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THE WASHING AWAY OF WRONGS:
FORENSIC MEDICINE
IN THIRTEENTH-CENTURY CHINA

translated by

Brian E. McKnight

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FOREWORD

We take it as a great honour to have been asked to write a foreword for Brian McKnight's most interesting translation of the book of Sung Tz'u. Ever since the time of C. F. M. de Grijs and H. A. Giles, which means going back more than a century, the *Hsi yuan lu* has been recognised by historians of medicine as a great cultural landmark. This work, the title of which has been given many renderings, such as *The Washing Away of Unjust Imputations*, has therefore been recognised for a very long time as the oldest extant book on forensic or legal medicine in any civilisation. Dateable at 1247 under the Southern Sung, the work long preceded the monuments of forensic medicine in the European Renaissance, such as those of Fortunato Fedele in 1602 and Paolo Zacchia in 1635.

But just as one has to come forward some four hundred years to find the development of the subject in the early days of modern science, so also has one to go back half a millennium or so to find the earliest books on the subject in Chinese civilisation. Sung Tz'u's predecessor, Hsü Chih-ts'ai, wrote in the sixth century. His book was only one of several on the same subject, but they have all been lost. One could indeed trace the tradition as far back as the Han (second century A.D.) if not earlier still.

Now in these two remarkable *décalages* there is a great deal of scope for future research. Taking the one which precedes the *Hsi yuan lu* first, one would like to know more about the coroner's instructions in medieval Europe. What, for example, did the pundits of the School of Salerno have to say about the determination of the causes of death? How much did the leeches of the Carolingian and Anglo-Saxon monarchies know about the effects of combat as opposed to accidental trauma? How much Hippocratic knowledge concerning mishaps, poisoning, and mayhem comes down, enlarged and amplified, to the physicians of Byzantium? Secondly, looking at the opposite side of the coin, what was it about Confucianism that made the Chinese bureaucrats feel so impelled to probe into the nature of death and illness in the interests of the more perfect

administration of justice? We have always been very impressed with the fact that when the first Portuguese traders arrived in the early sixteenth century, they never tired of singing the praises of the laws and government of China. They knew what they were talking about because quite a number of them saw the inside of Chinese jails. "The Chinese magistrates," one of them said, "will go to any length to avoid condemning a person to death." Instead of exclaiming at the barbarousness of punishments (which were quite like those of Europe at the time) and the weaknesses of judges, they realised that traditional Chinese law, even though administered by the executive arm of the government, was extremely reluctant to arrive at verdicts and carry out sentences without the most exhaustive investigation of the case beforehand. Why, one wonders, should Confucianism have led to this four centuries before the Europeans got around to it? One might say that this was beating Christian ethics to the post.

When we look at this second period of four centuries, another question arises: could there have been any possible influences from East Asia reaching Europe suggesting that people ought to take more trouble to investigate mysterious cases where foul play was suspected? After all, there are some grounds for suspecting an influence from the anatomy of East Asia upon European anatomy at an early date, as the medical historian Miyashita Saburō has interestingly suggested. Acupuncture, too, and moxa became known in Europe in the seventeenth century, not much earlier than the beginnings of serious forensic medicine in the West. It would be very instructive to examine the earliest writings about the "Great Empire of China" to see how much of the Portuguese admiration for legal medicine comes through in them. That would have been well back in the sixteenth century.

We are convinced that this present book will be of great value for the history of medicine. All the things that Sung Tz'u says in it will not be fully appraised until they have been studied by modern forensic pathologists, who need to go over the whole material and evaluate it in the light of modern scientific knowledge. For this purpose the admirable translation of Brian McKnight will open the door. Some of Sung Tz'u's ideas will no doubt be found to be medieval superstition, devoid of scientific basis—nothing else could be expected of his times—but many others will, we believe, be substantiated. Such, indeed, was our own experience when we examined what he said about those points on the surface of the human body which are

particularly dangerous to life if subjected to trauma (*Celestial Lancets*, pp. 308ff.); we found that modern forensic medicine recognised them very clearly. Their importance today is no less than it was in Sung Tz'u's time, since the growth of the so-called "martial arts" had started long before him and they are still practised.

So, finally, let us wish all success to Brian McKnight's book, saluting at the same time *in piam memoriam* the name of that thirteenth-century judge-physician from Canton.

Joseph Needham

Joseph Needham

Lu Gwei-djen

Lu Gwei-djen

PREFACE

In December 1976, while I was at the Center for East Asian Legal Studies of the Harvard Law School, I found myself faced with the not wholly promising task of reading with great care the thirteenth-century guidebook of forensic medical practice, the *Hsi yuan chi lu*. After a week spent working my way through the text I decided that if I had to read it carefully I ought to share the fruits of my labor with others. With that as an incentive, I spent the next two months doing the rough draft for the translation which follows.

Fortunately, Professor Nathan Sivin of the University of Pennsylvania agreed to read the draft. His comments and suggestions were numerous and invaluable. He pointed out a variety of problems, suggested Chinese medical texts I should consult, and in general offered many pertinent interpretations. Without his advice, the translation would be far less valuable.

Then, my old friend and colleague, Professor T'ao T'ien-yi, read the manuscript through with great care, comparing my version with the Chinese text. At a number of points he made suggestions for changes that I have incorporated in the final version.

I would also like to thank Jerome A. Cohen of the Center for East Asian Legal Studies for his continuing hospitality and interest.

Finally, I would like to thank my wife, not only for bringing to my attention relevant sections from her collection of books on anatomy and physiology, but also for her continuing interest in the work itself.

INTRODUCTION

Forensic Practice in Thirteenth-Century China

When Chaucer's prioress proclaimed that "murder will out, certain, it will not fail," she bore witness to her belief in godly justice. The Chinese bureaucrat of traditional times, skeptical of divine intervention, placed his faith in more prosaic devices. Unlike the prioress, he felt certain that murder often would not out, but he tried nonetheless through the application of administrative machinery to do the best he could to uncover and prosecute it. In traditional China, as in most premodern societies, homicide seems to have come in two basic grades, the obvious and the subtle, which all too often corresponded with the known and the unknown. Most homicides in China, like most in medieval Europe, were the result of sudden violence, of fights or robberies. Except where highwaymen were involved, the identity of the murderer was often common knowledge. Friend assaulted friend; husband murdered wife; an argument, sudden anger, and one of those involved was killed, often in the presence of witnesses. However, in China the problem of subtle crime seems to have been more appreciated if not more common. Chinese investigators early on became conscious of the set of problems that have remained at the heart of forensic examinations: the distinguishing of accidental from deliberate death, of suicide from murder, of premortem from postmortem wounds, and, in general, of natural death from unnatural.

The forensic problems were compounded not only by those who tried to disguise homicide as accident, but by those who sought to make natural deaths appear unnatural. Murderers and their relatives were apt to hide bodies, dispose of weapons, and attempt to disguise homicide as suicide or even as death from natural causes. Conversely, traditional Chinese investigative works often suggest that making suicide or natural death look like murder, in order to involve enemies with the criminal law and so injure

them, was not an uncommon sport, played both by those seeking vengeance and by those practicing extortion.

To unravel these knots the government had only a small group of civil servants. The rulers of the Sung (960-1279), like their counterparts in other Chinese dynasties, faced the perennial problem of trying to govern a huge empire with a relative handful of generalist officials. In the early twelfth century, when the empire had a land area roughly comparable to continental Western Europe and a population of nearly one hundred million, the civil service numbered perhaps ten to fifteen thousand members, less than half of whom were appointed to local posts.¹ At a minimum these local administrators had to see to the maintenance of order, the adjudication of serious legal disputes, the collection of taxes, and the transmission of information between the central authorities and the ruled population. Their tasks were numerous, but the state lacked the income to lighten their burdens by expanding their numbers. Instead, the government drew heavily on the services of the so-called clerical workers and village servicemen. The clerical groups were professional government workers, running the day-to-day low-level activities of the state, but usually not paid by it. In effect, during most of the Sung, such men depended largely on what we might generously call "user's fees," payments demanded of the clientele of the local governmental agencies. The other group, village servicemen, were commoners drafted for limited terms from local families (or substitutes paid by those so drafted) to collect taxes, maintain local order, and so on.² State authorities could not avoid relying on these two groups, and yet, as is evident in this work, they were acutely aware of conflicts of values and interests. The clerks, supported by what the uncharitable might call graft, battered on inefficient administration and complications in legal and fiscal processes—often complications of their own making. The village servicemen understandably were prone to put local interests above those of a distant regime.

In legal administration the paucity of reliable agents forced the state (in practice if not in theory) to restrict sharply the purview of its activities. A great many disputes, particularly those touching questions we would term civil, were dealt with by nongovernmental agencies. Although

¹ McKnight, *Village and Bureaucracy*, pp. 7-9.

² *Ibid.*, esp. pp. 39-72, 95-121.

the state law-enforcement and judicial arms did intervene in some of the civil-type cases, they reserved their chief attentions for offenses which seemed to threaten the stability of the regime. They were particularly concerned with the crimes of officials; crimes which presupposed organization, such as smuggling, heterodox religious activities, or banditry; and with the most serious individual crimes, such as robbery with violence, arson, and homicide.

Even with these severe restrictions on the scope of their activities, the Sung authorities were still faced with difficult problems of control. The four thousand or so local officials were spread out in a three-tier hierarchy.³ At the top were the circuits (*lu* 路), units of supervision rather than administration, which corresponded roughly in size to the provinces of later dynasties. The key legal official on this level was the Judicial Intendant (*t'i-tien hsing-yü* 提點刑獄), who was charged with overseeing the judicial processes and personnel of his area. The circuits were divided into a number of prefectures (*chou* 州), units of local administration with staffs of civil servants filling a number of functionally specialized slots. Each prefecture was ordinarily divided into a number of subprefectures (*hsien* 縣). These, the lowest major level of civil service appointment and the key local administrative units, were often woefully understaffed for the size of their tasks. Two or three civil servants were expected to maintain a modicum of control over populations that might range from a few thousand to seventy-five thousand people. Ordinarily these civil servants included a Subprefect (*chih-hsien* 知縣 or *hsien-ling* 縣令) who functioned not only as the chief judicial magistrate of his area, but who was also charged with responsibility for all other facets of administration, a Registrar (*chu-pu* 主簿) who dealt with tax matters, and a Sheriff (*hsien-wei* 縣尉) who was in charge of law enforcement. By law these men were not allowed to leave the subprefectural city except on specific official business. Thus, the difficulties that stemmed from the large potential size of their administrative task were compounded by their lack of personal familiarity with most parts of their jurisdictions. All three types of subprefectural officials were centrally appointed, and not uncommonly were men at or near the beginning of their official careers. They thus came to their tasks innocent not only of acquaintance with the locale,

³ For a clear general description of Sung local government structure, see Kracke, *Civil Service in Early Sung China*, pp. 45-53.

but of practical experience, possessed only of a bookish education that had stressed history, letters, and ethics. Generalists by training, and frequently amateurs by inclination, they often came to posts without having had the slightest hint of technical training.

Some of the problems thus created were dealt with by devising elaborate and ingenious documentary systems which allowed the skilled bureaucrat to exercise a measure of control over a great many affairs. Officials also produced a literature of advice. Gazetteers were written, giving the incoming (and presumably ignorant) official a way of becoming familiar with the local history of his new post, its tax revenues and population, its notable physical features and products, and even the writings of its noteworthy native sons. Guidebooks were written for local officials: sage advice on the best way to run a subprefecture, the problems of which to beware, the strategies that had proved workable in earlier times. Finally, even more specialized handbooks of advice were written. It is with one of these that we will concern ourselves.

The *Hsi yuan chi lu* 洗冤集錄 [Collected writings on the washing away of wrongs] is a handbook completed about 1247 for those officials who were assigned the task of holding inquests on homicides and certain other deaths (or near deaths). An interest in forensic assessments, however crude, presumably dates from the time when the state first began to prosecute homicides. In China, state-ordered and officially conducted forensic assessments go back at least to the Ch'in dynasty (221-207 B.C.). Bamboo slips recently unearthed in Yun-meng 雲夢 subprefecture describe in detail the procedures to be followed in deaths from hanging. Upon receipt of a report official agents went out to examine the corpse and the scene of the death. Careful note was taken of such things as the placement of the body, the rope involved, the condition of the corpse, and the place from which the rope was suspended. People who might have information concerning the reasons for the death were interrogated. Another slip from the same site indicates that in cases of suicide, failure to inform the authorities and burial of the corpse before it had been examined were punishable offenses.⁴ Other practices associated with inquests were

⁴ "Yun-meng Ch'in chien shih wen III," p. 36. I would like to express my gratitude to Professor Derk Bodde for allowing me to read his translation of some of these passages.

current at least as early as the late Western Han dynasty (late first century B.C.).⁵ The term used for inquests in Sung times, *chien-yen* 檢驗, appears occasionally in writings of the T'ang era (A.D. 618-907) to mean the investigation of corpses.⁶ But the studies on investigative techniques on which our author, Sung Tz'u 宋慈, drew seem to have dated mostly from the Five Dynasties (A.D. 907-960) and the Sung (A.D. 960-1279).

During the Sung itself, both forensic science and the procedures for applying it reached new levels of complexity. The key decree establishing the inquest system, issued in 995, specified that in cases of homicide or serious injury the subprefecture was to dispatch a Sheriff or the prefecture a Police Inspector (*ssu-li ts'an-chün* 司理參軍) who was to proceed immediately with an attendant to conduct an inquest. If the case merely involved death from injuries or disease, the report of this first official was to suffice. If, however, a prisoner had died, or the death stemmed from foul play or involved causes other than disease or accidental injury, then the report of the initial inquest was to be sent on to the prefecture, which would dispatch an official to conduct a "re-inquest" (*fu-chien* 覆檢). Only when the facts had been clearly established would the body be released to the bereaved family for burial. When the officials of first choice were not available for the initial inquest, other officials were to be selected in a specified order. For the re-inquest it was decreed that the first choice would fall on officials in some subprefecture other than the one from which the initial inquest official had come. However, when the distances were judged too great, both the initial and the re-inquest examiners might be from the same subprefecture.⁷ This decree remained the basic law governing inquests until the end of the dynasty. As interpreted by the authorities it was taken to mean that all unusual deaths were to be investigated. These ordinarily included not only deaths from homicide, but also all deaths of transients, whether from disease or other causes, deaths in unusual circumstances, and all deaths of prisoners.

Deaths of prisoners were of particular and continuing concern. As early as 1011, there was an order that the current practice, whereby the

⁵ Shih Yu's *Chi chiu p'ien* 4.20a contains the earliest reference I have found to the term "death limit" (*pao-ku* 保辜), referring to a legal practice standard in later times. For an explanation of this concept, see p. 10.

⁶ *TL*SI, 4:27.

⁷ *SHY*, *hsing-fa* 6.1a.

directors of the prefectural courts and the Police Inspectors themselves were conducting inquests on prisoners who died in their jails, was to be abolished and that responsibility for inquests was to be turned over to men who had no conflict of interest in the cases involved.⁸ Unfortunately, this order did not solve the problem of official collusion in covering up abuse of prisoners. In 1047 the Fiscal Intendant of Ho-tung 河東 circuit remarked that

in recent years the prisoners in the circuit jails are being held for long periods. They suffer hunger and thirst, as well as judicial tortures, to the point where they die. High and low conceal [their deaths]. When it is time for the inquest the death is just blamed on illness. I hope that you will order the Judicial Intendants to tour the various prefectures and subprefectures. When they first enter the jails they should question the prisoners. Where men held in jails have died they should immediately write out the inquest form and send it to the two judicial offices in the capital for scrutiny. If the circumstances are unclear or there are marks from judicial torture, then an official should be sent to conduct an inquiry. . . .⁹

Under Shen-tsung, officials from the censorate were used in the capital in an attempt to avoid conflicts of interest which might result in cover-ups,¹⁰ but the problem of deaths in jail, especially from judicial torture, continued to plague the dynasty.¹¹

It is important to bear in mind the distinction that existed in Sung China between an investigation of death and an inquest. Any death in which there seemed to be a reasonable possibility of foul play had to be investigated. Properly speaking, if there was any indication of foul play, an inquest should then have been performed. But the initial investigation might be only a general inquiry concerning the situation. The inquest by definition involved forensic examination of a corpse or a wounded individual and resulted in the completion of a formal document signed by a number of involved parties, which was then certified by affixing the seal of

⁸ SHY, *hsing-fa* 6.53a.

⁹ SHY, *hsing-fa* 6.55a-b.

¹⁰ Prior to this reform, officials from units connected with the imprisoning units conducted re-inquests. *HCP* 475.1b.

¹¹ SHY, *hsing-fa* 1.57a.

the assigned official. This was a public document in the sense that a copy was given to the family of the victim, and it formed a key element in trials for homicide. If the responsible official erred in his inquest report, he could suffer serious penalties. Thus, it was possible for officials who had been assigned the responsibility for an inquest to refuse to hold such an inquest when their preliminary investigation indicated to them that the evidence was insufficient. Rather than lay themselves open to later sanctions, they might simply refuse to go on from the investigatory stage to the formal filling out of the required documents. Outright refusals, however, were frowned upon. More commonly the officials would fill out the forms, but, in the parts giving the results of the forensic procedures, simply claim that the corpse was too far deteriorated to permit examination.

The investigatory process began when the original information was brought to the authorities. There seems to have been no formal legal presumption in Chinese law (as there was in medieval English law) that the original informant was the person who first found the corpse, but several passages in the *Hsi yuan chi lu* imply that the original informant was most likely to be either the first finder or a witness to the act of suicide. Although there was a regular organization of village servicemen which handled routine reports to the subprefectural offices, none of our materials suggests that reports on cases calling for inquests passed through this channel.¹² Perhaps it is most reasonable to visualize an individual with personal knowledge of the case travelling to the subprefectural yamen and there turning over to the gatekeeping clerk a verbal (or possibly written) report on the problem. It was a duty of these clerks to write up the report (if it was verbal) and transmit it to the Subprefect. On the basis of this report, which at a minimum must have indicated something of the nature of the problem and the place involved, an official was assigned the task of conducting the inquest. The investigator was presumably appointed by the chief administrative official of the unit affected, the Subprefect or the Prefect, but in one sense this act was merely formal.

Only certain officials could be sent. Materials in the collection of laws called the *Ch'ing-yuan t'iao-fa shih-lei* 慶元條法事類, which reflect the legal situation at the close of the twelfth century, indicate that

¹² McKnight, *Village and Bureaucracy*, pp. 60-63.

the decrees of the late tenth and early eleventh centuries were still in force. In a subprefecture the first choice was the Sheriff. If that slot was vacant, then the choice fell, in order, on the Registrar, the Assistant Subprefect (*ch'eng* 丞), the Service Agents (*chien tang kuan* 監當官), and lastly on the Subprefect himself.¹³ If the request went to the prefecture, the official of first choice was still the Police Inspector, though we know of cases where the Prefects (*chih-chou* 知州) themselves went out. Any of these officials might be disqualified because of conflicts of interest. (For example, it was assumed that a Sheriff who had succeeded in arresting a suspect had a vested interest in the conviction of the man he had seized. He was therefore not supposed to examine the body involved.) Officials were further forbidden to cross "broad rivers" (rivers without bridges) or lakes to conduct inquests, nor were officials to be requisitioned from subprefectures having a single incumbent official. (This last rule did not hold in subprefectures located at prefectural cities.)¹⁴

Officials were loath to accept the duty of holding inquests. No doubt this was in part due to the simple unpleasantness of examining bodies that at times were in advanced states of decay. Furthermore, the officials were chary of committing an error, which would make them liable for punishment. Early in the dynasty an official who made a mistake might be very seriously punished. In one case an official reported a death as the result of knife wounds. It was later established that the victim had been beaten to death with a whip, and the hapless initial investigator was sentenced to three years of penal servitude (*t'u* 徒). This was thought to be excessively severe, and in 1018 it was ruled that if the mistake was inadvertent and did not obstruct or alter disposition of the case, the official was subject only to one hundred blows of the heavy rod (*chang* 杖).¹⁵ The reluctance of officials to accept such duties is easily

¹³ *TFSL*, pp. 533-34.

¹⁴ See p. 44 below.

¹⁵ In the Sung, the nominal standard punishments included beating with the light rod (*ch'ih* 笞), beating with the heavy rod, penal servitude, exile (*liu* 流), and death. The heavy rod measured three feet five inches in length, with the large end not to exceed two inches in diameter and the small end not to exceed nine-tenths of an inch. See *LTHFC*, p. 381. In practice, when the heavy rod punishment was inflicted, the nominal one hundred blows were reduced to twenty blows, ninety to eighteen, eighty to seventeen, etc., all applied to the buttocks. See also *SHT* 1.4a.

understandable, and probably explains the rules stipulating that if a proper warrant arrived and was not accepted, or a request was accepted but four hours passed without an official being asked to go, those responsible were liable for a penalty of one hundred blows of the heavy rod. (These penalties would in many cases be commuted to administrative sanctions.)¹⁶

Although in theory the inquest officials themselves were supposed to handle all interrogations, in practice certain preliminary parts of the process might be handled by others. During the late Northern Sung (960-1127), Petty Military Envoys (*hsiao shih-ch'en* 小使臣) were responsible in the capital city for getting the verbal depositions of seriously ill transients,¹⁷ and we are told by Liao Hsing-chih 廖行之 (1137-1189) that "the official who has been dispatched to conduct an inquest by precedent himself dispatches a single subbureaucratic worker to make a preliminary placard list and go ahead to the place involved, where he gathers together the neighborhood witnesses and arranges the legal materials." Liao Hsing-chih deplored this procedure, saying that these workers took advantage of their situation to solicit bribes. He recommended that such prior arrangements be made only by the local Superior Guard (*tu-pao* 都保) personnel, but we have no reason to believe that his suggestion ended what must have been (from the viewpoint of officials and clerks) a most convenient practice.¹⁸ The *Hsi yuan chi lu* itself indicates that this

¹⁶ In one sense, the traditional Chinese legal system was egalitarian. Persons liable for adjudication were adjudicated under the same law. However, once the sentence was pronounced, the actual penalties inflicted might be altered to take into account the age, sex, status, and any kin relationship of the offender to the victim. Thus, under most circumstances, an official sentenced to one hundred blows of the heavy rod or to penal servitude would not in fact have to suffer these penalties, but could avoid or at least reduce them by surrendering official titles or ranks, or possibly by paying money in commutation. For further information on this system, see Johnson, trans., *The T'ang Code*, 1:25-28. The importance of conducting inquests quickly is reflected in the advice given local magistrates by Hu T'ai-ch'u. Hu usually advocates following a strict schedule, but one exception to this rule is that inquests must be carried out immediately. See Hu T'ai-ch'u, *Chou-lien hsu-lun*, pp. 7-8.

¹⁷ Pi Chung-yu, *Hsi t'ai chi* 1.17b-18b.

¹⁸ Liao Hsing-chih, *Hsing chai chi* 5.21a-b.

practice persisted, for Sung Tz'u, writing in the 1240s, also complains that various sorts of clerks, personal followers, and even family members were sent out to gather together those involved and conduct a preliminary inquiry. Like his predecessor a century earlier, he deplores the practice. There were also complaints that at times officials left the whole procedure to the underlings, not even bothering to leave their offices. Finally, there were also certain very restricted circumstances--when the dead persons were male or female servants who had died from disease and who prior to death had made verbal depositions about their conditions--under which subbureaucratic personnel might properly conduct the formal inquiry, apparently without official supervision.¹⁹

In most cases, however, the official himself went out to supervise the examination, accompanied by a retinue. The rules stipulated that when a Service Agent was sent out of the city to conduct inquests, the subprefectural authorities were to provide him with an escort of Bowmen (*kung-shou* 弓手).²⁰ This rule was necessary presumably because the nature of a Service Agent's duties (supervision of taxation offices) meant that he did not have sizeable clerical staff of his own. Other officials qualified to hold inquests were presumably accompanied by their own staff of clerks and attendants (*hsing-jen* 行人).

On arriving at the site (or sometimes while en route), the official in charge questioned the people involved, beginning with the original informant and passing on to the relatives of the deceased, the accused, witnesses, village servicemen, and other such persons. Where the inquest was not on a corpse but on someone seriously ill or wounded in a fight, he presumably questioned the victim when that was possible. A careful examination of wounded people who had not yet died was particularly important, for on the basis of his observations the inquest official would establish a "death limit" (*pao-ku*), the period during which the assailant was legally responsible for the life of the victim. If the victim died from his injuries before the expiration of the death limit, the assailant was tried for homicide. If the victim died after the expiration of the term set (or died

¹⁹ *TFSL*, p. 534.

²⁰ Bowmen were conscripted subbureaucratic workers who served as the constabulary for the subprefectural Sheriffs. For a description of their functions, see McKnight, *Village and Bureaucracy*, pp. 43-44.

before the expiration but obviously from causes other than the wounds), then the assailant was merely liable for battery. This death limit concept itself seems to date back in Chinese history at least to the latter part of the Western Han dynasty (206 B.C.-A.D. 9),²¹ and by the T'ang (618-907) had entered the *Code*.²² The length of time for different sorts of injuries was set by law, but the material in the *Hsi yuan chi lu* seems to imply that the inquest official had some control over the terms involved. During the death limit period, the care of the victim was given over to the accused on the theory that no one else had a greater stake in the survival of the injured party.

If the inquest was on a corpse, the official in charge, after determining by questioning such information as the time of death or discovery, the character of the deceased, the location of the body, whether attempts had been made to save the victim, whether previous reports had been sent to the yamen, and so on, proceeded to a forensic examination. The actual examination procedures were carried out on the bodies of women by an old woman, probably a midwife. For men, the examiner was a functionary called the *wu-tso* 仵作. This term has been rendered as "coroner," a translation that is at least partly accurate since these men usually performed the actual forensic procedures at inquests, but it is also somewhat misleading since in England coroners were responsible officials of the crown (hence the name, from "crown"). The English coroners were established in the last decade of the twelfth century to have charge over a number of law enforcement investigations and had rather considerable powers, including the summoning of the coroner's jury, the attachment of witnesses, the questioning of witnesses, and the issuing of orders for arrest.²³ Such men corresponded more closely to the inquest officials of Sung times than to the *wu-tso*, who were lowly figures, most often undertakers, and who might more accurately be called "coroner's assistants."

Although others performed the physical acts of the examination, the inquest officials were supposed to observe their work carefully from a few feet away. The repeated admonitions to officials not to be deterred from

²¹ Shih Yu, *Chi chiu p'ien* 4.20a.

²² *TLSI*, 3:17, 83, 85.

²³ Hunnisett, *The Medieval Coroner*.

this aspect of their job by the unpleasantness of the task are proof in themselves that officials often shirked.

The examination was conducted in the open, in the presence of an assembled group that included at a minimum the clerks, the official attendants, the *wu-tso* (or midwife), the accused, the chief village servicemen, and the relatives of the deceased.²⁴ As the examination proceeded, the results were called out aloud by the attendants and noted down on the inquest report.

During the Southern Sung, the documentary forms used in these inquiries became very sophisticated. The forms were prepared in triplicate by the circuit Judicial Intendant's offices. Each set of three sheets was stamped and numbered in serial order according to the sequence of characters in the abecedarium called *The Thousand Character Classic*.²⁵ The forms were then separated and distributed to the prefectures and subprefectures. When a request for an inquest arrived the authorities first filled in the preliminary information and then turned the sheets over to the appointed official. These forms began with the name of the circuit, followed by the serial number of the sheets. Then, in order, the form listed the name of the prefecture, the name of the subprefecture, and the year, month, day, and hour of receipt. It continued: "The Chief Case Clerk ____, in pursuance thereof, on the day ____, at ____ hour, dispatched the underling ____, to carry the warrant to official ____, calling for an initial inquest. From the headquarters of said official to the site of the inquest we estimate the distance to be ____ li (里)." This was followed by the clerk's signature and seal, and the signature and seal of the original case official. The official called upon to perform the initial inquest then signed his name and wrote in the name of his office. He also wrote in the hour at which he received the warrant, the name of the *wu-tso* who was to accompany him, the names of the accompanying clerical personnel, the day and time when he reached the site of the inquest, the names of the local Elder (*ch'i-chang* 耆長, a village serviceman concerned with local order), of the Superior Guard Leader and his assistant (*pao-cheng-fu* 保正副), village officers concerned with taxes, general administration, and law

²⁴ See also pp. 54, 55 below.

