Laws of China, receives an unfavorable contrast in the decree, which pronounces the wearing of a particular ornament to be a capital crime; and in the custom of attending to the fallacious information, extorted by the Rack.”

“Insult is the common lot of those foreigners who extend their walk beyond the few yards appointed for their temporary residence.”

Contents

The table of contents lists 22 sections, each of which has an accompanying hand colored plate: A culprit before a magistrate (p.155); a culprit conveyed to prison; a culprit conducted to trial; an offender undergoing the bastinade; twisting a man’s ears; punishment on the swing; punishment of the wooden collar; a man fastened to a block of wood; a malefactor in a cage; punishment of a wooden tube; hamstringing a malefactor; close confinement; conducting an offender into banishment; a malefactor conducted to execution; the capital punishment of th cord; the manner of a beheading.
Death by 1000 Cuts

The color plates have a certain charm to them but are not as shocking as photographs of a Chinese execution that took place in 1904 in Beijing. Westerners were allowed to photograph the scene, and when these photographs reached Europe, people were shocked at the ghastly nature of enforcing the law. The book Death by a Thousand Cuts discusses this at length.

Being intrigued by the topic, I wrote to the authors, asking if there was legal precedent for this in the Qing code, and quickly received a response:

“There is no mention in lime in any legal book (Code, commentary, general administrative compendium, etc.), since if it ever was practiced, it would have been a completely illegal form of torture. Chinese interrogation, just as the European, was supposed to “press” the convict to confession without inflicting permanent sequelae. Of course, this was fiction, but as all fiction, it required some rules to be credible.”

“Using lime or lye to blind would have been contrary to the very principle of this legal fiction. What is curious in this case is that torture with lime is not mentioned even as an illegal torture (contrary to others in Mason, such as hamstringing malefactor or the “celestial balance,” which are mentioned, the first as an abolished cruelty, the second as a “severely banned” way of pressing for confession).”

“Even the books on torture recently published, where Chinese authors like to captivate the audience with the oddest and cruellest tortures they were able to find in Chinese historical documents, none of them mentions this practice.”

“No idea where it comes from, if it’s an early or episodic practice forgotten later, a misinterpretation of a different practice or a mere hoax (like the “Chinese drop on the head.”)"
Chinese history and law

Chinese history is very lengthy and involves billions of people. Judicial records are one type of artifact that has been preserved for centuries. During the Qing period China was at the height of its stability, power and wealth and was internally at peace. China was the center of global commerce in luxury goods such as silk and more common items such as tea and porcelain. During the 19th Century trade with Europe and disastrous competition led to modernization along European models. The end came for China’s independent development. Political and military defeats were considered “humiliations.” By the end of the 18th Century under Manchu rule, Chinese territory doubled the land area controlled by the previous Ming rulers. But tax revenues were exhausted and rebellions made the country unable to withstand foreign aggression during the Opium Wars (1839-1842, 1856-1860).

All educated men and some elite women studied the same basic curriculum, classical texts beginning with the standards of the Confucian school. Harmon in thought and conduct, ancestor worship, reverence for parents were emphasized.

Local and provincial administrators relied on secretaries who had mastered the statutes and procedures. Magistrates were trained in administration rather than law. Confucian governance aimed to maintain harmony and involved a meritocracy based on value to society. The family was the basis of society and the model for governing.

Every person was subject to the expectations and burdens of being a subject. The body could be conscripted for service, regulated through rites, mobilized for war, and punished. Punishments included restraints, prison, exposure, branding, beating, exile, death, mutilation and dismemberment. Disciplining the mind was more important than the body. Judged punished crime based on intent. Qing legal penalties could include death (even the criminal’s entire family). The corpse could be exposed in the marketplace or the head mounted on a pike, adding disgrace. Torture could be applied to the criminal or to witnesses to obtain evidence. The Five Punishments of the Qing Code were little altered from ca 580 to 1905 and prevailed throughout East Asia:10

- Beating with a light bamboo rod, up to 50 strokes (bastinado)
- Beating with a heavy bamboo rod, up to 100 strokes (usually fatal)
- Penal servitude for 1-3 years, plus up to 100 strokes of the heavy bamboo rod
- Exile to a frontier, perpetual or fixed term, possibly with penal servitude, possibly including one’s family
- Execution by strangling, decapitation or dismemberment, might include family

Mutilating punishments also existed: castration; amputation of one or both feet; excising the nose; tattooing the face. Below this was forced labor, flogging, shaving the beard. Shaving could be done in cases of domestic violence or mutilating injury.