²⁵ *The Thousand Character Classic* is an imperially sponsored abecedarium written by Chou Hsing-ssu 周興嗣 during the Liang dynasty (502-557 A.D.). It consists of one thousand characters, none of them repeated.

enforcement), and the names and relationships of the attending relatives of the deceased. He also recorded a description of the mortal wound. Lastly, he signed his name, wrote in the time when his report was dispatched to higher authorities, and the name of the man assigned to carry it. At the end of this form the witnesses to the forensic procedures signed their names to certify their acceptance of the conclusions reached.²⁶

The inquest form with this format seems to date from 1174. Since the basic structure of the inquest system was set down in a decree of 995, some form had presumably been used earlier, but in 1174 the Judicial Intendant of Che-hsi 浙西, Cheng Hsing-i 鄭興裔, complained that in Fukien, Che-tung 浙東, and Che-hsi circuits inquests had become a mockery. He suggested the introduction of inquest forms as described above, and that the three copies be given respectively to the circuit, the prefecture or subprefecture from which the inquest official had come, and the bereaved family. His suggestion was adopted and appears to have remained current practice until the end of the dynasty in 1279.²⁷

In addition to this brief form, the material forwarded to higher authorities might also contain various sorts of addenda—physicians' reports in cases of death from disease, acupuncture, or moxibustion (the cauterization of critical locations through the burning of dried artemisia pulp on the skin), depositions of witnesses, more extensive descriptions of the forensic results, and so on.

Early in the thirteenth century a further refinement was added. Prior to this, at least in most of the empire, the forensic information had been merely written out on the inquest reports. In 1204 the Judicial Intendant of Che-hsi circuit, Hsu Ssu-tao 徐似道, suggested that a practice current in Hunan and Kwangsi, that of providing the inquest officials with printed ventral and dorsal outlines of the human body, be adopted nationally. At the forensic examination, the inquest official was to draw the injuries on these forms in red ink as his attendants announced them aloud to the assembled witnesses. When the examination was completed, the witnesses

²⁶ *TFSL*, p. 535.

²⁷ For the fullest description of this suggestion, see Cheng Hsing-i, *Cheng Chung-su tsou-i i-chi*, 1 (*shang*).15b. See also *WHTK* 167.1455; Li Hsin-ch'uan, *Chien-yen i-lai ch'ao-yeh tsa-chi*, (i) 11.6a-b; *LTHFC*, p. 400; and *TFSL*, p. 534.

were to look at the drawings and, if they agreed that they were accurate, to sign their names. This set of drawings formed part of the regular inquest materials which were sent off immediately by courier to the higher authorities (Figures 1-7). Without the responsible official actually performing the examination, it is difficult to see how, at least on paper, the system could have been further improved under premodern conditions.²⁸

However, in many circumstances Sung authorities were not content with a single inquest, no matter how carefully regulated it might be. The decree establishing the basic procedures, issued in 995, specified that all deaths that had resulted from illegal acts or were not clearly the result of natural causes required a re-inquest.²⁹ In the original law, the men to handle these re-inquests were chosen by preference from among civil officials serving in the nearest neighboring subprefecture. However, when such officials were not available the choice passed to their counterparts in the next closest subprefecture or, if the distance was too great, to other officials from the original subprefecture. Although these men were originally selected by the prefecture having jurisdiction, later materials imply that the subprefecture itself might issue a warrant to a neighboring unit requesting the dispatch of a re-inquest official, and during the late Southern Sung, circuit officials sometimes participated. The law specified that the nearest available subprefecture was to be called upon. However, when authorities in more distant subprefectures were called upon, they could not refuse to honor a warrant on the grounds that they were not the proper candidates. They were enjoined to perform the re-inquest, and only thereafter to inform their superiors of the impropriety of the warrant. Such re-inquest requests were apparently even less popular with officials than those for the original inquests. Perhaps the officials were reluctant to be put in a position where they might have to cover up the mistakes of their colleagues or incur their hostility by reporting them. Moreover, by the time a re-inquest official had appeared on the scene it was quite probable that the corpse would be damaged by the original inquest or in an advanced state of decay, making accurate judgments both more difficult and more unpleasant. To evade the responsibility, subprefectures sometimes lied about the availability of qualified men, saying that actually filled slots were vacant or that the qualified officials were on leave. When

²⁸ *WHTK* 167.1455; *LTHFC*, p. 401.

²⁹ *SHY*, *hsing-fa* 6.1a.

officials were legitimately unavailable, the warranted subprefecture immediately had to inform not only the warranting subprefecture, but also the Judicial Intendant's office.³⁰

The reluctance of officials to assume these responsibilities is understandable. If they erred in their judgments, they were liable for punishment. For most sorts of misdemeanors committed in office, bureaucrats suffered only administrative sanctions. But, if they erred in judicial matters and thereby caused innocent people to suffer or guilty ones to escape penalties, the officials involved were denied the privileges of their status. They could not escape punishment by confessing to error (after 1223), they could not convert the penalties into administrative sanctions, and they could not surrender their official posts and titles in return for a reduction of penalty.³¹ As the *Hsi yuan chi lu* makes abundantly clear, these hapless officials were faced not only with the possibility of honest errors made in interpreting the evidence, but also with a rather sophisticated populace among whom there circulated knowledge about a variety of techniques for faking injuries and causes of death. Under traditional conditions a little malice might go a long way, and woe betide the official who accepted uncritically a claim of injury or death.

Re-inquests were a particular source of trouble. The decay that occurred between the initial inquest and the re-inquest frequently so altered the evidence that the re-inquest report often differed substantially from the initial inquest report, provoking the reprimands of superiors and at times penalties for the initial investigators. Soon after the beginning of the system the authorities tried to deal with this problem by amending the original law. Officials from the same jurisdiction as the initial investigation were to be permitted to perform the second inquest during the hot months. Furthermore, this re-inquest might be foregone altogether except in cases where unusual factors were clearly present. It appears that during much of the Sung, at least in some parts of the empire, the authorities did try to avoid performing re-inquests except in such cases. Still, they remained mandatory in all homicides and deaths of transients or prisoners.³²

³⁰ *TFSL*, pp. 533, 534.

³¹ *TFSL*, p. 533. For the memorial from which this rule seems to stem, see *SHY*, *hsing-fa* 1.61a.

³² *TFSL*, pp. 533-34. In 1092, a case was reported of a prisoner in the

Inquests were unpopular with the village servicemen also, since they had to provide food and lodging for the officials and their retinue, and they were no doubt often pressed to provide entertainment and "gifts" for the clerks. An official reported in 1201 that many cases of homicide were being dealt with privately by the local people without resort to the official judiciary. The village servicemen found this advantageous since it spared them the costs of the inquests and the trouble of serving as witnesses. The police officials turned a blind eye to these practices since they feared the results of further investigations, which might reveal their errors. The subprefectural administrators tolerated such practices since they were apprehensive that their judgments at a formal trial might be reversed by higher authorities.³³

Despite the concern of the authorities about all unusual deaths, there were some circumstances under which inquests might legitimately be foregone. Sick prisoners frequently were released from jail to receive treatment in private homes, most often those of their relatives. If they died in the homes of their relatives, and these relatives asked that an inquest not be held, their wishes were respected. Relatives of transients who died of illness might also submit such petitions, but the responsible officials were warned that they should check to see whether there was in fact a body at the place named before approving them. Buddhist and Taoist clergy might be spared examination if their religious colleagues or followers were willing to swear to the absence of unusual circumstances in their deaths. Travelling officials who died of illness might be spared inquest if before death they had themselves submitted depositions on their conditions, or if their hosts at temples or inns and the surrounding neighbors were willing to guarantee the lack of unusual conditions in the deaths. Even those who died of violent injuries inflicted by robbers might not have to be forensically examined if prior to their deaths they had themselves asked that the procedure be foregone. Presumably this desire to avoid inquest reflects the Chinese reluctance to have the body mutilated in any way. Prior to 1036 no inquests were held on the corpses of male and female

capital who was said to have died of illness, but who actually died after judicial torture. As a result of this case, future investigations were to be carried out by the censorate. *HCP* 475.1b. See also *SHY*, *hsing-fa* 6.55a-b.

³³ *WHTK* 167.1455.

slaves who died of disease if prior to the death three separate depositions had been sent to the authorities. In that year it was ruled that if the reports sent in did not give the name of a physician, or if all three reports were sent in on the same day, an official should be dispatched to hold an inquest. Under other circumstances the old rule could be followed.³⁴ But aside from these limiting cases, inquests were supposed to be held in unusual deaths.

The results of these inquiries, embodied in a formal inquest report, played a vital role in Sung criminal justice. They were used during the investigation and trial at the subprefectural and prefectural yamens and in later reviews. Where no inquest had been performed, or the deputed officials had refused to go beyond a preliminary investigation to produce a formal inquest report, or no firm result was reached by the inquest, the legal complications could become serious, though it should be noted that magistrates were not always willing to accept the evidence as provided in the reports. At higher levels in the judicial system, the responsible officials were particularly concerned with discrepancies between the different inquest reports. If initial and re-inquest reports did not agree, someone was certain to suffer. Furthermore, such disagreements frequently made it impossible to dispose of the case. Under these conditions it is hardly surprising that at times both clerks and officials met illegally to compare and harmonize the information in the different inquest reports.³⁵

Sung Tz'u wrote *The Washing Away of Wrongs* in the hope that it might serve to guide the responsible officials through this complicated set of procedures. His success is affirmed by the profound influence his book had on the administration of Chinese justice from the time of its initial publication on into this century. Generation after generation of Chinese officials turned to the book for guidance and advice. As one edition succeeded another, more and more forensic information was added to the basic text and outmoded official procedures were deleted, yet for almost seven centuries the book guided investigators in their examinations. It was the book which, in the words of Herbert Giles, "was always carried to the

³⁴ *TFSL*, p. 534.

³⁵ *TFSL*, p. 533; *WHTK* 170.1477.

scene of an inquest by the high territorial official on whom the duties of coroner devolved."³⁶

As a mirror of Chinese administrative practice the work is unusual. General writings on administration began very early in China, and miscellaneous handbooks of administrative advice are fairly common, but Sung Tz'u's work stands out as an early extended treatment of the practices to be followed by local administrators in handling one delimited problem. It portrays all the usual traits of traditional Chinese bureaucratic activities—a concern that the responsibilities of officials be defined clearly, extensive use of documents drawn up in prescribed forms and often in multiple copies, an emphasis on the negative sanctions to be borne by an official who failed in his duties, and a pervasive distrust of people who were not themselves officials, whether clerks or commoners.

This is not to say that the higher authorities were sanguine about the trustworthiness of officials. Repeated warnings about the punishments to which the responsible officials were liable, rules forbidding the use of interested officials in the performance of inquests, and frequent exhortations to action all reveal a concern that the civil servants on the spot might perform their duties improperly or not at all. Anxiety about the reliability of military officials is even more marked. These men, many of whom had risen through the ranks, were often illiterate, and their judgment, if not their honesty, was in serious doubt. Only under exceptional circumstances were they to be involved in the inquest process. Finally, a mutual lack of trust is reflected in the public nature of the proceedings and in the provision of a copy of the relevant documents to the victim's family, both procedures designed to minimize the chances of fraud and deceit.

The Washing Away of Wrongs illuminates not only general Chinese administrative patterns, but, even more importantly, the style of traditional legal practice. It reveals throughout the meshing of legal and administrative structures characteristic of traditional China. Those charged with holding inquests were regular administrative officers, dispatched to conduct the examinations as only one facet of their more general duties; they were not full-time detectives, much less forensic pathologists. Had they been, Sung Tz'u might not have felt moved to write his book. He

³⁶ Giles, "The 'Hsi Yuan Lu' or 'Instructions to Coroners'," p. 59.

wrote to enlighten those who were largely ignorant of forensic procedures, not to instruct experts.

For this very reason, Sung's book provides us with our clearest picture of traditional Chinese detective processes. There is throughout an emphasis on speed. The object was in part to reduce the difficulties of detection which resulted when bodies were too far decomposed to permit examination. This was particularly true in the most critical cases, i.e., those in which foul play was potentially involved; these automatically required a re-inquest, a procedure that necessarily entailed added delays. But this is not the whole story. The problem is the more general one of the potential loss or deterioration of evidence with the passage of time. It is not merely that the corpse may decay, but that the murder weapon may be altered or concealed, or the recollection of witnesses grow vague (or spuriously exact and fixed).

Certain other devices are recommended to increase the chances of successful detection. One of the most striking is the pattern of open confrontation. The actual examination took place openly in the presence of the accused, the relatives of the victim, local notables, and other interested parties after the initial questioning of the person who filed the original report and of others involved had been completed. The psychological impact of such a setting must have been considerable. For many, perhaps most, of the local people present, such an inquest might well have been the first time in their lives that they had come before an official, a delegated representative of the imperial government. The character of the proceedings, the presence of an official, and the presence of others intimately involved in or affected by the death must have placed all participants under great stress, stress which might move them to acts and statements which under normal circumstances they would have avoided.

In several ways this inquest procedure resembled the trial procedure which might follow it. Both involved the reading aloud of the pertinent information to all those assembled. Both were confrontational in nature, with the hapless accused constrained in the presence of his accusers and the officers of the law. In the trial the symbols of authority were awesome, with the judge seated above the level of the court and the accused below before the dais where he might be subjected to judicial torture. At the inquest the formal symbols of imperial majesty were not so overwhelming, but being questioned immediately before the rotting corpse of his supposed victim and in the presence of the victim's relatives, friends, and

neighbors might well qualify as a kind of psychological torture, less disfiguring than judicial beatings, but perhaps as likely to elicit truthful answers. Moreover, the similarity between the two processes was heightened by the fact that Chinese judges were often loath to use judicial torture unless there was clear evidence of guilt. This was perhaps particularly true in the Sung, when mere confession, in the absence of physical evidence or testimony of witnesses, might be insufficient grounds for conviction. So, in both trial and inquest, psychological pressures were of especial importance.

Local officials were also aware that judicial beatings were extremely dangerous for the victims. As comments in the *Hsi yüan chi lu* make apparent, judicial beatings were expected to be permanently disfiguring, their scars standing as mute evidence of previous involvement with the law. Furthermore, given the conditions of Chinese jails, the threat of infection was ever present. Finally, local officials were fully aware that higher authorities kept track of how many prisoners died. During the Sung, officials of jurisdictions with few deaths might be rewarded, while those where an excessive number died might be punished.³⁷ This is not to say that Sung officials did not at times abuse their authority. Prisoners apparently died fairly often from beatings, legal or illegal. Officials were thus anxious to secure as much accurate information as possible at the inquest, the pretrial stage of the law process.

The inquest process also reveals the important role that publicity played in the traditional Chinese judicial process. The public, open character of the inquest was designed in substantial part to obviate accusations of improper practices by the examining personnel, but it also served to involve others in the judicial process. It made known the state of the investigation to those who might have evidence to present and provided officials with an

³⁷ *LTHFC*, p. 399. Such concern about deaths of prisoners was by no means confined to the Sung period. Already in the Han, in 66 B.C., the Emperor Hsuan ordered the Commandaries and Kingdoms to report annually on the number of persons who had died in prison. See Hulsewé, *Remnants of Han Law*, 1:76. Even earlier, in the *Book of Rites* (the section of "monthly ordinances"), it is said that during the first month of autumn, the managers of prisoners are to "look at wounds, examine sores, inspect broken members, and judge particularly of dislocation." See Legge, trans., *Li Chi: Book of Rites*, 1:285, and *Li chi* 5.17b.

opportunity to discover differences of opinion among those involved in the case. The involvement of relatives, neighbors, and village-level functionaries in the legal process made it far more difficult for them to raise difficulties after the fact (they had, after all, indicated their acceptance of the information on the inquest report), and also brought pressure on them to give evidence by mandating their participation. Psychologically, the process must have resembled the trials of the land reform period in the People's Republic. The association of all parties with the decision made it more difficult for them to dispute the results at a later time. This penchant for involving a group of people in the approval of inquest results is another example of the importance placed on assent that is characteristic of Chinese justice in general and Sung justice in particular. (A Sung criminal, by merely refusing to consent to the verdict handed down in his case, could automatically assure a full retrial.)³⁸

The stress on assent is, of course, closely tied to the need for a clear assignment of responsibility. When a person suffered injury at the hands of another, it was imperative that a death limit be assigned to fix the time within which the assaulting party would be considered guilty of homicide. If death resulted, the examiner had to find and indicate specifically the wound responsible for the death. If there were multiple assailants, one of them had to bear the principal responsibility. If the deceased bore marks of acupuncture or moxibustion, a physician had to be called in to determine whether medical malpractice was responsible for the death. Again and again it was stressed that the examiner must be careful to distinguish self-inflicted wounds from those inflicted by others, accidental deaths from deliberate ones, and premortem from postmortem wounds. All of these various points of emphasis were inextricably tied to the assignment of responsibility. Finally, the question of responsibility underlies the rule that inquests and re-inquests had to be held in all deaths of prisoners. To those acquainted with current American forensic practice, this last requirement has a familiar ring. Today, deaths of prisoners have to be investigated with great care, for much the same reasons they were to be treated with such care in China almost a millenium ago: because of the possibility of abuse by prison personnel and the likelihood that complaints of such abuse will be submitted even when it is absent. Indeed, in reading *The Washing Away of*

³⁸ Hsu Dau-lin, "Fan-i pieh-k'an k'ao," pp. 20-28.

Wrongs the similarity of major forensic problems then and now is striking. Ways of finding answers may change, but the questions remain the same.

This elaborate Chinese bureaucratic system stands in contrast to the simpler systems concurrently in use in Europe. Early Germanic law had required rather exact descriptions of wounds, since these were needed if the proper recompense was to be paid.³⁹ It is not wholly clear how this system was applied at the time, but we do know that in medieval Freiburg, the collective group responsible for law and order (the twenty-four members of the court) were all supposed to view the victim's wounds. This was the case early in the thirteenth century, although later only two members had to participate.⁴⁰

These German practices resemble the Chinese pattern only on the most general level; a much closer and more interesting parallel is to be found in medieval England. In the English rules laid down during the judicial circuit of September 1194, it was ordered that "crowners" be elected in each county to handle a number of judicial functions, the most important of which was the holding of inquests on seriously wounded men, men who had died in prison, and those dead through homicide or misadventure. In practice it would seem that the majority of inquests dealt with deaths in prison or with apparently accidental but unusual deaths.⁴¹ In some counties the first finders were expected to notify the four neighbors nearest to the location of the body. They in turn were to notify a local functionary called the "bailiff of the hundred," who would send for the coroner.⁴² The coroner was supposed to go to the site to view the corpse shortly after receiving such a report, and evidence suggests that with the exception of deaths of prisoners, such viewings usually occurred within a

³⁹ See, for example, Liebermann, *Die Gesetz der Angelsachsen*, 1:5-6.

⁴⁰ Volk and Warlo, "The Role of Medical Experts," pp. 101-16.

⁴¹ The best general description of the coroner's office is to be found in Hunnisett, *The Medieval Coroner*. On the origins of the office, see also Hunnisett's article "The Origins of the Office of Coroner," pp. 85-104. Other useful comments about the coroner's role can be found in other works by Hunnisett, including the introduction to *Bedfordshire Coroners' Rolls* and the *Nottinghamshire Coroners' Inquests*. See also Kellaway, "The Coroner in Medieval London."

⁴² Gross, *Select Cases from the Coroners' Rolls*, 9:xxiv.

few days of the report.⁴³ Greenwood remarks that

as to the view of the body of a man, it is [the coroner's] office, that so soon as he shall be certified thereof, to send to the Constable of the Hundred of the Place to summon sufficient and able men of the towns adjacent, that at a day certain they be before him at such a place; all which done the body is to be viewed, and if it be buried it is to be taken up, and he is to record the names of those who buried him; and if it hath been desecrated or damaged by ill keeping, or lain so long that it cannot be judged how it came by its death, the same must also be recorded, that this negligence may be punished at the coming of the Justices of Assize into the Circuit.⁴⁴

Upon arrival at the place where the jury had been assembled, the roll was called and an oath exacted from the foreman of the jury. The jury thereupon addressed the following points: whether the death was the result of felony or mischance, of an act of God or man, or of famine or pestilence; whence the victim had come and his identity; the determination of principals and accessories if the victim had succumbed at the hands of others; whether a hue and cry had been raised; and whether he had died as the result of long imprisonment. The report additionally noted if the victim was found in field or wood; if he had died at the place where he had been found; whether he had died by drowning, strangulation, or otherwise slain, and with what weapon; if he was a stranger, where he had lodged the night before his death; and the locations of the wounds, their lengths, breadths, and depths.⁴⁵

These records seem to have followed a general pattern. Wilkinson quotes one:

An inquisition at [place], at [date], before me [the coroner], upon view of the body of [the victim], by the oath of [the jury foreman]

⁴³ Hunnisett, in *Nottinghamshire Coroners' Inquests*, pp. iii-iv, states that coroners tended to delay holding inquests on prisoners, perhaps out of fear of infection, and might even hold a single inquest on several corpses when the deaths had been spread over a considerable period of time.

⁴⁴ Greenwood, *A Practical Demonstration*, p. 7. On the above, see also Office of Sheriffs, *In this booke . . .*, fo. 44ff.

⁴⁵ Greenwood, *A Practical Demonstration*, p. 10, and Office of Sheriffs, *In this booke . . .*, fo. 50.

and the jury, who say on oath that [the accused], of [place], at [time], at [place], feloniously assaulted [the victim], with a sword of [value of sword], cut [the victim] on the [location of wound], mortally, the wound being [width], [length], [depth], so that [the victim], at [place], died, and that [the accused] had no chattels nor goods at the time of the felony.⁴⁶

The empanelling of the jury, the viewing of the body, and the handing down of the verdict, like their Chinese counterparts, were all commonly "in the Street, in an open place, and in corona populi. . . ."⁴⁷ The results were transcribed in abbreviated form onto the so-called "coroners' rolls," many of which have been preserved.

In cases of injurious assault, those who conducted the examination were charged with assessing the seriousness of the wounds, since in Europe, as in China, time limits for deaths from wounds were established. If the victim died within the prescribed limit, the accused was guilty of homicide.⁴⁸

The resemblance of the English practices to the Chinese pattern is even more striking when we read the list of faults of which coroners were accused. It was said that among other misdeeds, they often sent proxies to the viewing, delayed or tarried in their work, accepted payments, or entered information into the record which either did not derive from the inquest or was patently false.⁴⁹

It is interesting that this system, which is comparable in a number of ways to Chinese practices, should have emerged in England at a time when that northern kingdom was in close contact with the Norman empire of Sicily. The Sicilian court, in turn, particularly under Roger II, was home to a brilliantly cosmopolitan group of courtiers, including Moslem geographers like the famous al-Idrīsī, whose works suggest a considerable knowledge of things Chinese. Furthermore, some writers have suggested that formal

46 Wilkinson, *Treatise*, pp. 50-51.

47 Greenwood, *A Practical Demonstration*, p. 8.

48 A nineteenth-century text on forensic medicine notes that among the Lombards, the death had to occur within a year; in Prussian practice, within nine days; in France, within forty days; and in the traditional English system, within a year and a day. See Beck, *Elements of Medical Jurisprudence*, p. 122.

49 Office of Sheriffs, *In this booke . . .*, fo. 48.

inquets were first held in continental Europe in the Italian dominions of the Normans. Cases of cultural influence are notoriously difficult to prove, but it is perhaps not merely fanciful to raise the possibility of a Chinese pattern for the Norman and English practices.⁵⁰

If Norman England provided the institutional prototype for the later Anglo-American coroner system, the forensic practices of the Italian states strongly reinforced the European emphasis on the use of expert medical opinion. This tradition had been reflected in the Justinian Laws (529-564 A.D.), which state that the function of medical experts is to assist the judiciary by impartial interpretation and opinion.⁵¹ This early emphasis on the use of expert testimony reappears in the more formalized forensic systems which began to emerge in Italy during the thirteenth century. It has been suggested that Bologna was the first city in Europe to establish a system of forensic examination by experts. This system was first set down in the statutes of 1252, which were updated in 1262. In the Bolognese as in the Chinese case, examinations took place for both fatalities and woundings, though in Bologna medical experts were called in to assess the seriousness of the wounds. The important role they played may have stemmed from the high level of medical expertise in that university town and the status of medicine as a learned profession.⁵² The importance of the role of medical experts was heightened in the thirteenth century when autopsies began to be performed. (It should be noted that there is evidence

⁵⁰ For another facet of the possible influence of Chinese practices on Europe by way of Norman Sicily, see Needham and Lu, "China and the Origin of Qualifying Examinations in Medicine," pp. 392-95. See also Creel, *Origins of Statecraft in China*, pp. 12-15. For some general observations on intercourse and mutual influence between the Norman kingdoms north and south, see Haskins, "England and Sicily in the Twelfth Century," pp. 434-47, 641-65. See also Jamison, "The Norman Administration of Apulia and Capua," esp. pp. 302ff. It should also be pointed out that with respect to the medical aspects of forensic practice, the School of Salerno was one of the greatest centers of medical learning in Europe during the time of the Norman kingdom. See Kristeller, *Studies in Renaissance Thought and Letters*, pp. 495ff.

⁵¹ Cassar, "A Medico-Legal Report," p. 356.

⁵² Simili, "Tre Caratteristiche inquisizioni," pp. 115-36.

of autopsies in China beginning several centuries earlier, but the Chinese did not continue this line of exploration.)⁵³

Autopsies performed for forensic purposes contributed to the general progress of European medical knowledge. Such forensic practices may have grown out of attempts to satisfy the requirements of both canon and civil law by using physicians for external forensic assessments in homicides.⁵⁴ Despite this background, almost two centuries were to pass before the writing of the first Western forensic medical tracts. Then, in the late sixteenth and early seventeenth centuries, in the space of only two generations, the European tradition of forensic medicine became firmly established. In 1595 the study by Battista Codronchi on the detection of death by poisoning (*De Morbis Veneficiis*) was published in Venice, to be followed within a few years by the first publication, in 1602, of the more general *De Relationibus Medicorum* of Fortunato Fedele. A little more than a decade later, the *Medicus Politicus* of Rodericu à Castro was published in Hamburg. And finally, the finest early exposition of forensic study, the *Quaestiones Medico-Legales* of Paolo Zacchia, was published in Rome between 1621 and 1635. Institutionally, these developments were aided by the rules of the Caroline Constitution of Charles V (1532), which mandated a legal role for physicians in the forensic assessments that had become part of the regular code of law.⁵⁵

The Western marriage of professional medical knowledge and forensic practice was lacking in China. In this respect the Chinese experience diverged most sharply from that of Europe. The reluctance of the legal

⁵³ Miyashita Saburō, "Sō-Gen no iryō," pp. 148-49. For European autopsies, see O'Malley, *Andreas Vesalius of Brussels*, p. 12.

⁵⁴ O'Neil, "Innocent III and the Evolution of Anatomy," p. 432.

⁵⁵ Smith, "The History and Development of Forensic Medicine," p. 599; Camston, "Remarks on the History of Forensic Medicine," pp. 707-11. It is instructive to compare the contents of Fedele's work with the *Hsi yuan chi lu*. Of course, most of the differences are presumably to be attributed to the differing purposes of the works. The *Hsi yuan chi lu* is concerned only with inquests, while Fedele's work covers a much wider spectrum of medico-legal problems, including matters that touch on the family and inheritance such as impotence, virginity, pregnancy, and so on. There are, however, other areas where the two works at least touch on similar topics, for example, drugs and poisons, the errors of physicians, and the effects of torture.

authorities to solicit such medical opinion is probably traceable to a distrust of the "expertise" of those who might have been called on to testify. In the past there has been a tendency among scholars to interpret such examples of disdain by the Chinese elite for specialists as the contempt of the humanistically educated for the scientist and technician. For the Northern Sung dynasty at least, this prevalent interpretation is clearly wrong. Sung literati were open to and interested in scientific information, and technical treatises by Sung literati abounded. Their distrust of technicians, including those who earned their livelihoods by providing health care, was based not on a generalized contempt for the subject itself, but rather on the conviction that the literati were the only true experts. Mere technicians and practitioners lacked the knowledge of the wider theoretical framework, without which instrumental knowledge was of minor value.

With respect to medicine, this attitude meant that when a Sung literatus was ill he would often choose a fellow literatus as his "physician." An older Chinese tradition of having family retainers who were skilled in medicine was dying out, and the available "professionals" were often mediums, drug peddlers, masseurs, or religious practitioners. Such people could hardly be relied upon to provide skilled care, much less expert testimony. Even physicians were rarely called on, being brought into inquests only to rule on the possibility of death from moxibustion or acupuncture (though their opinions might be asked in cases of deaths from disease).

It is not clear why physicians were so infrequently consulted. Perhaps their relatively low social status militated against their being used. In the Sung and Yuan, increased government involvement in the training of doctors must have made a somewhat greater number of well-trained practitioners available in administrative centers. Still, unlike their European colleagues who were organized into guilds, Chinese physicians lacked any cohesive organizational form through which to press for a more active role in forensic assessments. Perhaps the most likely explanation, however, is that they were not really interested in participating in such examinations. After all, their expertise touched on the living, not the dead, and they were armed with a developed theory of medicine which was

not undergoing the kind of radical reevaluation then underway in European medical circles.⁵⁶

In any case, one thing is clear: the "expert" at most Chinese inquests, the *wu-tso* or coroner's assistant, was a man of very low social status and little education. Since he often doubled as an undertaker, he might have considerable experience in handling corpses, but he lacked both the medical training and the interest of his European counterparts. The "old woman" who in China helped in the examination of female corpses was a midwife, and so lacked even the *wu-tso*'s familiarity with the adult dead.

Yet Sung Tz'u, like many Sung literati, seems remarkably well informed on medical matters. He refers with obvious familiarity to the medical names of disorders, to terms for medicinal substances, and to the uses of drugs.⁵⁷ His knowledge of the classical medical tradition is revealed by his appropriate references to the medical aspects of such terms as "ch'i" 氣. Manfred Porkert, in *The Theoretical Foundations of Chinese Medicine*, says that the term *ch'i* "comes as close as possible to constituting a generic designation equivalent to our word 'energy' " (in the everyday, nonquantitative sense) as does any notion in the framework of Chinese thought.⁵⁸ In its general usages he styles it "configurational energy"—energy of definite or definable quality, with a direction in space or a definite arrangement or structure. The air that carries it is also called *ch'i*. Sung Tz'u's work reveals his familiarity with fundamental medical uses of this important term. He also shares with writers in the classical

⁵⁶ O'Neil and Chan, "A Chinese Coroner's Manual," pp. 3-17, suggest that Sung Tz'u's work may have impeded the progress of Chinese medicine by making it unnecessary for the men conducting inquests to rely on medical opinion, but this would seem to involve a misunderstanding of the social role of physicians in China and of the physicians' vision of their own function. In any event, in Europe as in China, physicians or "barber-surgeons" were brought into the process at the will of the judicial authorities, who bore the final responsibility for the processes involved.

⁵⁷ Here, as elsewhere in this work, I am indebted to Professor Nathan Sivin for bringing the medically significant aspects of Sung's work to my attention. For an explication of the general attitude of Sung literati toward scientific matters, see Sivin, "Shen Kua," pp. 369-93.

⁵⁸ Porkert, *The Theoretical Foundations of Chinese Medicine*, p. 167.

medical tradition an acceptance, in certain contexts, of the popular belief that illness stemmed from possession.

Sung's medical learning came in part from books. In *The Washing Away of Wrongs*, he mentions the *Wu-tsang shen-lun* 五藏神論 [Divine discourse on the functional systems of the body] and the *Ching-yen fang* 經驗方 [Prescriptions from experience]. In addition, in his preface to the *Hsi yuan chi lu*, he states that he made use of a Sung period work entitled *Nei-shu lu* 內恕錄 [Essay on empathic responses].

In writing his work, Sung Tz'u drew not only on his medical learning and his experience in judicial offices, but also on several books on investigation. The earliest work of this kind used was the *I-yü chi* 疑獄集 [Collection of doubtful cases] by Ho Ning 和凝 (898-955) and his son Ho Meng 和嶠 (951-995). Sung also seems to have used the *Che-yü kwei-chien* 折獄龜鑑 [Magic mirror for solving cases] by Cheng K'o 鄭克 (d. after 1133). Sung made use of a number of other texts, but does not name them, writing merely that "one text says, another text says." The varied sources of his material help to explain the uneven quality and the repetition of information in his work. It is worth noting that in arranging alternative procedures he seems to have placed the ones he thought best first and listed the others in order of desirability.

About the Author

The author of the *Hsi yuan chi lu*, Sung Tz'u (courtesy name Hui-fu 惠父), was a man from Chien-yang 建陽 subprefecture in Fukien. His father, Sung Kung 宋玘, had graduated from the facilitated examinations given during the Sung to men who had repeatedly failed the regular examinations, but whose persistence had earned them the right to sit for somewhat easier tests. Sung Kung served thereafter as a Regional Commandancy Judge (*chieh-tu t'ui-kuan* 節度推官), a middle-ranking judicial post of considerable responsibility. His son, who received his early education from a follower of Chu Hsi, became acquainted with other young Confucian literati and eventually entered the national university (*t'ai-hsueh* 太學). In 1217 Sung Tz'u gained his doctorate (*chin-shih* 進士), and was appointed Sheriff of Yin 鞏 subprefecture in Chekiang, but his father died before he could take office and he retired for the customary mourning. Almost a decade later he was appointed Registrar of Hsin-feng 信豐

subprefecture in Kiangsi. The region was troubled by bandit gangs, and when the officer charged with suppressing them held back and the troops would not advance, Sung Tz'u himself led a force into the hills. He began by distributing relief supplies to the needy in order to defuse the source of local unrest, and then destroyed the bandit strongholds and seized their leader. Later, he was again involved in a bandit suppression campaign and used his earlier tactics with success. His success was once again an embarrassment to his superiors. Berated by a circuit intendant, Sung Tz'u walked out of the interview. When the intendant repeatedly impeached him, he withdrew from official life. After the death of the intendant involved, Sung Tz'u was again called to office to help in bandit suppression. After this second entry into official life, he served in a succession of increasingly important local judicial and administrative posts, which included Subprefectural Administrator, Vice-Administrator of a prefecture, Prefect, and eventually Judicial Intendant. He died in 1249, two years after completing *The Washing Away of Wrongs*.⁵⁹

A Note on Translations

The author's preface to *The Washing Away of Wrongs*, dated the last month of 1247, says that the blocks for printing the book had been carved prior to that date. Unfortunately, no copy of this Sung edition seems now to exist. The work was reprinted under the succeeding Yuan dynasty. This Yuan edition survived into the Ch'ing to be reproduced in the *Tai-nan ko ts'ung-shu* 岱南閣叢書 and was recently reprinted by the Fa-lü ch'u-pan she 法律出版社 in Peking. It is this version which has been translated here. The Yuan edition contains not only the Sung work, but also a section of material from the Yuan period. Since my aim is to try to portray as clearly as possible forensic practice during the Sung, as reflected in Sung Tz'u's work, I have deleted this later material.

⁵⁹ The most readily available biography in English is Miyashita's "Sung Tz'u," p. 990. More information can be found in Kao Ming-hsuan and Sung Chih-ch'i, "Shih-chieh ti-i pu fa-i hseh k'ao chu," pp. 474ff., and in Chu-ko Chi, "Sung Tz'u chi ch'i 'Hsi yuan chi lu'," pp. 87-94. The source from which most of this biographical information stems is Liu K'e-chuang's *Hou ts'un hsien-sheng ta ch'üan chi* 159.4b-9b.

Shortly after Sung Tz'u finished his book, it was imitated by a short work of Chao I-chai 趙逸齋 entitled *P'ing-yuan lu* 平冤錄 [Essay on the redressing of wrongs]. Chao drew heavily on *The Washing Away of Wrongs*, as did Wang Yü 王與, who compiled a two-chapter work called *Wu-yuan lu* 無冤錄 [Essay on avoiding grievances] (preface dated 1308). Wang drew on Sung Tz'u's work for his second chapter, which was on corpses and injuries, and on the work of Chao for his initial chapter, which dealt with official procedures. Although the *Essay on Avoiding Grievances* was known in Korea and passed from there to Japan, in these countries, as in China, *The Washing Away of Wrongs* remained more widely known and used. The three works were sometimes referred to collectively as the *Chien-yen san lu* 檢驗三錄 [Three essays on inquests], but the works of Chao and Wang became very rare in China, while *The Washing Away of Wrongs* remained the commonly consulted work on forensics.⁶⁰

Succeeding generations of Chinese editors followed the example of the Yuan editors of Sung's book in adding much new material to the basic text, but they also deleted a good deal of Sung Tz'u's original work and rearranged much of what they retained. Unlike the Yuan editors, who seem merely to have added the new materials as a preface to Sung Tz'u's text, these later men essentially rewrote the book, interspersing their additions with what they kept from earlier versions. Thus, except for the *Tai-nan ko ts'ung-shu* edition, the many Ch'ing works bearing the title *Hsi yuan chi lu*, or variations thereof, differ considerably from the text translated here.

The Ch'ing version of the work attracted the attention of Western sinologists early on. In 1780 an abbreviated French rendering was published in the *Mémoires concernant l'histoire, les sciences, les arts, etc., des Chinois*, 4:421-40. A longer French version, by Ernest Martin, was published in Paris in 1884 under the title *Exposé des principaux passages contenues dans le Si-Yuen Lu*; and in 1910 still another French version was published in Hanoi from a Vietnamese printing of the work.⁶¹ The first complete translation into a Western language was published in 1863 by the Dutch sinologue C. F. M. de Grijs under the title *Genergtelijke Geneeskunde, uit Chinese vertaald*. This Dutch version was translated into

⁶⁰ Shen Chia-pen, *Shen chi-i hsien-sheng i-shu*, chia-pien, pp. 971-73.

⁶¹ Litolff, trans., *Le livre de la réparation des torts*.

German in 1908.⁶² The first extended English translation, by Herbert Giles, was published in 1874 in volume 3 of the *China Review*. The Giles translation was reissued in the *Proceedings of the Royal Society of Medicine* (volume 17) in 1924. Giles's translation has been extremely helpful, despite the fact that the edition he translated (with a preface dated Tao-kuang 23, i.e., 1843) overlaps only about half of the time with the Yuan edition. As is to be expected of a work done during the early days of English sinology, there are places where his rather free translation becomes a paraphrase, and occasionally he steps into some of the pitfalls that await even the most wary Western translator of classical Chinese. It is also unfortunate that he chose to translate passages which he regarded as indelicate (such as the entire section on the examination of female corpses) into medical Latin or to delete them altogether. Despite these problems, his work has held up very well. It is particularly useful when compared to the Yuan edition as a measure of the ways in which forensic practice had changed in the intervening six hundred years.

In my translation I have indicated in the margins not only the page numbers of the Yuan edition (in bold numerals), but also the corresponding pages of a Ch'ing edition (in italics). The latter edition is called the *Hsi yuan lu hsiang-i* 洗冤錄詳義, preface dated 1854, and it is identical to the one translated by Giles. Page references to Giles's translation in the Royal Society *Proceedings* are also given (in regular numerals). The letters "n.G." indicate that the passage does not occur in Giles's work. A page reference to the Ch'ing work merely means that the passage in question, as it stands in the Ch'ing version, seems to have been derived directly or indirectly from the version originally published during the Yuan. It does not mean that the Ch'ing passage and the Yuan version are identical.

In the translation itself, I have put in parentheses material which in the Chinese text occurred as interlinear notes. The parenthetical notes have also been set in italics, so as to be easily distinguishable from the text itself. Material added by myself to help clarify the text is consistently enclosed in brackets, and my own notes to the text appear at the foot of each page. Because of the nature of classical Chinese, the translator faces a perennial problem: to provide a smooth and relatively idiomatic translation, it is necessary to insert into the text many words which are only

⁶² Breitenstein, trans., *Gerichtliche Medizin des Chinesen*.

implicit in the Chinese. To enclose all of these in brackets would greatly hinder the smooth reading of the translation. I have generally chosen to bracket such insertions only in instances where my additions were made at doubtful points or where they contain explanatory matter not obviously implicit in the Chinese original. It should be mentioned for the benefit of those not familiar with Chinese that in premodern writings pronouns are usually not written down, but are mentally inserted by the reader. Thus, in the original Chinese text, the gender of the victims is rarely specified. I had perforce to choose a pronoun and have generally called the victim "he." When the context made it probable that the victim was a woman I have used "she."

For the most part, the text of the *Hsi yuan chi lu* is quite straightforward, as befits a practical handbook. It did, however, present two problems. First, since it was composed in part of excerpts from the writings of others, terminology varies somewhat from passage to passage. Secondly, the translation of traditional forensic terms is itself a problem. Traditional Chinese understanding of skeletal anatomy was incomplete. Some bones remained unrecognized, while other single bones were given names to correspond to their different parts. Translating the names of bones is therefore sometimes quite difficult. Since the old terminology was abandoned entirely with the advent of Western medicine, modern medical dictionaries are of no help. Dictionaries of the classical language are only slightly better. A further wrinkle is added by the practice in traditional times of using the same name (e.g., *pi-ku* 髀骨) to refer to different bones. Fortunately, the difficulties are only occasionally beyond solution. Although most of the vast literature of traditional Chinese medicine contains few illustrations, the various editions of forensic handbooks frequently provide dorsal and ventral views of both the surface of the body and the skeleton with the terminology for each part. These illustrations were of great help, yet even they presented problems. First, the charts do not always agree in terminology. Secondly, the drawings with their associated terms were not made by men with a knowledge of anatomy, so that the lines which connect a term with the part supposedly named rather often are drawn to the wrong place or to some spot in the general area of the bone or part named. Sometimes the confusion is reduced by the texts accompanying the drawings or by the similar texts and drawings of the Ch'ing dynasty work *I tsung chin chien* 醫宗金鑑 [Golden mirror of the medical tradition] (1742). Unfortunately, and finally, there are some terms

used in the *Hsi yuan chi lu* which do not occur in an identifiable way in any of the drawings, charts, or texts I have seen. In some cases, therefore, my renderings are unavoidably tentative. In all cases I have tried to steer a middle course between a spurious exactness, giving modern anatomical names to parts not fully known by the Chinese authors, and an excessive broadness, obscuring the degree to which the forensic specialists did have a grasp of anatomy. Finally, wherever possible I have adopted the medical terminology developed by Nathan Sivin on the basis of his own work and that of others including Hans Ågren, Gwei-djen Lu, Joseph Needham, and Manfred Porkert.⁶³

⁶³ This terminology is to be found in Sivin, *Traditional Medicine in Contemporary China* (forthcoming), and in his *Chinese Alchemy: Preliminary Studies*. See also Cooper and Sivin, "Man as a Medicine," pp. 203-72.

*COLLECTED WRITINGS ON
THE WASHING AWAY OF WRONGS*

by

Sung Tz'u

PREFACE

n.G.

Among criminal matters none is more serious than capital cases; in capital cases nothing is given more weight than the initially collected facts; as to these initially collected facts nothing is more crucial than the holding of inquests. In them is the power to grant life or to take it away, to redress grievances or to further iniquity. Among those legal matters that may be assigned to assisting officials for management, they are the task that must be completed with the most scrupulous care. For some time, magistrates have been delegating such responsibilities to beginning officials or to military officials, who are even more lacking in experience. Suddenly, they have to make the attempt. Again, considering the deceitfulness of the coroner's assistants and the corruptibility of clerks, the falsifications they can introduce are so multitudinous as to be beyond the possibility of investigation. Even if a man were intelligent, he has but one mind and two eyes. He lacks the means whereby to apply his wisdom. How much worse is the situation if the official looks on from afar and does not personally take part, covering his nose and disregarding the proceedings? When I was on four occasions a legal official, though lacking other talents I devoted myself wholly to judicial cases, investigating and reinvestigating them, not daring to be in the very slightest dilatory or complacent. If speciousness was clearly apparent, then the affairs would forthwith be remanded. If it proved impossible to determine what was doubtful and what was reliable, then the case had to be reinvestigated most thoughtfully. Therefore, I was fearful only of being hasty and of subjecting the dead person unnecessarily to

soaking [with wine and vinegar]. I always remembered that errors concerning the facts of a case often spring from discrepancies traceable to the earliest stages of the investigation, and that mistakes in the decisions of the inquest originate in the superficiality of experience and methodology. I thereupon broadly selected materials from extant books, making a record of their contents. I brought together materials from various authors, corrected them with care, and added to them on the basis of my own observations, assembling all this into one compilation entitled *Collected Writings on the Washing Away of Wrongs*. The blocks for printing were carved at the offices of the Intendant in Hunan 湖南. I showed the work to my colleagues to solicit their comments and corrections, much as a doctor might argue [with his colleagues] over ancient methods, over the system of circulation tracts and the relations of inner and outer systems of function within the body, so that having come to understand them, he could in a moment use this knowledge in placing his iron and stone needles, always hitting the mark when he did so. Thus, the benefits of the washing away of wrongs may be of service to both the living and the dead.

Written in the twelfth year of Ch'un-yu 淳佑 [1247], ten days before the twelfth month festival by the Ch'ao-san Grand Dignitary 朝散大夫, newly appointed as the Auxiliary Literatus of the Imperial Library, the Hunan Judicial Intendant, serving as the Grand Military Envoy, charged in addition as a Prefectural Functionary Taking Part in Deliberations, Sung Tz'u (tzu: Hui-fu).¹

¹ Officials in Sung times had long strings of official titles, one of which indicated their actual function. Others indicated their salary grade, position in the protocol order, special merit rewards, and so on. For a brief description, see Kracke, *Translation of Sung Civil Service Titles*, pp. 3-5. Wherever possible, my translations of civil service titles follow those in that work or those found in Kracke, *Civil Service in Early Sung China*.

CHAPTER I

1. A List of Laws

In all cases where there are corpses which ought to be subjected to inquest and are not (*This applies both to initial inquests and re-inquests*); or in which officials after receipt of an order of dispatch permit four hours to pass without taking action (*If it is night this time is not figured in. This is also true for the following items*) or do not in person approach the body to look at it; or fail to determine the mortal injuries; or determine them, but improperly (*This refers to such things as listing death through foul play as death from disease, or head injuries as rib injuries, and so on*): in all these cases the officials are to be triable as guilty of "breaking regulations" (*wei-chih* 違制).² If on the basis of their inquest report the accused has either been improperly released or improperly convicted, the guilty officials are not allowed to take advantage of the precedents on escaping penalties by confessing.³ If the circumstances were difficult to understand, and an

1/n.G.

per de Giles

² The *Hsi yuan lu* reports that "the Code, on breaking regulations, says, 'This refers to those who, having received a regulation which they ought to enforce, still disobey it. They are liable for a penalty of two years of penal servitude.' " See pp. 46-47 below. I have not been able to locate this passage in other Sung legal materials.

³ Under traditional Chinese law, it was often possible for guilty persons to escape punishment or to have their punishment reduced if they confessed to the crimes before the crimes had been discovered. On this system, see Kennedy, *Die Rolle des Geständnisses in chinesischen Gesetz*.

improper determination was inadvertently made, the official is subject to a sentence of one hundred blows of the heavy rod.⁴ Clerical personnel (*li-jen* 吏人) and attendants are equally guilty.⁵

All those who have received a commission to conduct an inquest or a re-inquest, and who, despite the fact that a long time has not yet passed, report that the body is decayed and is not sufficiently preserved to permit examination, are to be considered guilty of the crime of being supposed to hold an inquest, but not holding one. (*The details of this were fixed during the Ch'un-yu period [circa 1241-47].*)

n.G.

In cases of corpses requiring an inquest, when a report has arrived, if four hours are allowed to go by without the request being passed on to an official; or if the request is passed on, but improperly; or if officials who receive a request do not respond; or if a warrant arrives which ought to be accepted but is not accepted; or if the officials, clerks, and attendants from the initial inquest and the re-inquest meet together to share information about the circumstances revealed by the examinations:

n.G.

⁴ The system of punishments during the Sung dynasty was in practice very complex. In theory, according to the *Code* (the *Sung hsing t'ung* of 963), there were five punishments: beating with the light rod (five degrees: ten, twenty, thirty, forty, or fifty blows); beating with the heavy rod (five degrees: sixty, seventy, eighty, ninety, or one hundred blows); penal servitude (five degrees: from one to three years); exile (three degrees: from two to three thousand *li*, or about seven hundred to a thousand miles); and death (strangulation or beheading). During the Sung, the number of blows was reduced in practice. The same rod was supposedly used for all punishments. It was applied to the buttocks for penalties nominally of the light rod, and the heavy rod and penal servitude sentences were supposedly converted to beatings with this same rod on the back. "Exile" was ostensibly converted to a beating plus some penal labor. In practice, however, Sung authorities introduced what were, in effect, degrees of exile and penal servitude as nominal decreases of the death penalty. For the nominal system, see *SHT* 1.3a-4b.

⁵ On clerical personnel, see Liu, *Reform in Sung China*, chap. 5.

in all these cases, the penalty is one hundred blows of the heavy rod. (If the inquest is completed, but a report on it is not forwarded to the higher authorities on that same day, this penalty also applies.)

When in a subprefecture which receives from the authorities in another jurisdiction a request that an official be sent to conduct an inquest there is an official who could go, but the subprefecture responds that the qualified posts are vacant; or the posts are vacant, but the subprefecture fails to write this out and forward the warrant to the appropriate authorities; or a warrant to conduct an investigation arrives, but the subprefecture speciously indicates that the eligible officials are on leave, so that they all can avoid going: all such cases are triable as "breaking regulations." n.G.

All attendants who on the occasion of inquests accept gifts are to be treated according to the law on subbureaucratic personnel (*kung-jen* 公人).⁶ n.G.

In such affairs as inquests or re-inquests, all dispatched officials must be free of such personal involvements in the case as would prejudice them.⁷ n.G.

Active officials who at the expiration of their terms in office have been granted rewards ought not to be dispatched. Those serving as assistants may be dispatched to conduct inquests. 2/n.G.

⁶ The specific rules governing subbureaucratic personnel have not yet been adequately studied, but a clear general picture of the problems involved and the institutional setting can be found in Liu, "The Sung Views on the Control of Government Clerks," pp. 317-44.

⁷ This stipulation refers to such cases as that of a Sheriff who, having arrested a suspect, had a stake in seeing that the man he arrested was convicted.

Prefectures are to dispatch Police Inspectors⁸ to inquests (*If there are currently prisoners held at the Police Inspector's office, the Inspector should not be dispatched. This also applies to prefectures where there is only the office of the Police Inspector [subordinate to the Prefect]*). Subprefectures are to dispatch Sheriffs. If there is no one serving as Sheriff, send, in order, the Registrar (*pu* 簿), the Assistant Subprefect (*The Assistant Subprefect is not allowed to go beyond the boundaries of his own subprefecture*), or a Service Agent. If there are no incumbent officials in these posts, then the Subprefect may go. If the site of the inquest is more than ten *li* [about three and one-half miles] from the subprefectural seat, or if the inquest is being held on a prisoner who had been incarcerated in the subprefecture, then a warrant should be sent to the nearest other subprefecture. Suburban subprefectures [i.e., subprefectures located at the city which serves as the headquarters for the prefecture] are to inform the prefecture. In all cases where a re-inquest is going to be necessary, on the day when the official for the initial inquest is dispatched, a warrant for the dispatch of the re-inquest official should be forwarded. The warrant should be sent to the nearest subprefecture. But if there is no subprefecture within one hundred *li* [about thirty-three miles], then it is permissible to send the warrant to a nearby Patrolling Inspector (*hsun-chien* 巡檢) or a Superior Patrolling Inspector (*tu hsun-chien* 都巡檢).⁹ (*In cases of*

n.G.

⁸ Police Inspectors were established early in the Sung as the chief police officials in prefectures. Their duties seem to have been mainly administrative and bureaucratic, actual law enforcement being in the hands of Sheriffs and Patrolling Inspectors. See Sun Feng-chi, *Chih-kuan fen-chi* 41.42b-43b.

⁹ Sung law enforcement was based on a tandem civil/military system, with Sheriffs appointed from among civil officials, stationed at subprefectural towns, and leading a civilian constabulary, and Patrolling Inspectors appointed from among military officers, stationed in rural areas, and leading a force of regular army troops. The Patrolling Inspectors were divided into various grades depending on the size of the area they monitored.

re-inquest, where a warrant ought to be sent to a subprefectural official, but he has no colleagues, this rule also applies. This section refers to men not currently out on patrol.)

When Service Agents are sent out of the city to conduct inquests, the subprefecture should dispatch five on-duty Bowmen [as attendants].¹⁰ n.G.

In all cases of men who are dying, if they have no relatives of the *ssu-ma* 總麻¹¹ degree or closer at the place where they lie dying (The same applies to prisoners, including those let out on bond for ten days and those passing through while being transported),¹² always dispatch officials to carry out an inquest. (In all cases of male or female servants [jen-li 人力 or nü-shih 女使] where verbal depositions have already been taken, subbureaucratic personnel may be dispatched.)¹³ In deaths of prisoners n.G.

¹⁰ Bowmen were locally recruited subbureaucratic personnel who served as the constabulary for the Sheriff. In theory they were drafted from the local population, but in practice they seem often to have been long-term workers. See McKnight, *Village and Bureaucracy*, pp. 33, 43-44.

¹¹ For an explanation of the Chinese system of mourning degrees, see Ch'ü T'ung-tsu, *Law and Society in Traditional China*, pp. 15-18. The *ssu-ma* degree (three months mourning) was the lowest degree and included such relatives as first cousins twice removed, second cousins once removed, third cousins, grandparents of the spouse, and so on. For charts showing such relationships and their mourning obligations, see Philastre, trans., *Le Code Annamite*, 1:76ff. Philastre's work shows Nguyen dynasty usages which closely resembled Ch'ing dynasty rules. For the slightly different Sung rules, see the *Ta Yuan sheng-cheng kuoch'ao tien chang* (*Yuan tien chang*), chap. 30.

¹² Although there were rules specifying that sick prisoners were to be supplied with drugs and medical attention by jail authorities, in practice, prisoners who fell ill were often let out on bond so that they could receive treatment, ordinarily in the homes of relatives.

¹³ This provision reveals a little-known facet of Sung social control. This and other scattered materials indicate that serious illnesses among people who were isolated and potentially liable for abuse, such as servants or transients, had to be reported to the authorities.

and in deaths that appear to be due to foul play, a re-inquest must additionally be held. When the inquests are completed, then the body may be buried. (*Assign men to watch over the body. When relatives come, the body may then be turned over to them.*) If it is known that there are relatives in other places, they must be informed.

When it is necessary to conduct a re-inquest on a corpse, in the prefecture inform the prefectural authorities. In the subprefecture, at the time when the original warrant is received, issue a warrant for a re-inquest to the subprefecture located closest to the site. (*The cause of death is to be stated neither in the form nor in the warrant.*) Where more than one hundred *li* separate the home subprefecture [from the nearest other subprefecture], merely warrant officials from the home subprefecture. (*When in such circumstances there is only a single official serving in the home subprefecture, then the warrant must be sent to another subprefecture.*)

n.G.

Officials asked to conduct inquests are not permitted to cross broad rivers or lakes ("*Broad rivers*" means those that have no bridges; "*lakes*" means wide bodies of water). Nor are men to be dispatched from subprefectures staffed by only a single official. (*It is permissible to warrant suburban subprefectures. When such a warrant arrives, the prefecture is to be informed and then an official may be dispatched.*)

n.G.

In the conduct of inquests, when the nearest subprefecture ought to be warranted, but a more distant one is warranted, the office receiving the warrant should accept it. When they have completed the inquest, they should inform their superior jurisdiction [about the infraction of the rules].

3/n.G.

In all cases of corpses where a warrant for inquest or re-inquest has been sent to a neighboring subprefecture, but the officials qualified to respond are currently in other subprefectures or are more than one hundred *li* distant, or those eligible are on sick leave (*no matter whether they*

are at their offices or not), so that there are no officials who can go, the subprefecture receiving the warrant should on that same day write out the reasons it is not able to comply (*Where men are on leave, the dates should be given*), certify the report, and send it to their superior prefecture, as well as to the office of the circuit Judicial Intendant. The office that issued the original warrant should also be informed. Thereupon, the next subprefecture can be warranted.

The office of the circuit Judicial Intendant should, according to the specifications (*shih 式*),¹⁴ print up the forms for the initial inquests and re-inquests. Three copies of each pair of forms should be prepared, numbered according to characters in *The Thousand Character Classic*.¹⁵ When this has been definitely fixed, they should be given to the subordinate prefectures and subprefectures. When an inquest is to be held, after writing on the three sheets the name of the prefecture or subprefecture, hand the sheets over to the official being dispatched to carry out the investigation. When the inquest has been completed, he should write down the facts. One copy should be forwarded to the prefecture or subprefecture. One should be turned over to the family of the victim. (*If there is no family, return it to the Judicial Intendant's office.*) On the third copy, write the date and time and send it directly by rapid post to the Judicial Intendant's office for checking. (*Third or later inquests should also follow this procedure.*)

n.G.

In the cases of those who die from illness in which an inquest should be conducted (*This refers to those other than incarcerated prisoners or prisoners during transport*), if relatives of the *ssu-ma* degree or closer who lived with

n.G.