Officials could impose torture to obtain a confession from a criminal or witnesses. Torture could not be applied to the elderly, young children, pregnant women, and a few privileged groups. The most common form of torture was compressing the extremities with wooden blocks. Sometimes twisting the ears, slapping, beating, or kneeling on a chain were substituted.

British and US systems

English common law evolved differently.11 Early trials were based on nonrational principles of revelation or rational methods of discovery. Before the Lateran Council of 1215 trials were based on ordeals before a priest rather than inquiries into facts. Trial by water or fire were most common. If a suspect was dunked in water and sunk, he was deemed guilty; if he floated, he was innocent. If burned with a rod healed within 3 days, he was considered innocent; if there was no healing, he was guilty. In England circumstantial evidence was sufficient for a conviction. No eyewitnesses or confessions were necessary. Juries gave evidence and acted as advocates. Prior knowledge and an interest in the outcome were requirements. Since there was no need for torture, it was prohibited by common law.

King John signed the Magna Carta in 1215, which said no free man could be impris-
oned or exiled except by judgment of his peers or the law of the land. During the 13th Century, a convict could be tortured, killed, and lose all his property. During the 15th and 16th Centuries torture was used by royal approval in cases of treason. In the 19th Century a suspect had the right not to submit to trial by jury. This meant he could save his property if not convicted.

The US judicial system has followed the British ban on torture or coerced confessions. US Supreme Court Justice Warren cited this in the famed Miranda rights case of 1966.

References:

Images, China Magazine, China Photo Gallery: Images and pictures of China. These images depicted various forms of judicial torture and punishment in the Qing Dynasty as well as torture apparatuses, including flogging, bastinado, finger squeezing, cangue, shackling, torment on the rack, and beheading, etc. In imperial Chinese law, torture (刑xing) was a blanket term that consisted of two forms of legally sanctioned physical violence, torture as an investigative tool used in the course of a legal proceeding, and torture as corporal punishment meted out to culprits after conviction. Qing dynasty was the last dynasty of China, which came to power after overthrowing the Ming dynasty and was succeeded by the Republic of China. It ruled over China for a period of 268 years from 1644 to 1912. Qing is also known as the Manchu dynasty as it was ruled not by Han Chinese, who constitute a majority of China’s population, but by tribes from Manchuria who collectively called themselves Manchus. The dynasty saw a prosperous period during most of the eighteenth century but it declined in the next century after losing several wars with foreign powers, most prominently the Opium Wars. The Qing Dynasty had the largest scale and most frequent Literary Inquisitions. Tens of thousands of people were sentenced to death because of what they or their family had said or written. Qing Empire’s emperor had absolute honor and power. Officials could not criticize the emperor.

Rosewood Furnitures of the Qing Dynasty Decorated with Mother-of-Pearls and Gems — Dayi Liushi Manorial Museum (Photo by Dongmaiying). Brief History of the Qing Dynasty. Establishing of Empire Qing and Marching Across the Shanhai Pass.

Ministry of Justice: Law, Judiciary and Punishment. Ministry of Constructions: Design and Implementation of National Constructions. Exquisite Porcelains of the Qing Dynasty (Photo by Dongmaiying). She finds a lantern from Qing dynasty there which she places in her apartment. Three hundred years in the past, the thirteenth prince of Qing dynasty finds himself dreaming of going into the future where he meets Xiao Wei and falls in love with her. After time traveling to the Qing Dynasty to meet the 13th prince, both Xiao Wei and thirteenth prince meet each other in the palace but they have lost memories of each other. In an effort to find the person she fell in love with, she meets the warmhearted 13th prince, the 14th prince, the 4th prince, the stately Emperor Kang Xi and becomes embroil...