¹⁴ *Shih* were the lowest-level legally established rules governing Sung administrative actions. They included rules on the proper format of documents, standard administrative procedures, and so on.

¹⁵ See my Introduction, p. 12, n. 25.

the deceased, or relatives of the *ta-kung* 大功¹⁶ degree or closer even if they were not living with the deceased, arrive at the place of death and wish that the inquest not be held, their desire may be complied with. In cases involving monks who had dharma masters or novices who had teachers, if such persons had reached the place prior to the death of the victim, should they and the director of the temple be willing to certify that the death was not the result of other causes, the inquest may be foregone.

When officials die because of illness (*This refers to those not being held in jail or in the process of penal transport*), if prior to death verbal depositions had been taken about the illness; or if, at the place where the official had been confined because of the sudden illness, the abbot, if it was a temple, or the innkeeper and his neighbors, all being local men of solid repute, will swear that there were no causes of death other than illness, then the responsible officials may conduct an investigation, but forego the inquest.

n.G.

4

All Subprefects, Assistant Subprefects, and Registrars, even though they are qualified to be dispatched to conduct inquests, may go only so long as there is one official to remain behind at the subprefectural offices.¹⁷ (*This rule does not apply at times when all the posts are vacant, and the prefecture has dispatched officials to act provisionally.*)

n.G.

Wherever it says that someone is triable for "breaking regulations," this is not to be considered a trial for having made a mistake. (*The Code, on regulations, says, "This refers to those who, having received a regulation which they ought to enforce, still disobey it. They are*

n.G.

¹⁶ The *ta-kung* or nine-month degree of mourning included such persons as male first cousins, grandchildren, the wives of sons, and other relatively close relatives.

¹⁷ From at least 1109, it was standard Sung practice that local administrative offices were never to be stripped entirely of civil service staff. See SHY, *chih-kuan* 48.66a-b.

liable for a penalty of two years of penal servitude. If they did not deliberately break it, but misunderstood the intent of the directive, they are liable for one hundred blows of the heavy rod.")

If an official within his sphere of jurisdiction accepts bribes worth twenty lengths of silk (*pi* 匹) to pervert the law, or if those without emolument accept twenty-five lengths, they are liable for a penalty of strangulation. If the crime of an official calls for a penalty of exile, or if he has been involved in corruption with a value of fifty lengths of silk which did not involve perverting the law, he should be "penally registered" (*pei* 配)¹⁸ at the original jurisdiction.

n.G.

Someone who takes poison or poisons another and then falsely accuses a third party, where the crime is not a capital one, should be penally registered at one thousand *li*. If the person who took the poison is already dead, and someone with knowledge of the facts falsely accuses a third party, other men are permitted to apprehend the culprit. They are to be given a reward of fifty strings of cash.

n.G.

A person who, taking advantage of the death through disease of a relative of the *ssu-ma* degree or closer, maintains that other causes were involved in the death and so falsely accuses a third party is punishable under the laws governing false accusations.¹⁹ (*This refers to such things as saying that the deceased died from wounds inflicted in a fight, causing officials who rely upon the statement to conduct an inquest.*) Such culprits are not entitled to use the special rules governing trials of persons

n.G.

¹⁸ The Sung penal system was extraordinarily complicated. "Registration" was a cover term for a group of punishments not mentioned in the Code. Registration involved some loss of freedom of movement and also frequently entailed a loss of status and some penal servitude.

¹⁹ The general rule was that the false accuser was liable for the penalty called for by the crime of which he had falsely accused someone else.

with the protection privilege.²⁰ Furthermore, they are not covered by the precedents on reducing the penalties by using *yin-hsu* 引虛.²¹ This rule also applies when relatives of the *ssu-ma* degree or closer accuse one another, or when the relatives of a male or female servant who has died maintain that other causes were involved in the death and falsely bring charges against the master of the household. (*When relatives who are higher in generation or older in years bring false accusations against relatives junior to them in generation or years, if these ascendant relatives have the protection privilege, they may commute or reduce their sentences. In such cases, follow the original law.*)²²

When people pretend to be ill, dead, or injured, and the officials sent to conduct an inquest fail to ascertain the true facts, these officials are to be punished one degree less than the pretender. If the victims really are ill, dead, or injured, and the officials fail to get the facts, they are triable for having deliberately condemned men for crimes of which they were innocent.²³ (*The commentary to the Code says, "As to the above item, a man who falsely pretends to be ill is liable for a penalty of one hundred blows with the heavy rod. The official who holds an inquest and does not get the facts is liable to the same*

n.G.

²⁰ The "protection" (*yin* 蔭) privilege was status-related. It permitted those with official or noble ranks to shield not only themselves, but also certain relatives from the full force of the law. Invoking the *yin* privilege might eliminate penalties, reduce them, or permit their commutation. Such "protection" privileges were not admissible for all crimes. See Johnson, trans., *The T'ang Code*, esp. pp. 84ff.

²¹ I have been unable to locate any information concerning *yin-hsu*, but the context makes clear its general impact.

²² This section reflects the general tendency of Chinese law codes to buttress the existing social system by granting privileges to persons senior in age or generation. On this general tendency, see Ch'ü T'ung-tsu, *Law and Society in Traditional China*, pp. 41-78.

²³ For the statutes governing the deliberate condemnation of innocent men, see *TLIS*, 4:81 and *SHT* 30.5b-8b.

penalty as the pretender, reduced by one degree, that is to say, to ninety blows of the heavy rod.")²⁴

As for corpses requiring an inquest, if a person with intent to deceive points out another corpse when the case has been brought [to the authorities], and [if], as a result of his statement, the officials investigate [the wrong corpse, then the person who maintained that the second corpse was the one requiring the inquest] should be treated according to the law on false accusations. Relatives who come to the place of death and claim to recognize the corpse are subject to eighty blows of the heavy rod. If the man so falsely accused dies while in jail, the penalty [of the perjurer and the relatives] is increased by three degrees.²⁵ If the officials were mistaken in their investigation, then they are to be treated according to the laws on condemning innocent men.

n.G.

The commentary to the Code says that "those who strike people with 'other weapons' (*t'a-wu* 他物) are liable to a penalty of sixty blows of the heavy rod." (*When blood is drawn, this is considered to be an "injury" [shang 傷]. Objects other than hands or feet are considered to be "other weapons." If the weapon is edged, but the cutting edge is not used, these definitions all apply [i.e., it is classed as an attack with "other weapons"].*)²⁶

n.G.

²⁴ For the Code provision on pretending to be ill, see *SHT* 25.22a.

²⁵ During the Sung, for purposes of increasing or decreasing penalties, the punishments were divided into five degrees of beating with the light rod, five degrees of beating with the heavy rod, five degrees of penal servitude, three degrees of exile, and two degrees of execution (see p. 40, n. 4 above). Thus, an increase of three degrees from eighty blows of the heavy rod would be one year of penal servitude.

²⁶ This passage does not occur in the extant edition of the *SHT* of 963, nor have I located it in other Sung writings. Given the nature of the stipulation, it might possibly have occurred in the now missing opening and closing passages of the Code. (In the current edition, these lacunae have been filled by borrowing from the T'ang Code.) See Niida Noboru, "Tambō hōritsu shiryō," pp. 51-58.

According to the clarified instructions (*shen-ming* 申明) [of the Department of Ministries (*shang shu sheng* 尚書省)²⁷ or the Bureau of Military Affairs (*shu-mi yuan* 樞密院)]²⁸ and the *Code*, when injuries are inflicted with boots or shoes, judgment should follow the determination made by the officials at the inquest. If the shoes or boots are hard, they may be considered "other weapons." If not, they should not be so considered.

n.G.

The death limits are: for hands and feet, ten days; for injuries inflicted with "other weapons," twenty days; for scalding or fire, thirty days; where eyes have been put out, limbs cut off, or bones broken, thirty days. If death occurs within the set time limit, the culprit is to be tried for homicide. Those who have bitten others will be treated as having used "other weapons." If during the death limit period a miscarriage occurs, a separate added limit of thirty days should be established for the mother, though the two limits together are not to exceed fifty days. If death occurs after the death limit or even within the death limit from other causes, the culprits are to be tried for battery. (*"Other causes" means separate, added problems which lead to death. Suppose a man has received a head injury in a fight. If it becomes inflamed and the infection spreads from there until the victim dies, the person who inflicted the wound should be tried for homicide. If the victim died not because of the spread of infection from the wound, but from other causes, then the culprit should be tried for battery.*)

n.G.

Ch'ien-tao 乾道, sixth year [A.D. 1170]. The Department of Ministries endorsed a recommendation that the officials dispatched to conduct inquests always be civil

n.G.

²⁷ After about 1080, the Department of Ministries was the chief central civil administrative organ of the Sung government, comprising the six ministries of Personnel, Finance, Rites, War, Justice, and Works.

²⁸ The Bureau of Military Affairs planned and directed the national defense throughout the Sung, in part through its own agencies and in part by supervising the military activities of other government bureaus.

officials. If the request is sent to a jurisdiction where official posts are vacant, then military officials may be dispatched to conduct re-inquests. [The Department said,] "This office has examined in detail the problem of inquest officials, where according to law, civil officials should be dispatched. If the subprefectures involved are petty places on the distant borders where there really are vacancies among the civil officials, then literate military officials may provisionally be dispatched to carry out the re-inquests. We say that this should be enforced."

Chia-ting 嘉定, sixteenth year, second month, eighth day [A.D. 1223]. There was a decree: officials have memorialized concerning officials who fail to determine the mortal injuries that caused death that, although the law applied to the accused is extreme, yet the officials who conduct the inquest or the re-inquest, if they make mistakes as to the facts, may escape penalties by confessing to their undiscovered error. It is to be hoped that there will be an imperial order to the Ministry of Justice (*hsing-pu* 刑部) to examine the problem in detail and to promulgate usages. The senior officials in the Ministry of Justice and the High Court of Justice (*hsing-ssu* 刑寺) have discussed in detail the current item of the law which covers confessions of undiscovered error by officials who have made mistakes during inquests. At present, if the inquest does not arrive at the facts, the officials can escape penalty by confessing to the undiscovered error. From now on, active officials who in holding inquests do not get the facts or who fail to do what is proper will not be allowed to escape penalty by confessing to the undiscovered error. In other cases not involving inquests the old rules still apply. Receive Our Imperial order to follow this.

n.G.

6

2. General Discussion of Inquests: Part One

Officials responsible for inquests frequently send out ahead of them Office Hall Attendants (*t'ing-tzu* 廳子) and Office Guards (*yü-hou* 虞候), or personal followers acting as subbureaucrats, or family members.²⁹ These agents gather together the men of the neighborhood and the members of the local militia unit (*pao-wu* 保伍),³⁰ call out loudly and fill out an initial form; they set things in order and muster the mutual security groups (*pao* 保); they beat the grass and go ahead as a vanguard. The first examination of corpses is always like this. When the village people are annoyed, the resulting difficulties are really serious. It is absolutely necessary to warn against this!

n.G.

After a warrant has been received indicating that an inquest should be held, [the deputed official] must not meet with the local officials, scholars (*hsiu-ts'ai* 秀才),³¹ geomancers (*shu-jen* 術人), or Buddhist or Taoist clergy, in order to preclude corruption and to forestall the lodging of accusations. In addition, before stamping to certify the day and time that the warrant arrived, on the face of the warrant the stages of travel to the site of inquest and the time limits involved should be estimated. Then the document may be signed and stamped so as to prevent tardiness. In addition, the clerks, attendants, and such people must be strictly admonished that they must not leave the company of the officials, lest they take bribes. When evening arrives, the clerks and attendants must be

n.G.

7

²⁹ I have followed the translations of clerical titles given in Liu's *Reform in Sung China* wherever possible.

³⁰ For these organizations, see McKnight, *Village and Bureaucracy*, esp. chap. 4.

³¹ During the Sung, *hsiu-ts'ai* was not a civil service degree, but merely a general term for scholars.

ordered to submit depositions.³² Then [the inquest official] can stop for the night.

When in receipt of a warrant calling for an inquest [the deputed official] must go, accompanied by the accused, deputed local propertied people, Recorders (*chieh-chi* 節級) and Instructors (*chiao-t'ou* 教頭) who have not been involved in any wrongdoing, section guards (*pu-ya* 部押), and subbureaucratic personnel, to attend to [the inquest].³³ On reaching the site, the accused should be made to stand facing the corpse while a detailed examination is conducted and the results announced. The attendants and the clerks should offer their depositions in the presence of the assembled neighborhood mutual security group (*lin-pao* 鄰保). [The local authorities] must not merely send down subordinate personnel from their offices, lest such men behave outrageously. If the accused has not yet been apprehended, then the neighborhood group should be used as witnesses at the inquest. The inquest and re-inquest officials are not allowed to leak word concerning the contents of the inquest form (*shih-chang* 屍帳). Furthermore, it is necessary that [the inquest official] go in person to the place where the corpse lies to superintend the attendants when they are examining the corpse and announcing their results, and to preclude their deleting mention of any serious injuries.

n.G.

When inquest officials have to stay overnight, in order to avert suspicions of misbehavior, they must ask whether their hosts are or are not relatives of the accused. If not, then they may stay there. This way there will be no suspicions.

n.G.

³² The meaning of this passage is not clear. Possibly formal statements had to be given before stopping for the night to preclude the clerks and attendants from conniving among themselves or with the local people.

³³ "Recorders" were clerks from the local yamen. "Instructors" were the teachers from the local government schools. I cannot find any further Sung reference to the term *pu-ya*.

When relatives submit a request that the inquest not be held, it is frequently because they have been bought off by the accused and have in collusion with the clerks submitted their request. The inquest official absolutely must not place credence in them in preparing his report or in turning over the descriptive inquest form. Even if the decision of the prefecture or subprefecture has been handed down, so that there is a clear public declaration on the handling of the matter, the site must still be investigated. Otherwise, at some other time the relatives, disputing over money without reaching an agreement, may institute fresh lawsuits; or, if things are [later] discovered, the confusion may prove difficult to dispel because the precedents were disobeyed.

n.G.

As to the weapon used by the accused, if there is any delay in searching for it, the family of the criminal will conceal it or alter it. The falsification will throw doubts on the case, and the murderer will be able to avoid capital punishment. This will have serious repercussions. When the commission to conduct the inquest is received, the first thing to be done is to institute an urgent search for the weapon. If [the deputed official] leaves for the inquest without delay, he will also be able to investigate the size and breadth of the injuries, so that the examination may be concluded without any discrepancies.

1.4a/62

On reaching the place of inquest, before proceeding to the direct personal examination of the corpse, [the deputed official] ought to seat himself at some place upwind and summon the relatives of the deceased, the local headman (*ti-chu* 地主) (Hunan has *ti-chu*. Other places do not), and the opposite party in the suit and interrogate them concerning the roots of the affair. He should call the roll of the involved persons and the neighborhood group to ascertain that their names correspond to those who signed the investigation form,³⁴

8/n.G.

³⁴ Perhaps the "investigation form" (*chien-chuang* 檢狀) was the original

and order the writing down of the position of the body relative to the surroundings. Then, together with the clerical staff, he ought to proceed to the direct examination.

In cases of hanging, it is imperative that the place where the hanging occurred and the marks on the neck be examined. [The deputed official] must also examine the dust at the place where the body was suspended. Had the corpse already been moved or not? As to the height of the place from which the corpse was suspended, where did the victim originally place his feet? What was used to climb up to the place of hanging? Again, the length of the cord below the place of suspension should be examined, as should its size, which must be compared to the size of the marks on the neck to see if they correspond. Was a running knot (*huo-t'ao t'ou* 活套頭) or a dead knot (*ssu-t'ao t'ou* 死套頭) used? Binding coil knots (*ch'an-jao-hsi* 纏繞繫) must be carefully examined.

n.G.

If it is a case of someone killed by falling from a high place, the place where he lost his footing must be looked at to see if the ground has been disturbed and to note the depth of the footprints. If it is a case of someone falling in the water and drowning, it is also necessary to examine the spot where he lost his footing to see if the ground has been disturbed and to note the depth of the marks and of the water. As to other sorts of extraordinary death, such as death by murderous injury or illness, the position of the corpse relative to its surroundings should be recorded. The corpse may then be carried to a clean, well-lighted place. Before using hot water, wine, and vinegar, the corpse should first be inspected all over while it is still dry. The back of the head, the crown of the head, and the hair should be very carefully examined, lest a hot spike have

n.G.

incident report submitted to the authorities, or a form completed by underlings who went to the site of the inquest to hold a preliminary gathering.

been inserted into the body there. (*In such cases there will be no flow of blood and the wound may remain hidden.*) It is also vital that the eyes, mouth, teeth, tongue, nose, anus, and urethra be examined point by point, lest foreign objects [such as long needles] have been [inserted there]. Afterwards, the corpse should be washed with warm water. Begin by having sheets of paper soaked in wine and vinegar placed over the face, chest and ribs, breasts, abdomen, and the two sides. Again, using clothing and bedding, arrange it like a compress³⁵ over the corpse. Sprinkle wine and vinegar on top of this. Place mats over this and leave them there for a while. Then the examination may proceed. Attendants must not be relied upon, for they may merely sprinkle wine and vinegar over the corpse. If only that is done, the marks of the injuries may not appear.

3. General Discussion of Inquests: Part Two

9/n.G.

In inquests, attendants cannot be relied upon. They must be made to take wine and vinegar and wash the corpse clean. Then, [the deputed official] himself must conduct a careful examination. There will be ashes in the mouths of people who died in fires.³⁶ In those dead from drowning, the belly will be swollen and there will be water in it.³⁷ If the death resulted from cloth or wet paper being held over the mouth and nose, then the belly will be dry and swollen. If the victim was strangled by someone else, the marks of the rope on the neck will cross.

³⁵ This passage provides an instance of Sung Tz'u's use of standard medical terminology, in this case the term for "compress" (*kai-yen* 蓋罨 or *yen-kai* 罨蓋).

³⁶ For a case in which this kind of observation was used, see Cheng K'o, *Che-yü kwei-chien*, p. 94.

³⁷ This view was also traditional in the West until recent times. See, for example, Beck, *Elements of Medical Jurisprudence*, p. 47.

Sometimes there will be scratches from the fingernails. If it is a question of suicide by hanging, then behind the head there will a mark like the character eight, and the rope will not have crossed itself. If the rope was below the Adam's apple, the tongue will protrude; if above, it will not. It is most important that this be examined with care so that there can be no suspicions that the death stemmed from other wounds or injuries. If there are any doubts about the case, then the arrest of the criminal ought to be ordered. (*If the apprehension of the criminal is ordered and he is not seized, this is merely a public offense [kung-kuo 公罪].*)³⁸ If someone dies by violence, but it is declared to be death from illness, and later on the criminal is arrested, severe punishments for the officials who conducted the inquest cannot be avoided.

In writing up inquests, do not put down, "The skin was broken. Then blood flowed out," since, in general, when the skin is broken, blood flows out. The record ought to read, "The skin was slightly injured. There was a flow of blood."

n.G.

The injury that resulted in death must be determined. Even if it is small, its size ought to be enlarged slightly to determine the mortal injury. If bones were broken inside, this should be announced aloud. If there are no broken bones, it is not necessary to call out, "There are no broken bones, but there are other serious injuries." (*If the weapon used by the accused has not been seized, [the*

n.G.

³⁸ During the Sung, the crimes of officials were divided into two classes: public offenses (*kung-tsui* 公罪 or *kung-kuo*), those committed without thought of private advantage; and private offenses (*ssu-tsui* 私罪), those committed with intent to secure personal benefits. Though motivation was the key distinction, these classes often also denoted the distinction between governmental and nongovernmental affairs. Public offenses were regarded as much less serious than private offenses and were therefore punished less severely. For a detailed description of this system as it existed in Ch'ing times, see Metzger, *The Internal Organization of Ch'ing Bureaucracy*, pp. 281-87.

deputed official] *must not in his report add to or reduce [its size as indicated by his informants], lest at some future time it be found and the discrepancies become apparent.*)

When there are many injuries, one must still be fixed upon as the cause of death.

1.7a/63

When a group of people has beaten someone, it will be extremely difficult to determine which injury was mortal. If there are two injuries on the body, either of which might have been fatal, and if both of the injuries are from the hand of one man, then there will not be any problem. If they were inflicted by two different men, then one man will be liable to forfeit his life and the other will not. It is necessary to fix upon the more serious of the injuries as the cause of death.

1.7a/63

In general, officials should guard themselves against affairs outside their offices. Only in regard to inquests, if there should be the slightest suspicious circumstance or any difficulties, then they must deploy informers more widely than usual in order to resolve these, so that there will be no errors. If death occurs before the expiration of the death limit for the battery, and the injuries or wounds are not clearly the cause of death, and if there is any appearance of illness and the victim has been treated by physicians or healers, in most such cases, illness was the cause of death. If an inquiry is not made, then this will not be discovered. Even if spies [lit., "eyes and ears"] are deployed widely, none should be allowed to act independently. The point is to use them well. Otherwise, [the officials involved] will surely deceive themselves.

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1.7b/62

When with the accused, neither accept his complete disclosure nor, on the basis of it, uniformly collect the men involved and forward them to the subprefecture. Wait until the accused has arrived at the subprefecture and there made his complete disclosure. Thereafter, those involved may be gathered in and sent to the offices. Otherwise, it is to be feared that petty underlings

(*shou-chiao hsia-jen* 手脚吓人) will make trouble and create disturbances.

After first or second inquests have been conducted, the relatives of the deceased, the Elders and Guard Leaders (*ch'i cheng fu* 耆正副), and the neighbors should all be charged in the inquest form with responsibility for the corpse. On no account should it be sent to the offices, because this would cause inconvenience. Just send in custody the accused and the other involved witnesses. If the office in charge of the case (*yü-ssu* 獄司) needs certain persons, then it can summon them at the appropriate time.

1.36a/68

After inquests or re-inquests, inquire thoroughly about the situation of the accused man. Things not able to appear in the public record should be told directly to the senior officials, thereby permitting them to know the ins and outs of the affair so as to facilitate the inquiry.

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In recent years, the offices of the circuit Intendants have sent down officials who, with the initial and re-inquest officials, conduct a concurrent complete investigation. Generally, the one who conducts the complete investigation must first call together the local neighborhood group and question them over again. If they reiterate their statements in identical form, then this will accord with the itemized evidence. Sometimes, they will not wholly agree on what was seen and heard, in which case they will each have to give evidence item by item. Sometimes, a resume of the complete disclosure of the accused will be demanded and turned over to the subprefecture involved and to the Intendant's office. The subprefecture's case will be based on this questioning, and the Intendant's office will use it in making a detailed review. At times there may be slight discrepancies, which will provoke strong reprimands. As a result, the Registrars and Sheriffs will feel that there are no guidelines in criminal matters, and the local areas will be agitated. If the statements of the clerks and underlings are depended upon, these will be designed to accord with their private interests. It is imperative that all means be used in

n.G.

conducting a thorough investigation, with attention being devoted to the agreement of statements at the consultations. [The deputed official] absolutely must not rely on the verbal statements of one or two people, considering them to be trustworthy, and thus prepare a few sheets of paper on the basis of their statements as his deposition of evidence. Such behavior is an evasion of responsibility. How much more is this the case when the witnesses are illiterate and have to have the clerks write down their statements for them. Among the neighborhood witnesses, some may be relatives or old friends of the accused, or some may have been paid off in secret to reach a reconciliation. Such things must be investigated.

The attendants, clerks, and other men involved in a case often put on airs in front of the members of the four neighboring families of the deceased and in the period prior to the inquest permit them to abscond. Then, they merely seize more distant neighbors, old men, women, or immature boys and so shirk their responsibilities. (*If [the deputed official] is not able to stop this and so cannot make use of these four families, then he will merely be able to ask questions of others during the investigation, and in the end it will be difficult to treat the information as fact since it is based wholly on consultation.*) Also, the accused, fearing that a vitally involved witness may make a true deposition, may obstruct him, deliberately causing him to be hidden away, and have relatives, friends, tenants, or dependents go to the officials and make false statements. Officials must be aware of these things.

1.4a/62

Obstinate prisoners often will not confess. If this is so, on the inquest report form fill in the name of the accused and have it stamped. Clerical personnel (*kung-li* 公吏) who have received [information] must be made to give separate records concerning the accused's reputation. When what is written contains false testimony or touches on related matters, [these clerks] will want to take advantage of this to come and go. In the newly designated inquest report form of the Chiang-hsi 江西

n.G.

Judicial Intendant, Mr. Sung, which is to be sent up to the central authorities, add an item on the men who have been held in custody.³⁹ Where fact and falsehood have not yet been separated, do not give [such information] in the inquest report, but write it as an addendum. Where things are clearly factual, they should be endorsed and stamped below the name of the accused. People must not be permitted to act with cunning and obsequiousness. It is wholly up to the inquest official to determine for himself his own opinions.

4. Miscellaneous Discussion of Doubtful and Difficult Cases:
Part One

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Inquests cover not only those cases where the cause of death has been murderous injury with knives, beating with "other weapons," or striking with hands or feet, but also suicide through hanging, death by strangulation, or cases where people have thrown themselves into the water and drowned or have been drowned by others. Sometimes, they have merely died of illness. But there are cases of strangulation which resemble cases of hanging, cases of being drowned by others which resemble deaths from having jumped into the water, cases of beating where the victim dies within the death limit, but really dies of illness, or of male or female servants who, because they were beaten in their master's house, commit suicide or hang themselves. The situations are manifold, but all are doubtful and difficult. At the time of the investigation, nothing may be treated lightly. If an infinitesimal mistake is made, the repercussions will stretch a thousand *li*.

In conducting inquests on corpses where the circumstances are doubtful, if the wounds are from a blade which penetrated the body, it is necessary to examine both the

3.1b/86

³⁹ For an example of what such inquest forms looked like, see *TFSL*, p. 535.

inside and the outside of the mouth of the wound. Large cuts are from a slicing blade. Small ones are penetration wounds. If the corpse is decayed, the clothes in which it was originally dressed must be examined to see if the holes in the clothes match the wounds. The body will sometimes be found prone on a bed with a short knife or a piece of bamboo in its right hand. If the wound is between the throat and the navel, perhaps it is a case of the victim having thrown himself down while drunk, crushing the weapon under himself and thus wounding himself. If nearby there is a high place or a muddy place, check to see if there are valuable goods on the body or injuries, lest in trying to get something [the victim] lost his footing and injured himself.

In holding an inquest on a woman who has no apparent injuries, the vagina must be examined lest a knife have been inserted there to penetrate the vitals inside of the stomach.⁴⁰ If it penetrated not far beneath the skin, then above and below the navel there will be small bloody soakings [ecchymoses]. If it passed deep within the vitals, these will not appear. Frequently, these kinds of deaths are cases of solitary men wanting to feed on women. If the dead person is male, the crown of the head must be examined, lest a flat-headed nail have been driven in there, and the anus, lest some hard object have penetrated from there. Such cases frequently involve co-workers of an elderly husband who has a young wife.

If on the corpse there are no scars or wounds, but the face is blue or black and sometimes one side of it is swollen, this often indicates that someone used something to cover the mouth and nose of the deceased to suffocate him. Sometimes, a handkerchief or cloth bag will be used to strangle someone, and there will thus be no marks. [The

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3.2b/86

⁴⁰ It seems highly probable that such deaths followed attempted abortions. See, for example, the discussion of similar deaths in the premodern West in Forsyth, *Synopsis of Modern Medical Jurisprudence*, p. 85.

person conducting the inquest] must then look at the flesh on the neck. If it is hard, then this is what happened. The critical things are: whether or not the hands and feet have marks from having been bound with cords; whether on the surface of the tongue there are marks from having been chewed; whether the areas of the anus or urethra are swollen from having been stood on. If these sorts of signs are absent, then look in the mouth to see if there is frothy spittle and at the throat to see if it is swollen. If there is spittle and swelling, perhaps the death was caused by the disease called *ch'an-hou feng* 纏喉風.⁴¹ This ought to be examined in detail.

If during the investigation it comes out that the accused had previously spied upon and plotted against the deceased, and if the facts of the case are clear and the accused has confessed, then [the officials] may proceed with the inquest. If there is no evidence, just beware of the possibility of death from drunkenness.

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Frequently, men will fight together and then scatter, each going his own way. After dispersing, some will go to nearby rivers or ponds, and by the banks wash the blood from their heads and faces or drink water. Sometimes, because of the fighting, such men are still exhausted. Sometimes they got into the fight because they became drunk together. So their heads may slip into the water and they drown. When someone has fallen into the water while still alive, the abdomen of the corpse will be swollen, there will be sand or mud under the fingernails,⁴² and the two hands will face forward. The inquest can merely class these as deaths from having accidentally fallen into the water. When on the corpse there clearly are the marks of

3.3a/86

⁴¹ Sivin has suggested that from the description given in Sung and later sources, the disease in question may have been malignant pharyngeal diphtheria. Nathan Sivin, personal communication, 13 January 1978.

⁴² This Chinese description is similar to the traditional Western descriptions in premodern forensic literature. See Beck, *Elements of Medical Jurisprudence*, p. 52.

injuries suffered in a fight, but it still cannot be determined that one of them was a fatal injury, record the injuries one by one on the inquest form while merely fixing upon the falling into the water as the cause of death. Injuries from the lightest blows, if on vital spots, require the setting of a death limit. According to law, if death occurs from other causes either before or after the expiration of the death limit, the offender is to be dealt with under the laws governing battery. (*The term "other causes" means that "there were in addition other injuries, and the victim died."*) Now, when people fall into the water and die, even though there are injuries, certainly it is clear that the death resulted from causes other than the injuries. If there has already been an inquest official who, on seeing a head injury, jumped to the conclusion that the blow was the cause of death and so was misled, his failure to note the role of the victim's having fallen into the water and his assertion that the blow caused the death will prompt the confessed guilty party to refuse to accept the verdict.⁴³ Again, suppose there has been a brawl and the participants have scattered; if one of them climbs onto something high and, in falling down, strikes against a table or some such object and dies from the injury, the same problems will arise. Merely examine the place where the victim lost his footing and the marks of the injury suffered from the fall which caused the death. In addition, it will be necessary to interrogate the witnesses who observed the brawl and the scattering of the participants.

In holding inquests on deaths that have resulted from brawls, even if it is clear who the two principal participants were, if there are no marks of injury on the corpse, how will it be possible to designate the fatal injury? Such cases always involve victims who for a long

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3.4a/87

in Latin de
Coles!

⁴³ In Sung China, at the end of a trial, the trial record and verdict were read to the accused, who had to acknowledge their correctness. If he refused to do so, there would ordinarily be an automatic retrial of the case. See Hsu Dau-lin, "Fan-i pieh-k'an k'ao," pp. 24-32.

time have had a chronic vital energy disorder. Sometimes, even before the injuries were inflicted during the quarrel, they had become quite drunk. Then, during the fight, they did something to aggravate their condition to the point that their vitalities were exhausted and they died. In many such cases, one or both testicles shrink into the abdomen.⁴⁴ It will be necessary to use warm vinegar, soaked cloths, or floss silk netting to cover the body for the space of a meal. Thereafter, order the coroner's assistant or the attendants to press on the lower abdomen with their hands, whereupon the testicles will descend and can be examined. Afterwards, minutely examine the fatal injuries.

Formerly, there were two fellow travellers, A and B. B was carrying some clothing and other personal effects with him, and A plotted to take them from B. A called B to go along the road with him. When they came to a stream and were about to ford the middle of the current, A grabbed B and held him under the water until he was dead. There were no marks. How can such cases as this be examined? First, look to see if the body is emaciated, if the thumbnails and fingernails are black in color, whether there is sand or mud under the nails or in the nostrils, whether the chest is red, the mouth and lips bluish and mottled, and the abdomen swollen. If these things are so, then B was inferior in strength and was held under the water by A until he died. A's original motives should be investigated. It will be necessary to have the stolen goods as evidence in order to conduct the investigation. Then there will be no mistakes once in a thousand times. Also, if the case involves an elderly person, and someone covers his mouth and nose with a hand to cut off his breath, there will be no marks, yet he will die.

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⁴⁴ This was a recognized disorder in popular Chinese belief.

There was a villager who ordered his nephew and a companion to hoe an area together and plant millet. Two nights passed and they did not return. Then, the villager went to look for them and found the two men dead on the mountain. Subsequently, he reported this to the officials, noting that the clothing they had taken with them was still there [i.e., there had been no robbery]. An official was warranted to hold an inquest. When the inquest official reached the spot, he saw one body outside a small grass hut. The back of its skull was broken. The face was marked by injuries inflicted with a knife. The other body was inside the hut. On the lower left side of the neck and on the back of the head on the right side were marks from knife wounds. The general opinion of those gathered there was that the man outside had been the first one wounded and had died from his injuries. The man inside was thought to have committed suicide after that. The officials, considering that both men were injured and that no valuables were involved, declared it to be a case of mutual homicide. One inquest official alone said, "That is not so. If we use circumstances to measure circumstances, making it out that the two killed one another, then that would be possible. But the knife wounds on the right side of the back of the head of the man inside are suspicious. How could he have inflicted such wounds on the back of his own head? This would not be easy to do." Within a few days, a man was apprehended who had hated the two men and killed them. The unsolved case was clear. They then informed the prefecture that the extreme penalty was appropriate.⁴⁵ If it had not come out this way, the two

⁴⁵ In Sung practice, the court of first instance (in the subprefecture) ordinarily investigated the case, conducted the trial, reached a verdict, and arrived at the appropriate sentence. However, in all cases calling for penalties more severe than beating with the heavy rod, their sentences were only advisory. Higher authorities had to review each such case and issue the formal sentence. Death sentences were reviewed and ruled on in the capital, and were, in theory, individually scrutinized by the emperor.

wronged men could never have rested easy. Generally, in cases of mutual homicide where there is nothing suspicious about the injuries, then an inquest may be conducted. If a high value is placed on carefulness and concentration, then there should be no mistakes.

CHAPTER II

5. Discussion of Miscellaneous Doubtful and Difficult Cases: Part Two

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There was an inquest on the body of a man killed by the roadside. It was first suspected that he had been killed by robbers. At the time when the body was checked, all clothing and personal effects were there. On the whole body there were ten old wounds inflicted by a sickle. The inquest official said, "Robbers merely want men to die so that they can take their valuables. Now, the personal effects are there, while the body bears many wounds. If this is not a case of being killed by a hateful enemy, then what is it?" He then ordered those around him to withdraw, summoned the man's wife and said, "In the past what man was your husband's worst enemy?" She replied, "Hitherto my husband had no enemies. But only recently there was a certain X who came to borrow money. He did not get it. They had already fixed on a definite date and they discussed that. But there were no bitter enemies." The inquest official secretly familiarized himself with the victim's neighborhood. He thereupon sent a number of men separately to go and make proclamations. The nearest neighbors were to bring all their sickles, handing them in for examination. If anyone concealed a sickle, they would be considered the murderer and would be thoroughly investigated. In a short time, seventy or eighty sickles were brought in. The inquest official had them laid on the ground. At the time the weather was hot. The flies flew about and gathered on one sickle. The inquest official pointed to this sickle and said, "Whose is this?" One man

abruptly acknowledged it. He was the same man who had set the debt time limit. Then he was interrogated, but still would not confess. The inquest official indicated the sickle and had the man look at it himself. "The sickles of the others in the crowd had no flies. Now, you have killed a man. There are traces of blood on the sickle, so the flies gather. How can this be concealed?" The bystanders were speechless, sighing with admiration. The murderer knocked his head on the ground and confessed.

Formerly, a man was found drowned in a deep pool. He had been there a long time. The affair was made known because of spite. The investigating official saw that the corpse had no skin or flesh left on it. Only the skull and bones remained. A succession of dispatched officials were not willing to hold an inquest. The superior office assigned the responsibility to several men. Only one official was willing to accept it. He then went to the place to examine the bones. First, he very carefully examined what could be seen. There were no other pieces of evidence. He then took the skull and washed it. He took a hot water jug and carefully poured clean hot water into the skull through the fontanel, examining the water to see if any sand or mud came out through the nose. He used this to determine whether or not the victim had been alive when he entered the water and so had drowned. Generally, when living people fall into water, sand or dirt will be aspirated into the nose. If the body was put into the water after death, then there will be no sand or mud.

In Kuang-yu 廣右, there was an evil rogue who plotted to kill a young boy and seize what he had been carrying on the trip. When the crime was discovered, the day when the murder had been committed was already long past. The criminal confessed, saying, "I beat him and then threw him into the water." The office of the Sheriff had already dragged the body from the water. The flesh had rotted away, and there were only bones left, so there could not be an inquest. In the end, [the investigating official] could not avoid suspecting a coincidence [i.e., that the

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bones belonged to someone else], so no one dared to make a judgment. Eventually, someone, in reading over the case records, noted that in the depositions of relatives turned in by the original investigating official, one relative had stated that his younger brother had been pigeon breasted and undersized. Subsequently, an official was dispatched to conduct a re-inquest. The chest bones were as described. Only then did they dare to pronounce a penalty.⁴⁶

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In the south, when people get involved in petty quarrels, they often take even their own lives, plotting to falsely implicate their enemies. First, they apply a compress made from the bark of the Zelkova (*chü* 榿) tree to make marks of injury, so that after death it will appear that they were wounded with "other weapons." How can this be detected? Just note that the center of the stigmata is of a deep black color. The area around the center is blue and red and is joined to form a single mark, but there is no puffy swelling. Such marks were made with a compress of *chü* bark while the victim was alive. Now, when people are alive, the blood circulating through the arteries and [the poison of] the *chü* wood reinforce each other to form marks of injury. (*If on being touched by the hand the injury is found to be puffy, then [this indicates that] the marks did not result from the use of chü bark.*) If the *chü* bark was applied after the victim was dead, there will be no spreading red or blue coloration, but merely a light blackish area. If you press on it, it will not be hard. Such marks were inflicted after death. After death, the blood no longer circulates. Therefore, the application of *chü* no longer produces the previously described results. Again, in the detailed investigation of the original facts, measure the length of the injuries on the corpse to see if they correspond to the size of the purported "other weapon." If at the time of

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⁴⁶ This passage should serve as a warning that confession, although important, was in itself insufficient basis for conviction.

the investigation this is settled, then errors can be avoided.

If there is a corpse which is plump, unmarked, and not emaciated, this should not merely be recorded as death from illness. Also, if a corpse has no marks of wounds on it, but is merely emaciated, it still should not be put down as death from illness solely on the basis of what is to be seen. After the investigation has been completed, the cause of death must certainly be determined through minute examination. It is in inquests such as these that errors are most likely.

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In all doubtful and difficult inquests, as well as when influential families are involved in the dispute, [the deputed official] must select reliable and experienced coroner's assistants and Recorders (*t'ieh-ssu* 屍司) of good character who are circumspect and self-possessed to accompany him. As to the food, drink, water, and fire supplies for the retinue, order men to superintend them. Call a brief halt and wait for the involved parties to arrive. Otherwise, there will be requests for private favors. Supposing an examination is held to get the facts, the clerks will sometimes accept bribes to alter the reports of the affair. If the officials and clerks suffer for their crimes, that is a minor matter. But, if the facts are altered, the judicial abuse may cost someone his life. Factual accuracy is supremely important.

3.5b/87

In all inquests on dead men, when there are no apparent injuries and the victims are not dead of illness, it will be difficult to make a determination through examination. First, you must have the relatives, in order, present their depositions. Afterwards, have the deceased's hair cut, lest while he was alive someone have taken a sharp instrument and driven it in through the fontanel, or into the brain, causing death.

3.4b/87

When people have been injured and die, examine the teeth, tongue, ears, nose, and the nails on the fingers and

3.4b/87

toes to see if injuries have been inflicted using bamboo slivers.

In all inquests on dead bodies, if it is indicated that the victim, having suffered a beating, thereafter took poison, strangled himself, or threw himself into the water and drowned, it is extremely important that the case be looked into most closely. Then, a report to this effect may be submitted. In this world, often after someone has been beaten to death poison is put into the mouth, and the death is falsely reported as due to the victim's having swallowed poison. Or, after a person has died, a cord is used to hang the body up and it is pretended that the victim hanged himself. Moreover, there are cases of corpses being thrown into the water under the pretense that the victims drowned themselves. If there is a mistake in judgment, the effects will be very serious. Now, [the deputed official] must investigate with great care the injuries on the body. If these are not on mortal spots, and there is reliable evidence of the victim's having hanged himself, drowned himself, or taken poison, then [the death report] may be certified.

3.4b/87

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6. The Initial Inquest

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Accusatory statements are not all to be believed. They must be examined in detail. What is essential is that the facts be followed.

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When incumbent clerical personnel are sent to conduct an inquiry, if there are rumors that the clerical personnel have been behaving improperly, wait until they come to report and then personally make the judgments.

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Warn associates not to be rash.

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At the initial inquest, it is not proper merely to say that the corpse is rotten and not fit for an inquest. It is mandatory that the cause of death be indicated.

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If, during the questioning at the time of the initial investigation, it becomes clear that the victim had been involved in a fight, even if many days have already passed since he died, it is not permissible merely to rule the corpse unfit for inquest. That would incite superiors to raise questions and make difficulties. The marks of injury must be minutely scrutinized to determine which injury caused the death. If it is really true that, a long time having passed, the body is rotten, then the report should say that "the [condition of] the corpse would not allow of being spread out for examination."

1.35a/68

During the initial inquest, after determining whether or not there are injuries or wounds on the corpse, then at the spot where the examination has been conducted, place the corpse on the matting, examine the underclothing, or matting, or whatever the body has been lying upon, and afterwards cover it up again. When this is finished, use a lime seal all around and note how many seals there are.⁴⁷ Assign the responsibility for preserving the corpse to the Bowmen, the Elder and Superior Guard Leaders and their assistants, and the men of the neighborhood. Make a record of this and append it to the case report, which is to be turned over to those in charge of the re-inquest. This will preclude anyone from injuring the corpse. If it has been a difficult or doubtful inquest, then do not go too far away. Be prepared for the fact that there may be discrepancies with the report of the re-inquest.

1.35a/68

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⁴⁷ I have been unable to locate information about lime seals, but I assume it was a question of putting powdered lime around the area so that later disturbance would be obvious.

7. The Re-inquest⁴⁸

If the conclusions do not differ from those of the preceding inquest, then this may be certified, written out, and reported. It may be that the cause of death is not clear, the visible marks of injury not agreeing with those reported earlier. For example, if death from drugs has been labeled death from disease, and so on; it is impossible to mention all such cases. If there are problems stemming from the first inquest, the person in charge of the re-inquest certainly must be exhaustive in investigating, lest there be complications.

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If the investigation turns up a few minor points of difference with the report of the previous inquest, strike a compromise and bring them into agreement. If there really are sizeable discrepancies, [the deputed official] may not go along with the earlier report. This is even truer of further questionings of those involved. If the group present feels that changes could be made in a report under such circumstances, then on the basis of the investigation a deposition may be sent up setting forth the areas of difference and agreement on facts and interpretations. [The deputed official] may not, following his personal views, make alterations in the report.

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In re-inquests, if the victim has already been dead for a long time, the head and face will be swollen, the skin and hair will have come off, the lips and mouth will be opened, the eyes will be protruding, and maggots will be feeding. The corpse being really decomposed at this point, there will be no method for examining it. If a knife was used, or "other weapons," or hands and feet, but they struck a fleshy spot, a form may be sent up indicating that there is no longer a corpse sufficiently preserved to permit examination in an inquest. If the "other weapon" or knife

1.35b/68

⁴⁸ The coroner system developing in Europe also permitted multiple inquiries. See Nicholas, trans., *Britton*, p. 8.

has injured a bone, the corpse must be washed and carefully examined. Then, the cause of death must as always be indicated in the report. How, in such cases, could a form be submitted indicating that there was no longer a body sufficiently preserved to permit examination in an inquest?

When re-inquest officials have completed their examination, if there is no dissent about their report, then the corpse may be turned over to the family. If there is no family, the responsibility for burial should be given to the Superior Guard in question with the order that the corpse be guarded. Warn those who have charge of the corpse that it must not be cremated and scattered. If there is dissent about the report, the body may not be turned over. Dig a pit and place the body, still wrapped in its mats, in the hole. Put a door over the hole to cover it, and pile earth on the door. All around it make lime seals, keeping a record of the seals. This is to preserve it in case another official comes later on to conduct another investigation. In addition, append to the case records a form indicating who had charge of the body.

1.36a/68

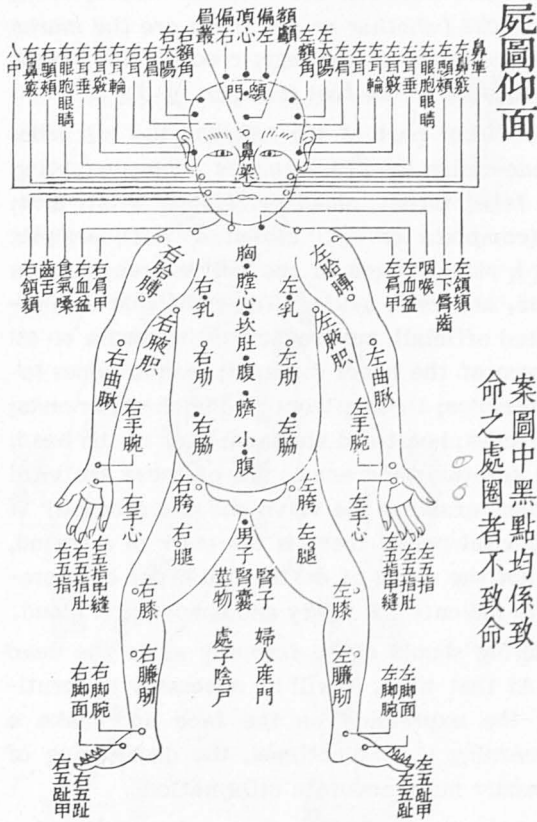
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8. The Examination of Corpses

Enumeration of items on the ventral side of the body: head and face (*Is the hair dressed or not?*); length of hair; crown of the head; fontanel; hairline in the back; forehead; eyebrows; eyes (*whether open or closed. If closed, then open them to see whether the eyes are untouched*); nose (*including both nostrils*); mouth (*open or closed*); teeth; tongue (*If it is a case of suicide by hanging, is the tongue pressed against the teeth or not?*); throat; chest; breasts (*For women, this is called the two breasts, nai-p'ang 奶膀*); heart; belly and navel; pubic region; penis; scrotum (*Next, finger the testicles to determine if they are whole or not. In adult women, this region is labeled the "gate of childbirth"; in girls, the "hidden gate"*);

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Fig. 3. Ventral View of the Body Surface.



案圖中黑點均係致命之處圈者不致命

The black dots mark locations where wounds may be mortal. The circles mark nonmortal wound locations. An official could use the names from this chart in filling in the ventral view chart which was to be submitted with the inquest report. From the *Hsi yuan lu hsiang i*.

Ce sont les plaies de l'original (en les 914)

feet; thighs; knees; calves of the legs (*ch'ien-jen* 膝胫); shins; upper part of the feet; and toes.

Dorsal side of the body: back of the head; occipital bone [lit., "pillow-riding bone" *ch'eng-chen-ku* 乘枕骨]; neck; area under and between the shoulder blades; back; spine; loins; buttocks (*whether or not there are the marks of a beating*); anus; backs of the legs; crook of the knees; calves; heels; and soles of the feet (*t'ui-pan* 腿板).

n.G.

Left side: lower part of the head on the left side; skull ridges (*nao-chüeh* 腦角); temples (*t'ai-yang k'ung* 太陽空); ear; face; throat; shoulder; elbow; wrist; arm; hand; fingers (*complete or not; closed or not*); armpits (*ch'ü-yeh* 曲腋); ribs; outside of the pelvic area; outside of the leg, knee, and calf; ankle. The right side is similar. [The deputed official] must examine the corpse on all four sides: crown of the head; fontanel; frontal bones (*o-chüeh* 額角); temples; throat; front of the chest; breasts; ribs on the two sides; heart and stomach; back of the head; occipital bone; scrotum; and anus. All of these are vital spots. (*In women, examine the vulva and the breasts.*) If at one of these vital points there is the mark of a wound, even if it was not the cause of death, still order the corner's assistant to indicate the injury and announce it aloud.

n.G.

22

The gathering should agree formally as to the dead person's age. At that time, it will be necessary to scrutinize carefully the expression on the face and make a deposition concerning it. Sometimes, the questioning of relatives will secure more accurate information.

n.G.

When investigating a corpse, first order the burning of a large quantity of green atractylis plant (*ts'ang-shu* 蒼朮) [*Atractylis ovata*, Thunb.] and pods of the soap bean (*tsao-chüeh* 皂角) [*Gleditschia sinensis*].⁴⁹ Then, go before

n.G.

⁴⁹ *Atractylis* has long been a part of the Chinese pharmacopoeia. It was traditionally associated with the cult of immortality. See Sivin, *Chinese Alchemy: Preliminary Studies*, p. 287. On the soap bean plant, see Needham and Lu, "Hygiene and Preventive Medicine in Ancient China," p. 369.

the corpse and conduct the investigation at a distance of roughly three to five paces. Have men sprinkle vinegar on a charcoal fire. Have it passed over [the corpse], and the foul smell will disappear.⁵⁰

Prepare large quantities of onions, pepper, salt, and white plums [with which to make compresses for use when] the marks of injury are invisible. In addition, take a pottery mortar with implements for breaking and powdering.

1.27a/65

In inquests and re-inquests, [the deputed official] must act with concentration. He must not be deterred by the smell. Above all, he must not let the coroner's assistant or his attendants cover up the penis or the vulva, or else serious errors may be made. In addition, the hair, the anus, and the vulva must be carefully examined lest an iron spike or other instrument have pierced there.

1.27a/65

When during the course of examination a serious injury is discovered at a vital spot, the two contending sides, the relatives, and those with knowledge of the affair must be compelled to be present. Under no circumstances may they be allowed to get close to the corpse, lest they damage it.

1.27a/65

The spots where injuries have been inflicted must be carefully measured as to length, breadth, depth, and size. Then, a decision must be made as to the cause of death.

n.G.

The coroner's assistant or the attendants, if they are asked to do so [by the involved parties], will often throw *yu-ts'ao* 猶草 [Caryopteris leaf pulp] (One edition makes this *ch'ien* 茜)⁵¹ and grasses into the vinegar and smear this on the injury so that the marks will be obscured. If

n.G.

⁵⁰ In the West, smoke was also used to reduce the smell during examinations of corpses. See Beck, *Elements of Medical Jurisprudence*, p. 17.

⁵¹ The character *ch'ien* given here is equivalent to the character *yu* in the expression *yu-ts'ao*; the leaf pulp of *Caryopteris incana* was applied to purulent swellings to make them go down, according to the *PTKM* 16.138.

some
la
contusion
- possible

licorice juice (*kan-ts'ao* 甘草) is used, then the injuries will become visible.

The human body is originally reddish or blackish, but after death it changes to the color of old fat. Where no wounds are visible, but there are suspicious circumstances, first take water and sprinkle the body. Afterward, take the white of a scallion, crush it, and lay it on the [suspected] injury, spreading over it a piece of paper dipped in vinegar. Let it stay a little while, and then remove it and wash the area with water. The injury will then appear.

1.30a/66

23

If on the body there are several blue-black marks, take water and drop it on these marks. If they are injuries, then they will be hard and the water will not flow away. If they are not injuries, they will be soft and the dripped water will run off.

1.30b/66

In holding inquests, when any bones have been injured, if the traces are not visible, sprinkle lees and vinegar over the body. In the open air hold newly oiled silk or a translucent oiled silk umbrella between the parts you wish to examine and the sun. The wounds will become visible. If it is dark and rainy, use live charcoal to provide light behind the umbrella. This is a good technique. If [the wound] is still obscure and difficult to see, use white plums that have been pulped and spread them on the place to be examined. Cover this again with mats. Then, look. If it still cannot be seen completely, take the flesh of white plums and add onions, pepper, salt, and lees, ground together. Mix it into a cake and heat it over a fire until very hot. Use it to cauterize the area of injury, first interposing a sheet of paper. Thereupon, the injury will become visible.

1.29b/66

Formerly, two men had been in a fight. Shortly thereafter, one of them fell to the ground and stopped breathing. The evidence of the eyewitnesses was very clear. When the inquest was held, the corpse showed no marks of injury. The investigation official was very disturbed. At that time it was cold. Suddenly, he hit upon

n.G.

a plan. He ordered the digging of a pit, about two feet deep and of the same height and width as the body. Faggots were burned in the pit until it was very hot. The body was put in the pit and covered with cloths. After quite a long time, when the body was warm, it was taken out and paper sprinkled with wine and vinegar was put on it, which caused the injuries to become visible.

When the inquest examination is completed, the coroner's assistant and attendants should announce, in regard to all sides of the body, "The body is lying on its back face up. The crown of the head and the fontanel are unharmed. The forehead is unharmed. The frontal bones are unharmed. The temples are unharmed. The two eyes, the two ears, the jaws, the two shoulders, all are unharmed. The heart, the chest, the belly, all are unharmed. The sexual organs are unharmed. (*For women you say, 'The gate of childbirth is unharmed.'* *For girls you say, 'The hidden gate is unharmed.'*) The thighs, loins, knees, calves, the tops of the feet, and the toes are all unharmed. The left hand and arm, the elbow, wrist, and all fingers and fingernails are unharmed. On the left chest, all ribs are unharmed. The left side loin and pelvic area, the left leg and foot are all unharmed." The recitation for the right side is similar.

"The body being turned on its face, the back of the head, the occipital bone, the backs of the ears, the hairline and neck are unharmed. The upper back and backbone are unharmed. The buttocks, the anus, the legs, the backs of the knees, the two calves, the two heels, and the two soles of the feet are unharmed."

9. Women

[The deputed official] must not, out of a sense of embarrassment, avoid examining the corpses of women.

If it is a question of a virgin, after noting her position relative to surrounding objects, have the body carried

n.G.

24

n.G.

1.42a/70

*En Labia
us
Giles!*

to a well-lit, level place. First, have the old woman who is to assist trim off the nail of her middle finger and wrap [the finger] with wadding. The girl's mother, other women relatives, and two or three women of the neighborhood must be made to observe the examination to see whether or not the girl was a virgin.⁵² Order the old woman assisting in the examination to insert into the vagina the finger from which the nail has been trimmed. If there is dark blood, then the girl was a virgin. If there is none, then the girl was not a virgin.

If a woman was supposedly pregnant and the cause of death is not clear, insist that the old woman who is assisting examine the belly to verify whether or not the woman was with child. If she was carrying a child, then when the area from below the heart to the navel is palpated, it will be firm like iron or stone. If she was not, the area will be soft.

1.42b/70

If the victim was not pregnant and bears no apparent marks of injury, insist that the old woman who is assisting with the inquest examine the interior of the vagina, lest some instrument have been inserted there.

1.42b/70

When pregnant women have been killed, or die from complications during childbirth so that the child does not descend, if the body has already been buried, then at the time of examination the child will be found. Generally, when a body is buried underground, because of the actions of natural forces on it, it will swell, the joints will open up, and thus the child within the womb will be expelled. Babies, still attached by the umbilical cord, will be found by the feet of the corpse. The "gate of childbirth" will

25/1.42b/70

⁵² Sivin has suggested that it is the preparations rather than the examination itself which had to be witnessed by the mother, other female relatives, and female neighbors (personal communication, 25 July 1977).

show blood and water. An evil discharge will also have been expelled.

If the victim was a serving girl in the family of a rich man, first measure her position relative to the surroundings, and then have the body carried out to the street. There examine it to see if there are marks of injuries, ordering the assembled crowd to observe in order to preclude suspicions.

n.G.

Addenda: Corpses of Children and Fetuses

There are instances of scheming men who, because of a fight, kill the sons of their opponents. Seizing the boy's hands and feet and putting one foot at the base of the child's throat, they step down to kill him. Merely order the coroner's assistant or the attendants to press the throat with their hands. It will be collapsed. Thus, truth and falsehood can be investigated.

n.G.

When ruling on the skeleton of a child, say, "This is a twelve or thirteen year-old child." If people argue and ask why it is not ruled that the victim was a boy or a girl, reply that in such circumstances it is proper initially merely to rule that the victim was a twelve or thirteen year-old child. Thus, one need not say whether it was a boy or a girl. Generally, the Statutes merely say "child." They do not distinguish between boys and girls.

n.G.

According to Statute, one who causes a woman to abort is liable for one hundred blows with the heavy rod if the fetus is not yet complete in form, or three years of penal servitude if the fetus is complete.⁵³

n.G.

⁵³ In the *T'ang Code* and in the *Sung Code* of 963, the punishment was two years of penal servitude if the fetus was fully formed. If not, the criminal was liable merely for the penalty for having injured the mother. *TLSI*, 3:88, and *SHT* 21.2b-3a.

The Statutes say that " 'to abort' (to 墮胎) means to strike so as to cause to fall (to 落)." ⁵⁴ This means that the fetus descends. According to the *Divine Discourse on the Functional Systems of the Body* (Wu-ts'ang shen-lun), in the first month, the fetus resembles white dew (pai-lu 白露); in the second month, a peach blossom; in the third month, it is possible to distinguish male from female; in the fourth month, it is formed; in the fifth month, the sinews, muscles, and bones are complete; ⁵⁵ in the sixth month, hair begins to grow; in the seventh month, the fetus can move its right hand. This will be a male child, on the mother's left side; in the eighth month, the fetus can move its left hand. This will be a girl, on the mother's right side; in the ninth month, the baby repeatedly moves around. In the tenth month, the term is complete.

26

n.G.

In examining a fetus not yet complete in form, merely examine a section or piece of the blood and flesh of the aborted fetus. If some days have passed and it has decayed, it frequently will have liquefied. If it is a case of a fetus already complete in form—this means with a complete head, mouth, eyes, ears, nose, hands, feet, and fingers, and having an umbilical cord—order the midwife to determine by examination its age in months and whether or not it is complete in form, and put the report on this in the case records.

n.G.

In cases of abortions in which the infant died as a consequence of fright while in the mother's belly and was then ejected, the placenta will be purplish black in color, and the blood clot [the afterbirth?] will be soft. ⁵⁶ If the infant is delivered alive and thereafter dies, its body will be dull red in color, with no purplish black, and the placenta will be white.

⁵⁴ TLSI, 3:83.

⁵⁵ The Chinese word chin 筋 generally includes tissues involved in motion.

⁵⁶ "Fright" as used here corresponds to our "shock." For the medical syndrome involved, see Topley, "Chinese Traditional Ideas," pp. 429-35.

10. Decay of Corpses in the Four Seasons

During the three months of spring, when a body is two or three days old, the flesh of the mouth, nose, belly, ribs, and chest becomes slightly livid. After ten days, a foul liquid issues from the nose and ears. In fat and swollen people it is like this. Those long ill and emaciated will display these symptoms only after half a month.

1.37a/68

During the three months of summer, when the body is one or two days old, the flesh will change color, beginning with the face, belly, ribs, and chest. When three days have passed, a foul liquid will issue from the mouth and nose, and maggots will appear. The whole body will swell, the lips will pull back, the skin will rot and separate from the flesh, and blisters will appear. After four or five days, the hair falls out.

1.37a/68

In very hot months, when the corpse has been covered with mats, the skin of the injured parts will often be white, but uninjured parts will be livid or blackish. It will be difficult to observe properly the true injuries, but if in the investigation [the deputed official] seeks to avoid the smell, and therefore makes only a cursory examination, he will frequently make mistakes. If there are any places on the corpse that look at all suspicious, the loose skin there should be removed. If there has been an injury, a bloody depression will be clearly evident.

1.37b/68

Again, during the hot months, if maggots have not yet appeared at the nine orifices, but they have appeared at the temples, hairline, ribcage, or belly, then these parts have been injured.

1.37b/68

During the three months of autumn, after two or three days have passed, a body will be first as described above for the spring, with the flesh of the face, belly, ribs, and chest changed in color. After four or five days, a foul liquid will issue from the mouth and nose, the whole body will swell, the lips will curl back, and blisters will appear. After six or seven days, the hair will fall out.

1.37b/69

During the three winter months, when four or five days have passed, the flesh of the corpse will turn yellowish purple. After half a month, the symptoms described above will appear first, with the face, mouth, nose, sides, and chest all changing color. Sometimes, if the place is damp, and the corpse is wrapped in mats and buried, this will slow the process of decay. Again, consider carefully whether it is the beginning or end of the month, and determine your actions according to the seasons of spring or autumn.

1.38a/69

When it is extremely hot, decomposition of the corpse begins even after a single day. It becomes livid or blackish and begins to smell. After three or four days the skin and flesh become rotten, the corpse swells, maggots appear, there is a discharge from the mouth and nose, and the hair falls out.

1.38a/69

In extremely cold weather, five days is equivalent to one day in a time of great heat, and half a month the equivalent of three or four extremely hot days. In spring or fall when the weather is equable, two or three days are equivalent to one day in summer, and eight or nine days are equivalent to three or four summer days. But men may be fat or thin, old or young. Those who are fat or young decay easily. Those who are thin or old decay more slowly. Also, the climate is not the same in north and south, and in the mountains the coldness and warmth are not constant. At such times, even more care than usual must be exercised in investigating all changes.

28/1.38b/69

11. On Washing the Corpse and the Use of Mats

Prepare plenty of lees and vinegar. For the paper to be placed under the corpse use only *t'eng-lien* 藤連 or *pai-ch'ao* 白抄 paper, since bamboo paper often is damaged by salt and vinegar and might injure the corpse.

1.33b/67

When the corpse has been removed to a level, firm, and well-lighted spot, first inspect it all over while dry.

1.33a/67

Then, wash it with water. Next, rub it with pods of the soap bean plant to cleanse away all dirt. Also, dash water on it to cleanse it. (*When washing the body, lay it on a door or mat, not on the bare ground.*) When finished with the washing, according to the approved method spread on lees and vinegar and wrap the body in mats. In addition, use the dead person's clothing and saturate it with hot vinegar. Use matting to wrap up the body for several hours. Afterwards, when the body has become soft, remove the coverings and wash off the lees and vinegar with water. Then, conduct your examination. Do not rely on your attendants' reports, for they merely sprinkle on wine and vinegar, and the marks of wounds will not become visible.

At the beginning of spring and during the winter months, the vinegar should be boiled and the lees roasted so they will be hot. In mid-spring and late autumn, they ought to be moderately hot. In summer and fall, if the vinegar and lees are even moderately hot, because of the warmth of the weather they may damage the skin and flesh. Late in autumn, use them hot, and three or four feet away from the body on either side build fires to raise the temperature of the air around the body. In winter when it is very cold, the corpse will be frozen hard. Even if the lees and vinegar are extremely hot and the clothes piled up in layers, the body will still not become soft. Have a pit dug the length and width of the body and three feet deep. Take charcoal and faggots and lay them in the pit. Light these and let the fire burn until it is glowing hot. Sprinkle on quantities of vinegar to make clouds of steam. Then, lay the body in the pit surrounded by its mats and wrappings. In addition, again cover all this with clothes and soak them with hot vinegar. On both sides of the pit, at a distance of two or three feet, light fires. When you estimate the heat to have penetrated, extinguish the fire and have the body removed for examination. Late in winter and at the beginning of spring, it will not be necessary to dig a pit. Merely use fires on both sides of

1.33b/67

the body. Careful heed must be paid to the climate in all of this.

In Hunan it is customary when examining a corpse to dig a deep hole beside the body, building a fire there until it is blazing hot. The fire is then removed and the body put in. Lees and vinegar are sprinkled into the pit. Fires are also built on the four sides. After some time has passed, the body is lifted out. Sometimes the accused man will argue about the marks of the wounds. Sometimes the victim's family will argue and be unwilling to accept the judgment of the investigator. The body may have to be put into the pit three or four times and reexamined.⁵⁷ When a person's corpse has been heated three or four times, the flesh becomes scorched and the marks of wounds become completely indistinguishable. The attending clerks will take advantage of this to practice corruption. Within a month or two, the problems thus generated will burst forth and the family will bring charges. By the time the crowd of officials sent to investigate arrives, several months will have passed and there will be nothing left but bones. All marks of wounds to the flesh will be undetectable. This fire pit method is followed only in Hunan, but administrative officials should be familiar with it.

n.G.

12. Examining Bodies That Have Not Been Buried

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For bodies that have not yet been buried, whether they are on the floor, on a bed in a room, on the ground in a roadway before or behind a house, or on a hill, in water, grass, or woods, [the deputed officials] must in all cases begin by measuring the position of the body relative to the

1.31b/67

⁵⁷ Here again we have a clear statement of the degree of control which interested parties might exercise over the course of the examination. Unless those present were willing to certify their acceptance of the results of the inquest, the investigator could not himself certify his report.

surrounding objects. If it is in the water, how far is it from the foot of the nearest hill or bank? On whose property is it? What is the name of the place? If in a room, in what part of it? Is there anything such as a mat under it or over it? When these questions have been answered, remove the corpse for examination.

First, strip the body of its clothes. If it is a woman, remove her hair ornaments. From the head down to the shoes and stockings, note down each item. If there are other belongings on the body, note these also. When this is done, warm water should be used to wash the body, which may then be examined. It is not necessary to use wine and vinegar.

1.32a/67

Strip off any rotting clothing. Having washed the body, first look to see whether it bears any military identification.⁵⁸ If large or small characters have been tattooed on the area of the frontal bones or face, count the number of rows and characters. To what army did the man belong? If he was a man who had been registered in exile, in what prefecture had he been registered?⁵⁹ For characters indicating military registration, it will also be necessary to count the number of rows. Does the victim bear a tattooed ring? Or a square? Or a circle? If the tattoos are on the back of the hand or the nape of the neck, also count how many there are. Are characters or circles tattooed within [these patterns]? Had the victim previously used moxa or drugs in such a way as to leave skin injuries, discolorations, or pockmarks? If a comb carved from bamboo is flicked against the place where moxa seems to have been burnt, the tattoo will become

n.G.

⁵⁸ During the Five Dynasties period (907-960 A.D.) and the Sung, soldiers were commonly tattooed with the names of their units. For tattooing in the Sung, see Sogabe Shizuo, "Sōdai no shihai ni tsuite," pp. 1-23.

⁵⁹ During the Northern Sung, the name of the place where a man was registered was tattooed on his face. During the Southern Sung, the tattoo not only gave the name of the place, but also the government unit to which the criminal was attached. See *ibid.*, p. 12.

visible. After having looked to see what sort of man the victim was, check what places on his body have been tattooed or cauterized. Are the scars new or old? Do they contain pus or blood? Calculate how many there are in all, as well as whether there are fresh or old signs of official beatings. Are they on the back or the buttocks?⁶⁰ Are there any signs of beatings from a thorny staff on the legs or the bottoms of the feet?⁶¹ What areas have old scars? What areas have been recently hurt? Measure their size. What places have black marks (*an-chi* 黑印記)? All this should be announced aloud. If there are no marks, this also should be written down. Measure the body. How tall is it? How long is the hair? How old was the victim?

31

13. Examining Corpses Previously Buried or Encoffined in a House

1.32a/67

First, examine the grave. Ask on whose land it is located and the name of the place. Measure the height, length, and width of the mound, estimating in each case how many feet and inches it is. Ask in whose house the body lies encoffined. As mentioned before, take measurements.

1.32a/67

Next, observe which way the head and feet are pointing—if the head is to the east and the feet to the west, and so on. How far is the head from what object?

⁶⁰ While the Sung *Code* of 963 nominally retained beating with the light rod, beating with the heavy rod, and penal servitude, it supposedly commuted beating with the light rod and penal servitude to beating with the heavy rod. See *SHT* 1.4a-b. However, the *Hsi yuan lu* suggests that in the Southern Sung two different instruments were in use. See below, p. 145.

⁶¹ Use of such instruments was illegal, as was beating criminals on any part of the body other than the back or buttocks.

Follow the same pattern in measuring to the right and left sides. In the presence of the multitude, remove the loose earth or bricks and observe what materials were used as mats to hold the corpse. Is the casket varnished or decorated? Do the mats have borders or not? Are they coarse bamboo mats or not? Thereafter, have the casket carried out and opened, and the body removed to a well-lighted place for examination.

14. Examining Decomposed Bodies

If to avoid the smell [the deputed official] does not himself approach the body, he will often make mistakes.

n.G.

If the body has decomposed and because of the smell cannot be approached, burn some pods of the soap bean plant to get rid of the smell. Some hemp seed oil should be smeared on the nose, or rolls of paper dipped in oil inserted in the nostrils. In addition, a small piece of fresh ginger should be held in the mouth. When conducting the examination, it is important that the mouth be closed tightly, lest the odors penetrate.

n.G.

32

After measuring and recording the exact position of the body, dash water on it to get rid of the maggots and foul liquids. When the skin and flesh are clean, proceed to the examination. It is not necessary to apply lees and vinegar, but freshly drawn water should incessantly be poured over all sides of the corpse. In a decomposed body, injuries inflicted by blows or sharp weapons will cause the skin and flesh to be reddish in color. If they are extremely serious, the color will be blue black, the flesh will adhere to the bones and not be spoiled, and the maggots will not have been able to eat it.

1.46a/70

15. Holding Inquests on Bodies Too Decomposed to Serve as Evidence

When holding inquests on bodies where the remains are insufficient to serve as evidence, it ought to be stated that the hair has fallen out from the head, that the skin and flesh at the areas on the sides of the head where hair grows, on the face, and all over the body are of a generally blue-black color, that the skin is sloughing off and rotten, that maggots are feeding, and that the bones are exposed.

1.46b/71

If the skin and flesh have rotted away, state that the bones show through; that the skin and flesh of both the upper and lower body have all rotted away; that there are only a few small spots not yet rotted away where the muscles and the bones join together; and that at present there really is no basis for examination or re-examination. Nor is there any way to determine whether the victim while still living bore anywhere on his body any injuries, if other things might have caused his death, his age and appearance, or the cause of death. Note that it was not possible to have someone feel all around the body with their hands to determine if there were any broken bones.

16. Dehydrated Corpses or Corpses of Those Dead from Exhaustion

First, lay down charcoal embers approximately the height and width of the body. On this lay a sheet of thin cloth. Sprinkle on water to wet both the charcoal and the cloth. Lay the body on, and cover it from head to foot with cloth. When this has been done, again use more charcoal embers to cover it all over. This should be covered with a cloth and water once more sprinkled on. After a time, the skin and flesh of the corpse should begin to soften. Remove the cloths and ashes and check to see. If the skin and flesh have begun to soften, then use hot vinegar to wash the body. In examining injuries use onions, pepper, salt, and white plums ground with lees to make a

1.45a/70

33

poultice, which is then heated in a fire. First lay paper over the corpse. Then lay the poultice over it, and the marks of wounds will become visible.

When the poultice is heated in a fire, it will become soft and sticky, and will adhere to the paper. This is the best way to apply it, as it will not fall off, and will remain on the wound for some time. The marks of the wounds will become visible, and the poultice will be found to be very useful in the treatment of wounds.

If the poultice is not heated in a fire, it will become hard and brittle, and will not adhere to the paper. This is the worst way to apply it, as it will fall off, and will not remain on the wound for some time. The marks of the wounds will not become visible, and the poultice will be found to be very useless in the treatment of wounds.

The poultice should be applied to the wound as soon as it is discovered, and should be renewed frequently. It should be kept on the wound for some time, and then removed. The marks of the wounds will be found to be very useful in the treatment of wounds.

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CHAPTER III

17. Examination of Bones

34

Man has three hundred sixty-five bones, corresponding to the three hundred sixty-five days in a year.⁶² 1.82a/71

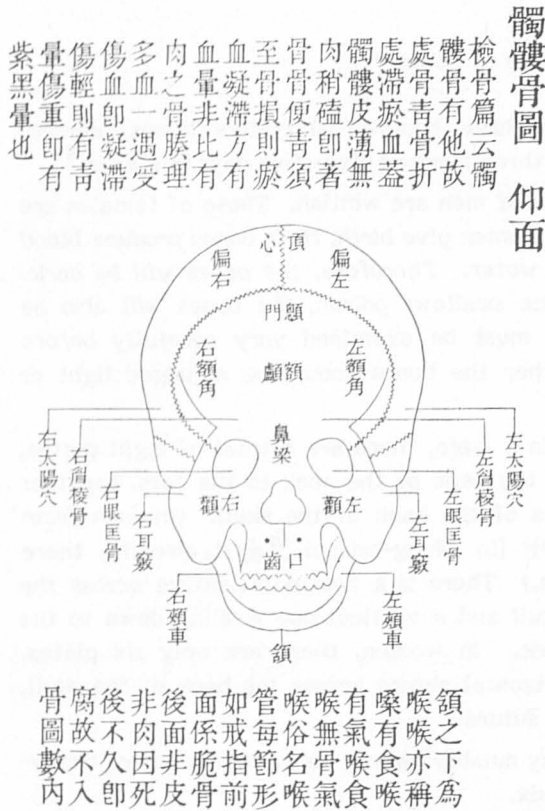
The bones of men are whitish. Those of females are darker. (*When women give birth, their bones produce blood like a flow of water. Therefore, the bones will be darkish. If someone swallows poison, the bones will also be darkish. This must be examined very carefully before deciding [whether the bones should be adjudged light or dark].*) 1.82a/71

Skulls: in a male, there are a total of eight plates, counting from the nape of the neck to the ears, together with the plates of the back of the skull. (*In men from T's'ai-chou 蔡州 [in Ching-hsi-pei 京西北 circuit], there are nine plates.*) There is a horizontal suture across the back of the skull and a vertical one running down to the hairline in back. In women, there are only six plates. There is a horizontal suture across the back of the skull, but no vertical suture. 1.82a/71

Teeth may number twenty-four, twenty-eight, thirty-two, or thirty-six. 1.82a/71

⁶² This is the clearest example in our text of the influence of a belief in numerological correspondence on traditional Chinese perceptions of their world. By the Sung, numerology no longer played a dominant role in the thinking of most members of the elite, but as this passage suggests, it continued to appear in literature.

Fig. 5. Chart of the Skull.



Bony parts are labelled. From the *Hsi yuan lu hsiang i*.

There are three long breast bones. There is one bone associated with the heart, which is delicate and about the size of a coin. The neck and spine are made up of twelve sections. From the top of the neck to the waist there are twenty-four vertebrae. At the top, there is a large *ch'ui* 骨 (bone [first cervical vertebra]). There are two scapula (*chien-ching* 肩井) and two clavicle (*fan-shih* 飯匙) bones, one each on the right and left sides. Males have twelve ribs on each side, eight long and four short. Women have fourteen ribs. Near the waist males and females have a bone about the size of the hand, perforated by eight holes in four rows [the sacrum]. The bones in the forearm and between the knee and the foot are two in number. Males on their wrists and ankles have bones like ribs. (*Women do not have them.*) The knees on both sides have a *yen* 胫骨 bone hidden inside them. It is about the size of a thumb. The palms of the hands and the soles of the feet are divided into five articulations. The bones of the thumb and big toe are divided into two phalanges. The others of the fourteen phalanges are divided into groups of three. The pelvic bone resembles the kidneys of a pig, with the indented part under the spine. In males, at the place where this bone meets the spinal column it is concave. On each side, there are little pointed stems like the upturned angular ends of palace roofs.⁶³ It has nine holes. In women, the place where the spine joins the pelvis is flat. There are only six holes. There is one orifice each at the anus and the urethra. In dealing with bones, always use a piece of hemp or grass twine, or a splint of bamboo to tie numbered paper tags to each bone, so there will be no discrepancies or errors at later inquests.

1.82b/71

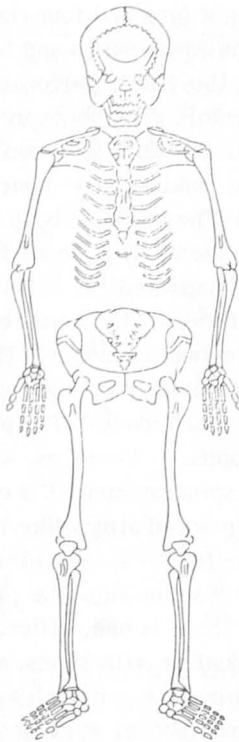
35

⁶³ I am assuming that the *leng-chiao* 稜角 (lit., "edge and corner") corresponds here to *ku-leng* 觚稜.

Fig. 6. Ventral View of the Skeleton.

現擬全身骨圖 仰面

榷歷官山左江南凡遇會檢人命重案必帶同畫匠將所檢骨殖詳
悉摹圖隨時修改務求十分盡善而止及今二十餘年方敢定準此

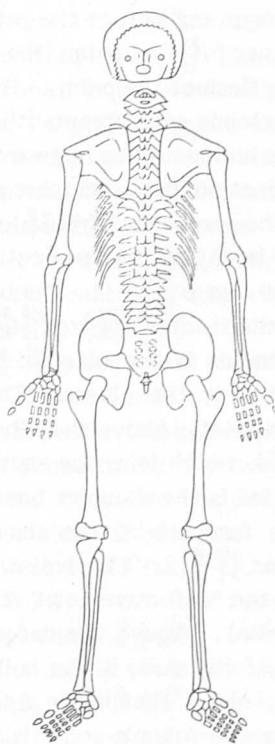


圖自分可無遺憾惟全身骨圖限於紙幅尚難一目了然因將各骨
另列分圖逐一註明問有說解已載見各篇上層仍復摘敘數語意
在詳盡無嫌重復俾覽者臨場易於檢尋不至茫無所據即刑作人
等亦不敢任意欺朦此亦千慮之一得也

Fig. 7. Dorsal View of the Skeleton.

現擬全身骨圖 合面

此仰合二圖不標各骨名目者以紙幅窄小繫以各名加以挂綫轉至混淆且有一骨數名必得一骨數綫覽者不明欲於數綫而求數



骨勢不可得必至以他骨湊合爲之余在山左覆檢鄆城縣史戊寅一案前檢官以缺少飯匙骨聚訟紛紛仵人欲以他骨充數檢官不依致有爭執孰知飯匙骨乃肩甲骨之裏面以形得名並非另有一骨此卽各名各綫之誤現列各骨分圖詳晰標註可一覽無遺矣

18. A Discussion of Bones and Blood Vessels in the Body, and the Location of Vital Spots

36/n.G.

On a person's two hands, the part where the finger and fingernail join together is the distal phalange (*hsiao-chieh* 小節), behind the distal phalange is the middle phalange (*chung-chieh* 中節), and behind the middle phalange is the proximal phalange (*pen-chieh* 本節). Behind the proximal phalange and before the bones of the extremities come the bones of the palm [the metacarpals]. On them grows the flesh of the palms. The flexible part behind them which extends and retracts [the hand] is the wrist. The high bone which emerges leftward from the wrist is called the "projection [lit., anklebone] on the exterior of the hand" (*shou-wai hua* 手外踝), and that which emerges rightward is called the "projection on the right of the hand" (*yu-shou hua* 右手踝). The bone which connects these two is the radius (*pi-ku* 臂骨). The supporting bone for the radius is the ulna (*pi-ku* 骨脾骨). These bones come together at the elbow. The flexible place in front is the elbow joint. Above the elbow joint is the humerus (*nao-ku* 肱骨), which joins the shoulder. The forward part of the shoulder is the shoulder bone (*heng-yü ku* 橫骨肩骨). From the forepart of the shoulder bone emerges the scapula (*pi-ku* 脾骨). The hollow on which the clavicle is centered is the "defective bowl" (*ch'ueh-p'en* 缺盆) [superclavicular fossa]. Above the defective bowl is the neck, and in front of the neck is the hollow of the throat (*sang-hou* 桑喉). Above that is the Adam's apple (*chieh-hou* 結喉). Above the Adam's apple is the *kai* 脈 [the mental protuberance?]. The sides of the *kai* abut the *ch'ü-han* 曲頤 [mental foramen?]. At the sides of the *ch'ü-han* are the *i* 頤 [body of the mandibles?]. At the sides of the *i* are the *chia-ch'e* 頰車 [a pair of acupuncture loci at the angulus mandibularis]. Above the *chia-ch'e* are the ears. Above the ears are the *ch'ü-pin* 曲鬢 [temporals?]. Above the temporals is the crown (*ting* 頂). In front of the crown is the fontanel (*hsin-men*

懸門). In front of the fontanel is the hairline. Just below the hairline is the forehead. Below the forehead are the eyebrow ridges [superorbital foramina]. At the extreme outsides of the eyebrows are the lower areas of the temples. In front of the lower areas of the temples are the eyes. Beside the eyes are the two *hsiao-tzu* 小眦 [outer canthi]. Above the two canthi are the two sides of the upper face. Below them are the two sides of the lower face. What one sees with are the pupils. At the eyeballs near the nose are the two *ta-tzu* 大眦 [inner canthi]. Bordering the two inner canthi is the nasal ridge. Above the nasal ridge is the *yin-t'ang* 印堂 [space between the eyebrows]. Above the *yin-t'ang* is the skull ridge. Below the skull ridge is the occipital. The pelvic bones (*k'uan-ku* 髌骨) spread out from the vertebral column. At the two sides of the pelvic bones are the ribs [lit., "hairpin bones" (*ch'ai-ku* 釵骨)]. Below the center of the ribs are the lumbar vertebrae (*yao-men ku* 腰門骨). Below the ribs are the femurs (*t'ui-ku* 腿骨), which are attached to the knees (*ch'ü-ch'iu* 曲膝). On the knees are the kneecaps (*hsi-kai ku* 膝蓋骨). From below the kneecaps arise the tibia (*ching-ku* 脛骨). Attached to the tibia are the fibula (*hsing-ku* 脛行骨). Below the fibula are the protuberances of the anklebones on the outsides of both feet. Suspended before the tibia are the foot bones (*tsu-ch'i ku* 足跖骨) [metatarsals?]. On the front of the foot bones are the proximal phalanges (*tsu-pen chieh* 足本節). In front of the proximal phalanges are the small phalanges (*hsiao-chieh* 小節). The toenails (*tsu-chih chia* 足指甲) are on the small phalanges. Back from the toes are the metatarsals (*tsu-ch'ien fu* 足前跖). The hollow which is back of the metatarsals is called the "heart of the foot" [the instep]. Underlying it are the bones of the tarsus (*tsu-chang ku* 足掌骨). Behind the tarsus arises the pad of the heel (*chung-jou* 踵肉). Below that is the heel (*chiao-ken* 脚跟).

The method of investigating blood relationship by blood dripping: this means you have person A, a mother or

father, deceased, of whom only the bones remain. Someone comes forward claiming to be a son or daughter. How can this be investigated? To test the relationship, cause the claimant to cut himself slightly, draw one or two drops of blood, and drip these on the bones. If they are indeed related by blood, the dripped blood will sink into the bone. If they are not related, it will not do so. When people speak vulgarly of "dripping bone relatives," they are usually referring to this test.

When examining bones, it is necessary that the day be clear and bright. First, use water to wash the bones. Using hemp twine, string them together to form a skeleton. Next, lay them out on a mat. Then, dig a pit in the ground measuring five feet long, three feet wide, and two feet deep. Burn wood and charcoal in it until the ground is red hot. Clear out the coals, and pour in two pints (*sheng* 升) of good wine and five pints of strong vinegar. While it is steaming, lay the bones in the pit and cover them with straw mats. Let them remain there for two to four hours. When the ground has cooled, remove the mats and take the skeleton to a level, well-lighted place where it can be examined under a red oiled umbrella. If there are places on the bones that have been struck, then there will be traces of a red color. The two ends of the place where the bones were broken will have a blood red halo. Moreover, if on holding the injured bone up to the light it shows a vivid red color, then the injuries were clearly inflicted before death. If the bones show no traces of blood, but there are breaks, then these were inflicted after death. Never use wine and vinegar to boil bones, lest it cause difficulty [in making judgments]. For this sort of thing to be done satisfactorily the day must be fair and bright. If it is cloudy or raining, then it will be difficult to distinguish matters clearly. If the clouds or rain show no signs of dispersing, then use the boiling method. An earthenware jar is used as though something were being cooked in an open pan. In it boil vinegar over a charcoal fire. Throw in a good deal of salt and white prunes, together with the

1.84a/71

bones, and simmer. Personally keep an eye on this. After waiting for thousands of bubbles to rise, take out the bones, wash them in water, and hold them up facing in the direction of the sun. The marks should then be visible. Blood will have seeped into the area where the bones suffered injury, and they will there appear red, livid, or black. Look carefully to see if there is a visible break.

When boiling bones, do not let them be in contact with *hsi* 錫 [alloys of tin, lead, zinc, and sometimes other metals]. If you do, then the bones will frequently turn black.

n.G.

If there are people who want to subvert the inquiry, they may throw herbs into the pot which will whiten the injured areas so they cannot be seen. (*For an explanation of this, see the section on inquests.*) If the bones have already been washed and examined repeatedly, they will become white and appear uninjured. How can the truth then be determined? Pour oil on the bones being examined for possible injuries. Bones have cracks and pores. When these are full and the excess oil begins to drip out, have the bones wiped dry. Hold them up towards the light. Where there were injuries the oil will stop and not pass through. Clear areas are those where no injuries occurred. Another method: daub some good thick ink on the bones. After it has dried, wash it off. If there are injuries, the ink will seep into the bone at those points. Where there are no injuries the ink will not sink in. Another method: take some new cotton and pass it over the bones. Where there has been an injury some of the cotton fibers will always catch and be pulled out. When the bones have been broken, always note the color of both broken ends. Also take note of whether the protruding bone fibers point inwards or outwards. Where the break was caused by a blow the splinters will point inwards. Where they point outwards the break did not result from a blow. Where the bones of the skull have been struck they will be blue. Where bones have been broken there will be traces of extravasated blood. Carefully examine the surface of the

1.85a/72

bones for livid or purple-black halos. If they are elongated, they were caused by "other weapons." If round, by a fist. If larger, by butting with the head.⁶⁴ If small, by kicking with the point of the foot. When among the bones on one of the four sides of the skeleton⁶⁵ there is a break, whether it is a mortal injury or not, have the coroner's assistant or the attendants indicate it and announce it aloud.

When the preparation and examination of the bones are completed, the coroner's assistant or the attendants should call out the bones of the skeleton in order. This means with the body supine, beginning from the skull, they should call out, "The crown, the fontanel, the bridge of the nose, the jaws, and the bones of the mouth are all unharmed. The two eye sockets, the frontals, the temples, the ears, and the cheekbones [?] (*sai-chüeh ku* 腮頰骨) are unharmed. The two scapula with their associated breastbone (*i-ku* 臑骨) are unharmed. The sternum and the xyphoid process (*hsin-k'an* 心坎) [lit., "pit of the stomach" bone] are unharmed. The left radius, wrist, hand, and ulna are unharmed. The ribs on the left side are unharmed. The left side of the pelvis (*k'ua* 胯), the left femur, the calf of the left leg, and both of the long bones of the lower leg as well as the left heel bones and the bones in the sole of the foot are all unharmed." The right side follows the same pattern. Turning the body, over call out, "The back of the head, the pillow bone [occipital], and the vertebral column down to the coccyx are unharmed."

In holding inquests on the bodies of men who were injured and killed, if some days have passed, the bodies will have begun to decay, and maggots will be feeding. If there is only a skeleton, blood will adhere to the bones at the places where the original injuries were inflicted. This

1.86a/72

1.46b/71

⁶⁴ Butting with the head was a common Chinese fighting technique.

⁶⁵ Grammatically speaking, the expression *ssu-feng hsi ku* 四縫骸骨 should be the name of a bone, but that would seem to make no sense in these passages.

dried black blood may serve as evidence. If there are no injuries to the bones, but on the surface of the bones there are cracks and wounds which look like hair, or like the pottery cracks that resemble turtle shells, they cover the course of the injuries and serve as a sign of them.

Death from blows: where death has resulted from blows that did not harm the bones, the flesh will be hard and will adhere to the bones. If it cannot be washed away with water, then scrape it away with the fingernail. The injuries will then be visible on the place where the flesh adhered to the bone.

40/1.30a/66

After having examined the bones, beginning from the skull, attach numbered tags to the bones at the right and left hollow of the shoulder and the associated breastbone, to both arms and wrists, the bones of the hands, as well as the pelvic bones, the lumbar vertebrae, the *ch'ien-jen* [femur], the kneecaps, and the lower leg bones. There are in all twenty-four ribs, twelve on each side. In dividing the left and right for numbering, it should be "left no. 1, left no. 2, right no. 1, right no. 2," and so on. When the numbering of the ribs is finished, then number the twenty-four vertebrae, starting from the top: one, two, three, four, and so on down to the coccyx. Also, in the front of the chest, number the sternum and the xyphoid process. Do all this so as to facilitate investigation. The two shoulders, the two halves of the pelvis, and the two wrists have "covering bones" (*kai-ku* 蓋骨), which ordinarily are not among the numbered bones. Rather than only entering them among the numbered bones when they have been injured, it would be better to list them as uninjured. First, use several wrappings of paper, then apply three or four thicknesses of single-ply oiled paper, binding it all with string threaded through holes at three or four places. When the wrapped bones have been stamped with a seal, place them in a barrel with a wooden cover on top. Dig a hole like a grave, make a notice record plaque, and, in addition, use lime seals.

n.G.

In the capital there is a species of poisonous herb called Cheap Grass (*ch'ien-ts'ao* 錢草). It is simmered, made into a syrup,⁶⁶ and sold to people. If it is wiped on bones, they become black, which may obscure the true situation. But when someone was injured by a blow struck when he was alive, then the spot injured will be marked by a halo. If there is no halo and the bone is not injured, it cannot be noted down as an injury [lit., "mark"]. You must be most careful to distinguish the true from the specious.

n.G.

41

19. Suicide by Hanging

When people have committed suicide by hanging, the eyes will be closed, the lips and mouth black, and the mouth open with the teeth showing. If hanged above the Adam's apple, the mouth will be closed, the teeth firmly set, and the tongue pressed against the teeth but not protruding. (*It is also said that the teeth will be slightly biting the tongue.*) If hanged below the Adam's apple, the mouth will be open and the tip of the tongue will be sticking out past the teeth two- to three-tenths of an inch. The face will be purple red in color, at the two corners of the mouth and on the chest there will be frothy saliva, the two hands will be clenched over the thumbs, and the toes of the two feet will be pointing downwards. On the legs there will be bloody marks resembling the burns of moxibustion. The stomach and lower abdomen will both be pendulous and blue black in color. The victim will have excreted both urine and feces. There may be a few drops of blood at the anus. The scar on the throat will be purple and red, or a muddy black. It will cross behind the head from the left ear to the right ear at the level of the hairline and have a horizontal length of nine inches to one foot. (*One report says that in an adult male, it will*

2.26a/79

⁶⁶ In the Sung, *kao-tzu* 膏子 could be used internally or externally, so its modern translation of "ointment" would not be appropriate here.

measure one foot one inch, and in a woman, one foot.) If the victim's feet are off the ground, the scar on the throat will be deep. If not, then it will be shallow. If the victim was fat, the scar will be deep. If thin, then shallow. If a thin hemp cord or fiber rope was used, and the victim committed suicide by hanging himself from some high place until he strangled, then the mark will be deep. If the victim used a strip of silk cloth or a dressed silk scarf or some such material, or if the victim was in some lower place, then the scar will be less deep. When someone commits suicide by hanging in a low place, the body will often be recumbent either on its side or on its face. If lying on its side, then the mark will slant up across the base of the throat. If prone, then the scar will be vertical, rising from the base of the throat to the ear. Often it will not reach to the hairline at the back of the head.

n.G.
2.29b/81

Places where people hang themselves must be eight feet high or higher so that their two feet do not touch the ground. The object on which the victim stood must also be quite high. If there is a bed, chair, stove, or grain bin two or three feet high, this will also serve as a place to commit suicide by hanging.

n.G.
42

If the spot is muddy or it is raining, check to see if the victim was barefoot or wearing shoes, and look at the place where he climbed up to see whether or not there are footprints.

n.G.

In suicide by hanging, the victims may use the running knot [lit., "live knot"], a dead knot, a single strand crossover knot (*tan-hsi shih-tzu* 單繫十字), or a binding coil knot.

n.G.

Look at what the deceased stood upon to put his head into the noose to see whether, when the rope was hung up, the victim could have inserted his head. When the knot is a running knot, the victim may still die even though his feet or even his knees touch the ground. If he used a dead knot, then the victim may die even though his feet or knees touch the ground. If he used a single strand

2.26b/80

crossover knot, the victim will die only if he is suspended off the ground. If even the tips of his toes touch the ground at all, he will not die. When using a single strand crossover knot, the victim will first have tied the rope around his neck. Then he will have tied the rope to some high object. First, observe the dust on the high place where the rope was tied, as well as what the deceased stood upon. It is a case of suicide only if he could have used his hands to reach the object above and tie the rope. If the object above to which the rope was attached proves to be high and large, so that the victim could not himself have reached it and could not have climbed to it, then in such cases someone else tied it. Again, observe the stretch from the place where the rope is hanging. From the point to which the body has fallen to the place where the rope is tied, there must be a distance of a foot or more. If the two knots are very close together, then of necessity some other person tied them.

When the deceased person used a binding coil knot, he first took the rope and bound it around his neck two times, climbed up onto something, tied the rope above, and let himself swing until he died. Or else he first tied the rope around a beam or a tree branch and used a double noose to hang himself, standing on something high to put his head into the noose and again making one or two loops around his neck. The resulting scar will be double, with the higher rope mark passing behind the ear and slanting into the hairline. The lower mark will encircle the neck. Clerks fearfully seeking to avoid a remanding of the case will always speak to the investigating official, asking that he only report a single scar. Their advice is certainly not to be relied upon. Suppose either the upper scar from the rope, which was not itself fatal, or the lower scar from the rope, which was the cause of death, are omitted [from the report]; if the re-inquest official is not willing to go along with this and adds the second mark to the re-inquest report, then the relatives of the deceased will institute a suit so that still another official will be dispatched to

2.26b/80

conduct still another inquiry, and he will find out the omission. What could then be done? The report must be based on the facts and cannot merely report a single scar. Where these two ropes doubled up and where there is a separation between them, it should be measured. Note the knots again, compare their breadth with the marks where the rope was tied to see that they match. This way, [the report] will be in accord with the re-inquest and no belated difficulties will arise.

When the victim had been confined to bed by serious illness and strangled himself using a rope, girdle, or some similar thing, then his eyes will be closed, the lips curled back, and the teeth will show. The tongue, which will have been bitten, will protrude one- or two-tenths of an inch. The flesh will be yellowish, the body thin, the two hands clenched. Some feces will have been excreted behind the buttocks. The left and right hands frequently will be found grasping the noose where it was tied, so that after death it will remain in the hands. You must measure how many inches separate the two fists. The scar at the base of the throat should be purplish red in color and a foot or more in circumference. The knot will be at the base of the throat, and the scar will be deeper in front. If the rope has already been loosened in order to save him, then the belly of the corpse will be swollen, and frequently the tongue will not have been bitten. There will be no feces behind the buttocks.

If it is really a case of suicide by hanging, then if a pit three or more feet deep is dug beneath the spot where the suicide occurred, charcoal will be found there. Then, suicide is confirmed.

Where suicide was committed in a room, first examine the spot to see whether the dust is much disturbed where the rope or other material was attached to the beams or timbers. If so, then it is truly a case of suicide. If there is only a single line where there is no dust, then it is not a case of suicide.

2.28b/81

2.29a/81

Q. Gales, p. 31

2.29a/81

First, tap lightly with a stick on the rope where it is tied. If it is tight, then the case really is one of suicide. If loose, then others have moved the corpse there. Generally, when a body has been moved from another place and hung up, since the old scar will have shifted position relative to the rope, there will be a second scar.⁶⁷

2.29b/81

In holding inquests on those who have committed suicide by hanging, begin by determining where, in what street, and in whose household the suicide occurred, and what witnesses saw it. What was used to consummate the act? Where was it tied up? Was a crossover or a dead knot used? Or was a running knot tied at the base of the neck? Then, examine whether the deceased's clothes are old or new. In measuring the location of the corpse, what objects are found to the four sides, east, west, north, and south? Which way is the face pointed? The back? On what did the victim stand? Above, measure the distance between the head and whatever it may be suspended from. Below, measure how far the feet of the corpse are off the ground. Even if the place of suicide is low, still look to see what distance separates the head from the place the rope was suspended, and below, measure how far the feet are from the ground. Both should be measured. In view of the assembled people, cut the body down and have it carried to a well-lighted place. Then, remove the knotted rope from the body, measuring its length, the circumference of the victim's throat, and the length of the rope scar circling the throat. From the neck where the rope crossed over itself, measure the distance to the hairline behind the ears, the breadth of the scar, and the length of its slant. Afterwards, you may conduct the inquest according to the regulations.

2.24a/79

⁶⁷ This passage suggests that the clerks who asked that only a single rope mark be reported were concerned about the complications of cases in which a corpse had been moved and hung up again. For a Western comment on this problem of double rope marks, see Forsyth, *Synopsis of Modern Medical Jurisprudence*, p. 250.

When conducting an inquest on someone dead by hanging, begin by asking the original informant what sort of person the victim was. When did he notice the corpse, early or late in the day? Had the body been taken down in an effort to save the victim? Was the report to the officials early or late? If there are those who know the victim, ask them the deceased's age, occupation, and what family he had, and why he should have committed suicide at this particular place. If the victim was a slave, first ask the master to submit the documents [of ownership] for scrutiny. Examine the documents to see whether the victim had any relatives. What age was he? Observe carefully the place where the deceased committed suicide. If the victim had been cut down in an attempt to save his life, ask whether at that time there were still breath and pulse or not. After he was cut down, how much time elapsed before he died? In all of this, be most careful.

2.24b/79

45

Generally, in conducting inquests [the investigating official] should not precipitously fix on hanging as the cause of death, for it is not finely distinguishable. In all such deaths, merely indicate that the person, while alive, wrapped a rope around his throat and that he suffered mortally and died. This is to guard against the possibility that the victim had suffered some other foul play [or "died through injustice"]. Suppose the victim was sleeping, and someone else took the rope, strangled him, and then hung him up at that place. How could the investigating official see this as a clear case of suicide by hanging? Be most careful in such cases.

n.G.

There are often cases where suicide by hanging has been committed in a home by maidservants, manservants, or other nonrelatives living in a household. The people of the household, being ignorant of the law and seeking to avoid the smell and evade the inquest, move the corpse outside and hang it up again. In such cases, because of the shifting of the relative position of the old scar, there will be two scars. The old scar will be purple red with traces

n.G.

of blood under the skin. The scar from the body's having been hung up after being moved will be white with no traces of blood. It will be clear that the corpse has been moved. [The investigating official] must publicly carry out a thorough investigation, explaining the judicial proceedings which stem from the scars inflicted before and after death. Generally, moving corpses is an offense punishable merely by beating with the heavy rod. If [the inquest officials] out of laxity do not record this, and the re-inquest official, not willing to go along, reports both scars, the higher authorities will certainly remand the case because of the doubts thus raised. A multitude of people will become involved in the ensuing troubles.

If the corpse, having already been dead for some time, has decomposed so that the head alone is hung up, the body having fallen to the ground with the bones exposed due to the sloughing away of the flesh, merely examine the suspended head. If the rope is in the channel beneath the jaws (*This means that it runs deep in where the ears connect to the jaws*) and the wristbones and skull are of a reddish color, it is a case of suicide. (*One text says that the teeth will be red in color, as will the ten finger bones, when it is a case of suicide.*)

2.30a/81

20. Deaths by Beating and Choking Passed Off as Suicide by Hanging 46

As to suicide by hanging, it can easily be distinguished from cases where the victim was strangled by someone else or died through plotted murder with the death passed off as suicide. Where the victim has really killed himself by hanging, tying up a rope or some such thing and hanging himself, the flesh where the rope crosses over behind the ears will be deep purple in color, the eyes will be closed, the lips open, the hands clenched, and the teeth exposed. If the rope passed high on the throat, then the tongue will be pressed against the teeth. If low on the throat, the tongue often will protrude a long way, and

2.32a/81

there will be spittle on the chest. Behind the buttocks, feces will have been excreted. If another man strangled the victim and tried to pass it off as suicide, the mouth and eyes will be open, the hands apart, and the hair in disorder. The circulation of blood will have been interrupted at the base of the throat, the scars will be shallow and faint in color, and the tongue will neither protrude nor will it be pressed against the teeth. On the neck there will be scratches inflicted by the victim's fingernails, and on the body there may be other mortal wounds. There may be difficulty distinguishing cases where the victim was half-strangled and then hung up, with the death passed off as suicide. When anything suspicious appears in the description of the evidence, the best course is to investigate it as a case of murder by hanging and set a time limit for apprehension of the criminal.⁶⁸

n.G.

Whenever a person has been garrotted from behind something such as a window lattice or a tree, and this is passed off as suicide, the rope will not have crossed itself. The mark on the throat will often be even, but deep, and of a deep black color. Also, it will not arise from the hairline behind the ears. Where the victim was garrotted low on the throat, the knot will be found at the back of the neck. The two hands will not be hanging down—or if hanging down, not straight down—and may meet behind the neck. When a person is garrotted with his back against a pillar or other object, the murderer will sometimes use a rolled piece of a garment. If so, then there will be black marks from the cloth on the base of the throat. This will be the site of the mortal injury which resulted from the stopping of respiration.

2.32b/81

When you are investigating the death of a man who has been hanged, taking the rope or other object which is

47/2.33a/82

⁶⁸ During the Sung, when the arrest of a criminal was ordered, a set of time limits for arrest was established. Failure to apprehend the suspect within the time limit resulted in the punishment of the responsible police agents and officials.

around the neck, immediately and carefully state verbally how many turns it was wound around the victim's neck and whether it is mostly directly behind the victim's neck or to the right or left. There will always be some rope left over, hanging down. The body will be lying on its face. Because the victim was fighting for his life while he was being strangled, his hair will be disordered. Sometimes, there will be bruises on the body.

When examining the corpse of someone who was hanged, look at the four sides to check for places where there are traces of rubs from bindings which have been removed.

n.G.

Also, there are cases in which after death, someone else has taken a rope and tied the hands, feet, neck, and so on. Since the victim was already dead, the blood had stopped circulating. Thus, even if the victim was tied, the scars will not be purplish red. Such white scars should be investigated. Those who were tied up after death will lack subcutaneous bloody traces. Even if the rope marks cut deeply into the skin, there will be no livid or purple color, but merely white scars.

2.33a/82

Where a hot iron was used to make a scar, the mark will be red or scorched and moist.

2.33b/82

21. Death from Drowning

If the victim entered the water while still alive, the corpse will float prone if male, supine if female. The hands and feet will be pointing forward, the mouth closed, the eyes either open or shut, the hands clenched, the belly swollen and sounding if struck. (*If the victim fell into the water by mistake, then the hands will be open, the eyes slightly open, and the skin of the abdomen slightly swelled up. If he jumped into the water, the hands will be clenched, the eyes closed, and the bowels much swollen.*) The skin on the soles of the feet will be wrinkled, white, and not swollen. The hair will not be disordered. The head

2.38a/83

Passage line
above the
Gila 48

and hairline, the wrinkles of the fingernails and toenails— or if the deceased had shoes, the insides of the shoes—will be full of sand and mud. If in the nose and mouth there is watery froth as well as several small light-colored traces of bloody water, or if there are marks of wounds from striking against things, these are evidence of the deceased's having entered the water while alive. (*Generally, men not yet dead fight to stay alive; the respiration comes and goes, and when the victim spasms, water will enter the bowels. Therefore, the two hands are twisted, the wrinkles on the legs contain sand and mud, watery froth will come out from the nose and mouth, and the bowels will contain water and be swollen.*)

If the examination of the body is delayed, and the corpse is exposed to the weather, then the skin will puff up all over the body. Sometimes, white blisters will appear.

2.36b/83

If there are no marks on the body, but the face is red, this is evidence that other men held the victim in the water until he died.

2.37a/83

If the face of the corpse is slightly red, watery froth is found in the mouth and nose, the stomach contains water and the abdomen is slightly swollen, this is genuinely a case of someone having drowned.

n.G.

If persons drown themselves because they are seriously ill, then it is immaterial how deep or shallow the water is; it will have been sufficient to cause death. There will be no other marks on the body.

2.38b/83

If someone dies of illness and others throw the body into the water, there will be no watery froth in the mouth or nose and no water in the stomach, which will not be swollen. The color of the body will be slightly yellowish and it will be thin.

2.38b/83

If because he was seriously ill a man fell into a muddy ditch and drowned, his mouth and eyes will be open and the two hands slightly clenched. Black mud will be found on the clothes, as well as in the mouth, nose, ears, and hair. Strip the body of its clothes, wash it with water,

2.37b/83

and then spray [with the mouth] wine over it. The parts of the body which were submerged will be whitish, the skin of the belly will be slightly swollen, and there will be mud under the fingernails.

When the victim has been beaten to death and then thrown into the water, if the water is deep, the body will be swollen; if shallow, then not much swollen. The flesh of the corpse will be yellowish rather than white, the mouth and eyes will be open, the hands outspread, and the hair disordered. The skin of the belly will not be swollen. No watery discharge will issue from the mouth, eyes, ears, or nose, nor will there be mud or sand in the cracks of the fingernails. The two hands will not be curled up, the bottoms of the feet will not be wrinkled and white, but puffed out. If there are mortal wounds on the body, the marks will be black. The body will be rather thin. At the time of the inquest, if the examination reveals wounds on the body, note down the marks. Even if the victim jumped into the water, those people who were involved should still be sent to the offices for questioning.

The similarities between those who jump into wells, those who are thrown in, and those who lose their footing and fall in are very great. The differences are slight. In all these cases there will be marks on the head from the victim's having struck the bricks or stones. There will be sand or mud in the hair and under the fingernails, and the belly will be swollen. If the corpse is laid on its side or face, water will issue from the mouth. If there are no other factors involved, merely indicate death as the result of having fallen into a well, which will encompass both jumping into a well and being thrown in. There are some small distinctions among those acts here covered by the words "fell into a well." If the victim was thrown in or fell in accidentally, then the hands will be open and the eyes slightly open, and about his person he may have money or other valuables. But, if he was committing suicide, then his eyes will be shut and the hands clenched. There will be no valuables on the body.

2.39a/83

49

2.40b/84

Generally, when someone deliberately jumps into a well they enter feet first. If a body is found to have gone in head first, it is probable that the victim was being chased or was thrown in by others. If he lost his footing and fell in, you must check the point where his feet slipped to see if the ground has been disturbed.

2.41a/84

When someone has jumped into a river or been thrown in by others, if the water is relatively deep and broad, then the victim will bear no marks from having struck against objects when falling in, nor will there be mud or sand on the corpse. If the water is shallow or the place narrow, the corpse will resemble the body of someone who jumped or fell into a well. Generally, water with a depth of three or four feet is sufficient to drown people. If in the course of the examination no evidence is discovered indicating other causes, simply report death from having fallen into the water, which will encompass jumping or being thrown into the water. If there is a rope attached to the body or any small marks of injuries which are suspicious, write down that the victim suffered deliberate harm at the hands of other persons and was drowned. Merely establish a time limit for the seizing of the criminal. Pity for the law enforcement officers must not be allowed to affect the setting of the first limit for capture. To allow it to do so would provide opportunities for unfathomable troubles.

2.37a/83

50

When holding inquests on those dead from drowning in rivers or ponds (*Running water is called ho 河, "river," and still water is called ch'ih 池, "pond"*), begin by asking the original informant when he saw the body in the water, whether when he first saw it it was in the same spot as now, whether it had floated from elsewhere, and, if so, then from what direction. Also, ask why it floated to the spot where it was found and stopped there. Ask how the officials were informed. If [the informant] says that he saw the person fall into the water, ask whether at that time he sought to help or not. If he did try to help, was the victim already dead before being removed from the

2.35a/82

water? Or did the victim die after having been taken up onto the banks by rescuers? Were the officials informed immediately? Or only after a lapse of time?

If the drowning occurred in a river, impoundment, lake, or pond, it will be difficult to take measurements to the four sides. Merely check to see at what place the body is floating, or if it is not floating, but has been raised and taken out, ask aloud as to the place from which it was raised. Was it a pond or a pit? The depth of places where there is sufficient water for people to drown must be measured. Measure the four sides of pits. Where bodies are found floating in rivers, impoundments, or lakes, or have been moved onto the banks, as well as when they are in ponds or pits, ask on whose property the body is and the name of the place.

2.35b/82

When holding inquests on persons who have drowned in wells, at the time of the inquest begin by asking the original informant how he knew there was someone in the well. When he first saw the victim, was he or she dead or not? If not, why did he not attempt a rescue? If the body was not yet floating, how did he know that there was a body in the well? If it is a well attached to a house, then ask if the victim had not been seen from morning until evening. How was it known that the victim was in the well? Generally, when there is someone in a well, the surface of the water will initially be covered with frothy bubbles. Use this in the investigation. Measure the position of the well, ask on whose property it is and the name of the place. If the body is at the bottom of the well, exact measurements need not be taken, but merely estimate the depth of the well and then remove the body. A corpse in a well, when swollen, will float a foot or more out of the water, though not if the water is shallow. If there is any part above the water, observe whether the head or the feet are uppermost and measure accordingly. If no part is above the water, then use a measuring rod to determine the distance from the wall of the well to the

2.40a/84

body, and also note whether the head or feet are uppermost.

In examining the bodies of those dead from drowning, if the corpse has been many days in the water, it will have swelled up, and the cause of death will be difficult to discern. Report that the hair has fallen out, the head is swollen, the lips and mouth are turned back and open, the skin and flesh over the head and the whole body are uniformly blue black and puckered. Examine to see whether the victim in the well or river was already dead when put in the water. If so and some days have passed, this will cause the corpse to resemble the case described above. If the body is not sufficiently preserved to permit the inquest to determine whether the victim had suffered injuries or wounds while alive, nor to determine the victim's age or appearance, merely examine to see if there is froth in the mouth and nose, and if the belly is swelled. When in the investigation the preceding items concerning the corpse have been noted, and it really seems to be a case of death through drowning at a certain place, but the body, having been long in the water, is not fit for examination, then a report definitely fixing the cause of death cannot be submitted.

2.35b/82

At the beginning of spring during cold weather, bodies take several days to float, which differs somewhat from what happens in spring, summer, and fall.

2.36b/82

If the drowned person is a female servant, slave, wife, or daughter who had been beaten before jumping into the water so that there are injuries, even if at this time it is clearly a case of accidentally falling into the water or jumping into a well to drown, the inquest form must still clearly record the injuries. Note that the victim was first beaten and thereafter drowned.

52/2.36b/82

Sometimes, on the bodies of those who jumped into wells it will be found at the time of the inquest that the face and head are cut up and bloody, as if they had been wounded while still alive, even though the victims had not

n.G.

been in a fight beforehand. Examine the well to see if there are broken, jagged pottery edges or such things which might have caused the wounds. When people enter a well before their breath is cut off, the wounds they then suffer will bleed in the usual way. If on examination such wounds are pronounced injuries from edged weapons suffered while alive, how can this not have harmful consequences!

CHAPTER IV

22. Inquests on Those Killed by Hands, Feet, or Other Weapons

53

The Statute says that where blood has been drawn, this is classified as "injury." If injuries were not inflicted by hands or feet, they are said to have been inflicted by "other weapons." The same classification as "other weapons" holds for injuries inflicted by edged weapons when the sharp edge was not used.

2.4a/74

其他物
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The death limit for injuries inflicted by hands or feet is ten days. For other weapons, it is twenty days.

n.G.

A current edict on conflicts and suits (*tou-sung* 鬪訟) states that those who inflict injuries by biting are treated according to the laws (*fa* 法) on "other weapons."

n.G.

An edict approving a clarified instruction from the Department of Ministries and the Bureau of Military Personnel, dated in the Yuan-fu 元符 period [A.D. 1098-1101] says that the Code (*hsing-t'ung* 刑統), in dealing with injuries inflicted by boots or shoes, allows the official conducting the investigation to make the determination that the boots or shoes are hard and should be treated as "other weapons," or not hard, in which case it would be improper to treat them as "other weapons."⁶⁹

n.G.

Sometimes, death results from blows struck with the forehead, the elbow, the knees, the fingers (*tsan* 搯), or

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⁶⁹ These rules do not occur in the extant version of the Sung Code, nor have I been able to locate them in other legal materials.

the head. All these are to be treated as injuries inflicted by "other weapons."

Among "other weapons" are classified objects made of iron, whips, measuring rulers, axes, backs of knives, wooden staves, horse whips, faggots, bricks, stones, tiles, coarse cloth shoes, shoes with quilted soles, leather shoes, and straw sandals.

n.G.

If a person has been beaten to death, the mouth and eyes of the corpse will be open, the hair disordered, the clothes in disarray, and the hands not curled up. Sometimes, the insides of the clothes will be soaked with urine. If a person dies after the death limit, investigate whether the injuries are or are not on the head, or whether the victim died from inflammation having entered the injury.

2.1a-b/74

In all investigations of injuries inflicted during fights, whether with hands, feet, or other weapons, only the marks located on the face, chest, breasts, ribs, abdomen, pubic region, or anus can be designated as serious injuries inflicted on mortally vital spots. Broken bones in the hands and feet can also lead to death. If the marks are surrounded by a subcutaneous bloody area, this indicates that the blow was struck while the victim was still alive.

54/n.G.

When someone has been struck with an "other weapon" or hard objects such as the head, forehead, fist, hand, leg, or foot, the most serious type of wound will be purplish black and slightly swollen. The next most serious type will be purplish red and slightly swollen; the next, purplish red and not swollen; the next, livid. Those injuries not within the types for which time limits for death should be set are only slightly livid. Generally, when someone is struck with a weapon, the mark will be long and slanting or long and horizontal. If the blow was from a fist, the mark will be round. If from a kick, it will be slightly larger than the mark from a fist. (Generally, on the basis of the size of the mark, it can be determined whether the injury was inflicted by a hand, foot, or other weapon. The list of

2.4b/75

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weapons above should be used in making a decision. Thereafter, state the measurements of the mark.) The size of the marks of blows which result in death in a few days will be somewhat larger than usual. The inflammation accumulates and spreads from them and causes death in one or two days. If someone has immediately fallen down dead on being struck, then the mark of the wound will be very deep and serious, the inflammation will be purplish black in color and will immediately penetrate the tissues sufficiently to cause immediate death.

When the body bumps against something, this is called *k'o* 打, "to strike against." The mark will be square or round, the skin may not be broken, or, if broken, the wound will not be deep. When injuries are inflicted by hands, feet, or other weapons, although the skin may be injured, blood will not necessarily flow. Such injuries will be surrounded by a purplish-red halo.

2.5b/75

If the assailant used a staff, bludgeon, or some such instrument to beat the victim, then the marks will mostly be on the nonfleshy parts of the body. The person suffering the injuries may die in as little as two to four hours, or after one or two days, three or five days, or even as many as seven, eight, or ten days. When hard objects classed as "other weapons" were used in the beating and caused death, pay even more attention to the severity of the marks. If the two parties first scuffled, and the assailant seized the victim's hair and after this struck him with hand or foot, then frequently the injuries will be on fleshy vital spots. Sometimes a single blow from hand or foot is sufficient to cause death. If the death resulted from a kick on a vital spot, carefully investigate to determine whether the assailant was wearing shoes or not, to guard against questions arising at some later time.

2.6a/75

55

Generally, when fatal injuries to the head were inflicted with "other weapons" and the skin is not broken, then the skull will have been fractured and the flesh underneath wounded. If the blows were inflicted on other fleshy places, these must immediately be examined. If the

2.7a/75

wounds are on the left side of the corpse, then the assailant held the weapon in his right hand while inflicting them. If the wounds are on the right side, supposing them to be slightly towards the back or on the right front, this was not the case [i.e., the wounds were not inflicted by an assailant holding the weapon in his right hand]. If they are on the back of the victim, then it may be surmised that the assailant struck from behind. Treat such investigations as important so that there will be no mistake.

Look at the size of the mark from the injury and measure it. Also, if on examination several injuries are found, each of which could have been fatal, just select one that is on a vital spot and declare it to be mortal, on a vital spot, and the cause of death.

2.1a/75

Where injuries have been inflicted by blows, if the skin separates from the membrane beneath, it will sound if tapped with the hand. If hot vinegar is applied, the mark of the injury will appear.

n.G.

When someone has died from blows, designate the most serious injury as being on a vital spot and the cause of death. If the blow broke the feet or hands, and death ensues either before or after the death limit, after carefully studying the size of the injury from the blow, stipulate that medical attention was of no avail and the victim died. The appearance of the deceased and his age must at that time be announced.

2.1b/74

Generally, when examining the marks of injuries inflicted by hands, feet, or "other weapons," note their slant, length, size, and shape, and whether the skin has been broken. Before washing the body, sprinkle water on it, take the flesh of an onion, smash it to a pulp, and daub it on the injured parts. Then, put on the vinegar and lees. After two hours, remove these, wash the area with water, and the mark of the injury will appear.

56/2.7b/75

If someone has used the bark of the *chü* tree to mark the body, counterfeiting the marks of "other weapons," these marks will be mushy to the touch and of a black

n.G.

color. The surrounding area will be livid, all of one piece, and will not be at all puffy or hard.

Also, people sometimes attempt to counterfeit the appearance of blows that caused death by taking splints of blue bamboo, lighting them, and branding the victim. Such marks are only a scorched black and are shallow, level, and not hard.

n.G.

23. Suicides by Edged Weapons

When someone commits suicide by cutting his throat, his mouth and eyes will be closed, his two hands clenched, and his arms bent and contracted. (*If the person was holding the edged weapon in his hand and used force in cutting, naturally the hand will be clenched.*) The flesh will be yellowish and the hair not disordered.

2.19b/78

If a small knife was used to inflict the cut, the cut will only be one and one-half to two inches deep. If a cooking knife was used, the depth will be three to four inches. If crockery was used, the wound will not be large. But if such materials or a knife are used to cut the throat, if one end is sharp and small, death will follow if the windpipe is injured. If someone cuts himself at a vital spot such as at the base of the throat, in front of the heart, on the abdomen or ribs, on the temples, or on the fontanel, so that the injury pierces the underlying membrane, they will die even though the wound is small. If the cuts are not deep and are not on vital spots, they will not be fatal even if there are several of them. If the left hand is used, the cut will necessarily begin behind the right ear and extend one or two inches across the throat. If the right hand is used, the cut will begin behind the left ear. If the injury is over the "throat bone" (*hou-ku* 喉骨) [Adam's apple?], then the victim is unlikely to die since the throat bone is hard. If it is below the throat bone, then he will die easily since this is a fleshy part and easily cut. Where the mark starts, the hand will have used much force; at the end, less

2.20a/78

so. (If someone uses his left hand to hold the knife and cuts, on the right side of the throat where he will have been drawing the hand down the cut will be deep, but where the blade reaches the left side the cut will be shallow. The middle section will not be so deep as the right side. In general, when the knife is plunged in deeply, enduring the pain will cause the hand to spasm. The wound thereby becomes shallower. This is true when implements are grasped in the left hand. The right is the same way.)

When a person has sliced through the base of his throat with one cut and dies immediately, the mark will have a depth of about one and seven-tenths inches, both the gullet and the windpipe being severed. If he lingers a day, the cut will be about one and one-half inches deep, so that the gullet was severed and the windpipe slightly cut. If he lingers three or five days and then dies, the depth of the cut will be one and three-tenths inches. Only the gullet will have been severed. The hair will always be disordered. Again, look at the victim's face. If it looks melancholy or is frowning, this, then, is the appearance of one who has committed suicide. (It is difficult to say that it must be suicide.)

When a person used a knife to cut off their own fingers or toes, if the cuts are even, drugs must have been used and the cuts bound up. Although the injuries were self-inflicted, they will not be immediately fatal. If death ensues, it will always be because the medical treatment was not efficacious. The flesh and skin around such a wound will curl inward. If the injuries were inflicted after death, then the skin will not curl inward. This is the basis on which to verify whether the injuries were inflicted before or after death.

Also, there are cases where people bite off their own fingers. Since there is a poison in the teeth which then enters the mouth of the wound, death often ensues. Only a minority of such people survive. At the site of the bite there will be an opening like a sore, and all around the broken bone thick liquid will be oozing out, and the skin

2.22b/79

2.23a/79

and flesh will be rotten. In such cases medical attention will be ineffective and death will follow. These wounds will bear the marks of the teeth, and the skin and flesh will not be cut off evenly.

58

In cases of suicide by self-inflicted wounds from sharp objects, begin by asking the original informant what sort of person the victim was. Was the suicide committed early or late in the day? What sort of knife or object was used? If there are men who knew the deceased, ask the victim's age and whether in life he was right- or left-handed. If the deceased was a slave, first ask to see the documents indicating ownership. Again, ask if the victim had any relatives and whether he was right- or left-handed. It is always necessary to examine the marks with great care. Furthermore, look to see whether the injuries were inflicted before death, in which case they will be bloody, or after death, in which case there will be no flow of blood.

2.19a/78

24. Murderous Injuries

The eyes and mouths of those who have died from murderous injuries will be open, and their hair will be in disarray. Their hands will be clenched. Where the mortal injury was inflicted, the injury will be relatively large, the skin and flesh much curled and protuberant. If the membranes of the abdomen were penetrated, the bowels will protrude.

2.12b/76

When the victim saw the assailant coming with a sharp object to injure him, he will certainly have struggled, using his hands to ward off the assault, and so there will be cuts on the hands; or, if people came to rescue him, there will be injuries on the back. If the assailant struck him on some vital fleshy part so that he died immediately from that one blow, the dead man's hands will not be cut and the cicatrix of the wound will be severe. If the assailant used a sharp object to chop at the skull, fontanel, or the hairline

2.12b/76

on the sides of the head, the hair will certainly have been cut through as with a knife or scissors. If the crown of the skull is fractured, it was done with a sharp-pointed weapon. The injury must be traced with a finger to determine whether the bones have been broken.

If the wound was inflicted by a pointed knife or an axe, it will always be broad and long above, and large but narrow inside. Sword wounds, if shallow, will be narrow; if deep, broad. A stab with a knife will be narrow and sharp at both ends, without there being any difference between the place where the blade entered and where it came out. Shallow spear wounds will be narrow. In deep ones, the spear handle will have entered the wound, which will consequently be round or square. If a bamboo spear or a sharpened coolie's carrying pole was stabbed into a vital spot, the cicatrix of the wound will be irregular. The mark will be irregularly squarish or roundish.

59/2.13a/77

In investigating deaths from wounds inflicted by sharp weapons, look to see if the clothing the victim was wearing has been cut, so that concealed bloody stains opposite the wound can be examined. Also, if the knife cut penetrated the abdomen so that the bowels protrude, they will be found to bear several cuts from the blade. How can a single stab produce several cuts? Because all men's bowels lie looped back and forth below the ribs. Therefore, one stab leaves several marks.

2.13a/77

When examining wounds inflicted by knives, spears, or swords, begin by inquiring where the body was and how it was lying. How was it dressed? Were there blood stains? State the wound's length, breadth, and depth, that it pierced or did not pierce the flesh, that the bowels protrude or the fatty membrane covering the bowels protrudes, and that the wound was mortal. In addition, in investigating sword wounds where the clothing was penetrated or deaths resulting from a stab with a bamboo spear or other sharp-pointed object, state that a wound inflicted by a sharp-pointed object was the cause of death.

n.G.

2.16b/78

In holding inquests where there have been murderous injuries, first look to see if they were inflicted by knives or swords, and whether the cuts were inflicted before or after death. If knife wounds are inflicted while the victim is alive, the flesh will be split open and the marks of cutting will be numerous. If the marks are even, the wound was inflicted after death with intent to mislead. Blood will also flow from knife wounds inflicted while the victim was alive, and the skin and flesh at the mouth of the wound will often be of a fresh color. Where the wound penetrates the [peritoneal] membrane, the victim will die. If after death someone cuts a body with a knife, the flesh will be dry and white, and there will be no bloody efflorescence. (*When people are dead, their blood does not circulate. Hence the white color.*) As to this item: in addition, selected attendants should conduct an examination to determine whether the wounds were inflicted before or after death.

60

2.16b/78

When living people are mortally and murderously wounded with blades, the skin and flesh at the site of the wound will be hard and contracted and will have a bloody shadow all around. If the corpse has been dismembered, the muscles, bones, skin, and flesh will be coagulated together. At the sites of the cuts on the torso, the skin, flesh, and bone will be exposed.

2.16b/78

When the body of someone already dead is cut, the flesh of the corpse looks the same as it would if it had not been cut. It will not bleed subcutaneously, and the skin at the site of the wound will not be hard and contracted. No blood will flow from the hardened wound, which will be white in color. If there is blood at wounds that have not hardened, wash them and investigate them by squeezing the area. If no clean blood flows from the flesh, then the cut was not made while the victim was alive.

n.G.

Again, when the head of a living victim is cut off, the muscles shrink back and stiffen. But if the head is cut off a corpse, the neck will be long. There will be no contraction.

When holding inquests on the corpses of murdered persons, if they were killed with sharp-pointed weapons, say that the victim "suffered a stabbing wound at a vital place." If the weapon was blunt, do not use the word "stabbing." If the wound was inflicted on the belly, below the ribs, or below the navel, state its length and breadth in inches, its degree of slant, its depth, whether it penetrated the membrane so that the bowels protrude, that blood has congealed, and that site of the wound which caused the death has been examined. If the wound is over the heart or on the ribs, merely say whether there was a slanting deep wound, whether blood has congealed, whether it has been examined and is a mortal injury which caused death. If the base of the throat was wounded, state whether the mortal wound penetrated the neck, whether it injured the collar-bone, whether at the site of the wound its circumference is irregularly lacerated, whether the gullet and windpipe have both been severed, whether there is congealed blood, and that the wound caused death. Such wounds may be called "injuries on vital spots." If the injuries are on the head or the face, the temples, or behind the skull ridge at the hairline, and the assailant used a large, edged weapon, then say, "The bone was injured." If the brains ooze out and there is congealed blood, this also may be designated a mortal wound at a vital spot. If the victim was stabbed or cut, no matter where the wound was located, if several days ensue before death, it should be stated that the death was due to inadequate care.

When holding an inquest on murderous injuries, before reaching the place where the inquest is to be held, first ask the original informant whether or not the assailant has been captured and what sort of man he is. What sort of weapon was used? Has it been secured? If it has been secured, then have it brought forward so its size can be noted and a facsimile drawn on a sheet of paper. If it has not already been secured, ask where it is. Also, order the original informant to draw a picture of the weapon. When he has finished, have him sign his name below the

2.13b/77

61

2.12a/76

drawing. Then, ask this original informant if the assailant was a relative of the deceased, and if there was ill feeling between them.

25. When the Trunk and Head Are in Different Places

When holding inquests on corpses where the severed head is in a different place from the body, first compel the relatives to identify the corpse. Carefully measure the placement of the head and body, and then the distance separating them, indicating whether [the head is] to the right or left [of the body], and how far it is from the shoulders or legs. When the body has been dismembered, measure the location of the parts, and, in addition, note down their relationship to one another. Then, place all the limbs back together with the torso and place the head back on the neck. Measure the circumference of the parts to be sure that they all are those severed from the torso. If the skin and flesh of the neck protrude and are curled, the two scapula being raised up and cracked, then the head was cut off while the victim was alive. If the skin and flesh are not curled and protruding and the scapula are not raised up and cracked, then the head was severed after death.

2.17b/78

62

26. Death by Burning

When a living person is burned to death, there will be sooty ashes in the mouth and nose of the corpse and the hands and feet will be drawn up. *(Because the victim, while still alive, with the fire crowding in on him, will be gasping with an open mouth. Therefore, he will inhale sooty ashes which will be found in the mouth and nose.)* If the burning occurred after death, although the hands and feet may be contracted, there will be no sooty ash in the mouth and nose. If the elbows and knees were not burnt, the hands and feet will not be drawn up.

2.44a/85

When someone who has suffered from a long-term illness or an elderly person is accidentally burned to death, the flesh of the corpse will be scorched black in color and sometimes shrivelled up. The two hands will be curled up, the arms folded on the chest, the knees bent, and the mouth and eyes open. Sometimes, the lips will be chewed, or a yellowish fat will burst through the skin and flesh.

2.45a/85

If a person has been strangled and then thrown into a fire, the hair will be scorched and yellowish, the head and body will be scorched black, the skin and flesh will be shrivelled, and there will be no watery blisters or breaks on the skin, but on the neck there will be the marks from the strangling.

2.45b/85

If someone was killed with a sharp-edged weapon, and then a fire was made and the body burned in order to cause people to believe that the victim died of burns, have the coroner's assistant pick up the bones and sweep the ashes and dust. On the cleaned spot where the corpse has been, sprinkle a thick decoction of rice cooked in vinegar and wine. If the victim was murdered there, the spot where blood soaked into the ground will be fresh red in color. But, ask beforehand where the deceased slept while living, lest after the murder the body had been transported to some other place, for then no blood would be detected under the corpse.

2.45b/85

Generally, people's houses are covered with tiles or straw. If there has been a fire, then the corpse will be found underneath the tiles and straw. If because of enmity someone forced the victim into the burning building, the corpse will be found on top of the tiles and straw. Also, examine the direction of the head and feet. Where the corpse of someone burned to death has been completely incinerated so that there are only ashes left and no bones, take the depositions of attendants and the neighbors testifying that the victim accidentally was burned to death or was burned to death by someone else, but that in the absence of bones, there really is no basis for an

63/2.43b/84

examination. In the way described above the report may be prepared.

In investigating deaths due to fire, first ask the original informant where the fire originated. Where was the victim when the fire started? Why was he there? When he was burned, was rescue attempted or not? In addition, inquire whether or not he had had a quarrel with another person. When these points have been cleared up, proceed to the inquest. Sometimes on inspection it turns out that the hair is scorched and the hands, head, face, and trunk are burned black all over. In such cases, state in the report that there is no present basis for an inquest to determine whether or not the victim had suffered other potentially fatal injuries, nor any way to determine the deceased's age or appearance. Only check to see whether there is sooty ash in the nose and mouth. If so, the victim really was burned to death. If the fire was extraordinarily fierce, so that there really is no basis for investigation, then it will not be necessary to say that there were ashes in the mouth and nose.

2.42a/84

27. Death from Scalding

The skin and flesh of corpses scalded by water split open, the skin peels off and is white in color, and the flesh revealed is also white. The flesh often will be rotten and reddish. When people come into contact with scalding water or fire, frequently they have fallen down, so the injuries will be on their hands, feet, faces, and chests. If they have been involved in a fight, they may have been butted by a head, kicked by feet, or thrown into the scalding water or fire. In such cases, the injuries frequently will be on the backs of the forearms or the fronts of the legs. If someone has been injured by blows, blisters will not arise at the injured spots, which will thus look different from the parts that were only scalded.

2.47a/85

28. Taking Poison

The mouth and eyes of those who died from swallowing poison will often be open. The face will be purplish black or livid, the lips purplish black, the fingernails and toenails all blue black, and a bloody discharge will ooze from the mouth, eyes, ears, and nose.

3.24a/94

In severe cases, the whole body will be black and swollen, the face blue black, the lips curled and blistered, the tongue shrunk up or cracked open, rotting, swollen, and slightly protruding. The lips will also be rotten and swollen or cracked, and the nails deep black, the throat and abdomen swollen, black, and blistered. The body will sometimes have livid streaks, the eyes protrude, and the mouth, nose, and eyes discharge purplish-black blood. The beard and hair will be loose and will come out if washed. Before death, foul matter will be vomited forth, and sometimes black blood will be passed. The rectum will be swollen and protruding, and sometimes the large intestine will be ruptured. When someone takes poison on an empty stomach, only the belly will be livid and swollen. The lips and fingernails will not be livid. If the poison was taken on a full stomach, only the lips and nails will be livid, not the belly. There may also be cases of people with chronic disorders due to energy depletion and debilitation in the abdominal systems of function. If they swallow only a small amount of poison, they will still die, but neither the belly, lips, nor nails will be livid. In such cases, it will be necessary to investigate using other evidence.

3.24a/94

When a living person has ingested poison, the whole corpse will be of a livid color. For many days, the skin and flesh will remain thus. Or, they may be blackish. If a long time has elapsed, the skin and flesh will rot and the bones show through. They will be of a dull black color.

n.G.

If poison is put in the mouth of a corpse to simulate death from swallowing poison, the skin, flesh, and bones will merely be of a yellowish-white color.

65/n.G.

When people die from swallowing poison, sometimes they will die immediately, sometimes early or late that same day. If the poison is slow acting, they may survive for one or two days. There may be intermittent or continuous vomiting. Check the victim's clothing for traces of the poison and also the spot where the victim died for any vessel that might have contained the poison.

3.24b/94

When poisoned by an insect or a snake, the whole body, head, face, and chest will all be deep bluish black. The stomach will be swollen. Sometimes, there will be bloody vomitus in the mouth and a bloody discharge from the rectum.

3.28a/95

The effects of Rat-grass Poison (*shu-mang ts'ao-tu* 鼠莽草毒) [*Illicium religiosum*] (This is found in Chiang-nan 江南) are similar to those of *ku* 蠱.⁷⁰ But, in addition, the lips crack open and the gums become bluish black. When this poison has been taken, after a day and night have passed, blood will flow from the nine apertures.

3.29a/95

When someone has taken metallic, vegetable, or mineral poisons, there will sometimes be on the body one or two red, swollen places, resembling injuries inflicted by blows of the fist, or there may be large patches of a blue-black color. The nails will be blackish and the flesh of the body cracked and slightly bloody. Sometimes, the abdomen will be swollen, and there may be hemorrhaging from the rectum. When someone has taken poisonous wine, the abdomen will swell, and blood will be vomited and discharged from the rectum.

3.30b/96

When sublimed white arsenic or gelsemium root have been taken, in a day small blisters will appear all over the body, which will become bluish black. The eyes will protrude, and on the surface of the tongue there will be small punctured blisters. The mouth and lips will be cracked. The eyes will be swollen. The abdominal area

3.29b/96

⁷⁰ For "Rat-grass," see *PTKM* 17.76-77. On *ku* poison, see Schafer, *The Vermilion Bird*, p. 102.

will be bloated. The anus will swell and gape, and the fingernails will be bluish black.

The corpses of those dead from taking Gold Worm *ku* (*chin-ts'an ku-tu* 金路蝨毒) will be emaciated. The whole body will be yellowish white in color. The eyes will have sunk in. The teeth will show, the lips will be contracted, and the abdominal area sunk in. And, if a silver needle is inserted in the mouth and then examined, it will be of a wavy yellow color. The color cannot be washed off using water and pods of the soap bean plant. One text says that the body is simply swollen, with blisters on the skin and flesh resembling those from scalding or fire, but gradually filling with pus. The tongue, lips, and nose all will be cracked open. These, then, are the symptoms of Gold Worm *ku*.⁷¹

3.28b/95

66

When the fingernails, toenails, and surface of the body are bluish black in color, there is a bloody discharge from the mouth and nose, the skin and flesh often being cracked open, and the tongue and anus are protruding, these are the symptoms of poisoning due to toxic plants or poisonous mushrooms.

3.31a/96

If because of vomiting and diarrhea the victim has wasted away, the skin and fat will be slightly blackish and not cracked open. There will be no blood in the mouth, nor will the anus protrude. These are the symptoms of having drunk wine unwisely.

n.G.

When investigating the swallowing of poison using the silver needle technique, scrub the needle using pods of the soap bean plant and water, and then insert it into the throat of the corpse, sealing the mouth with paper. Withdraw the needle after a considerable period of time. It will have turned a bluish-black color which cannot be scrubbed off using pods of the soap bean plant and water. If the victim was not poisoned, the color will remain clear white.

3.24b/94

⁷¹ On *chin-ts'an ku*, see Hsu K'o, *Ch'ing pai lei ch'ao* 63.6.

If a person who died from swallowing poison ate food while still alive and kept it down so that the poison and food entered the bowels, then the needle test in the mouth will be without result. In such cases, use the test at the anus and the color will appear.

n.G.

In holding inquests on the corpses of those dead from taking poison, when the poison was swallowed over some considerable period of time and accumulated in the system, the examination may not reveal it. It will be necessary first to insert a silver or copper needle into the victim's throat. Then, take heated lees and vinegar, and beginning from the lower extremities plaster them on the body, moving gradually upwards. Be sure that a passage has been left for gases. The poisonous vapors will steam forth and the black color will become visible on the needle. If the heated lees and vinegar are applied from the top down, then the poisonous vapors will move in that direction and cannot be detected. But, if the needle is inserted into the rectum, then such a use of the lees and vinegar will on the contrary be effective.

3.26b/94 35

67

There is also a method which uses three pints of ordinary rice or sticky rice (*chan-mi* 占米), cooked, plus one pint of glutinous rice, which after washing is wrapped in a cloth and then steamed on top of the already cooked ordinary rice. Crack a chicken's egg (*A duck egg will also do*), separate it, and take the white, blending it evenly into the cooked glutinous rice. As before, put this into a cloth and place it atop the cooked rice or sticky rice. Using several fingers, squeeze the cooked glutinous rice into balls the size of duck's eggs. Do not permit them to cool, but quickly open the mouth of the corpse and insert the rice balls outside the teeth. Then, using a few small pieces of paper, seal the corpse's mouth, ears, nose, and anus. Again, take a few strips of new cotton wool and a few pints of strong vinegar. Bring the vinegar to a rapid boil. Put the cotton wool into the pot of boiling vinegar. After half an hour or so remove it. Spread lees over the body and lay the cotton wool over all. If the deceased

3.25a/94

swallowed poison while alive, the corpse will swell and a blackish foul-smelling liquid will be discharged from the mouth onto the cotton wool. It will not be possible to approach closely. Afterwards, remove the cotton wool. The glutinous rice will also have been soaked by the foul liquid and will be black and evil smelling. These are the symptoms of poisoning. If they are not present, then it is not a case of poisoning. If the glutinous rice test is used when submitting the report to higher authorities, clearly say that it has been used. The above test has already received the endorsement of the High Court of Justice (*ta-li ssu* 大理寺).

People in Kwangnan, because of petty quarrels, angrily seek to implicate their enemies in false charges [stemming from their own deaths]. They themselves swallow Barbarian Grass (*hu-man ts'ao* 胡蔓草) [possibly *Rhus toxicodendron*], which is also called Bowel Cutting Grass (*tuan-ch'ang ts'ao* 斷腸草). In shape it resembles asafoetida. The leaves are long and pointed, the twigs creeping. If three or more leaves are swallowed, they will cause death. If it is dried, it may be kept for a long time. Powdered and eaten it is also fatal. If it has just been swallowed, and the victim is made to swallow liquid manure, he may be saved. When this herb is near people its leaves move. If the central parts of young leaves are steeped in water and even the smallest drop of this water gets into the mouth, then blood will flow from all the openings of the body. As an antidote, quickly take from a brooded egg the unborn chicken, grind it up fine with hemp oil, open the victim's mouth and pour it in. When the evil matter has all been vomited up, the victim will survive. If there is even a trifling delay, then the victim cannot be saved.

n.G.

29. Death from Illness

When people die from illness, the body will be emaciated, the flesh will be sickly yellow, the mouth and eyes closed, the abdominal area sunk in, the whites of the eyes jaundiced, the hands slightly closed, the hair dishevelled, and on the body there may be recent or old marks from acupuncture or moxibustion. If there are no signs of other causes of death, then the death resulted from disease. 3.6b/87

When people have been forced by sickness to beg and die beside the roads, their bodies will be emaciated, their flesh a sickly yellow, their mouths and eyes shut, their hands slightly clenched, their mouths and teeth a smoky yellow color, and their lips will not cover their teeth. 3.6b/88 27.88

When someone dies suddenly due to [possession by] malevolent ghosts (*hsieh-mo* 邪魔) or from a wind disorder (*chung-feng* 中風), the corpse will generally be well fleshed.⁷² The flesh will be slightly yellowish in color, the mouth and eyes closed, the hair in good order. There will be frothy saliva in the mouth, but no signs of other causes of death on the body. 3.7a/88

When someone dies suddenly, the flesh will not have sunk in. There will be frothy mucus in the mouth and nose. The color will be purplish red. It would seem that before such persons died the mucus formed an obstruction in the upper part of the body, so that the *ch'i* could not be distributed freely [through the circulation system]. Hence the facial color and the mucus. 3.7a/88

Where the death has been this sudden, the eyes will be open with the whites showing, the mouth will be open, and the teeth clenched. The mouth and eyes may be pulled down on one side. Frothy saliva will flow from the corners 3.7a/88

⁷² "Wind disorders" are a class of disorders which includes neurological impairment, strokes, insanity, etc. For a Sung reference to these disorders, see Ch'en Yen, *San yin chi i ping cheng fang-lun* 2.14aff.

of the mouth and the nostrils, and the hands and feet will be curled up.

When someone dies of wind attack disorders (*chung-an feng* 中暗風) contracted at night, the corpse will always be well fleshed. The flesh will often be of a glossy white color, the mouth and eyes both shut tight, with a copious flow of saliva. When sudden death is due to malevolent spirits (*hsieh-sui* 邪祟), the corpse will not necessarily be either fat or thin, the two hands will be clenched, and the fingernails and toenails often will be livid or dull. As for people dead of wind disorders or convulsions due to fright syndrome (*ching-ch'u* 驚搖), the mouth will in many cases be twisted and the eyes askance, the hands and feet always drawn up, the arms, legs, hands, and feet shrunk, and there will be a flow of saliva. (Since in the preceding three sorts of circumstances the results will appear very similar, it is even more necessary at the time of the investigation to distinguish them with great care.)

69/3.7a/88

In deaths from Cold Damage Syndrome (*shang-han* 傷寒), the whole body will be purplish red.⁷³ The mouth and eyes will be open, with a purple liquid flowing out, the lips will be slightly cracked, and the hands not clenched.

3.8a/88

In deaths due to Seasonal Ch'i Disorders (*shih-ch'i* 時氣), the eyes will be open, the mouth open, and the whole body of a yellowish color.⁷⁴ There will be [patches of] thin skin [blisters?]. The hands and feet will be stretched out.

3.8a/88

In deaths due to Hot Heteropathy Attack Syndrome (*chung-shu* 中暑), which occur frequently in the fifth, sixth, and seventh months, the eyes will be closed, neither

3.8a/88

⁷³ In traditional medicine, "Cold Damage Syndrome" was a large class of disorders, typhoid (the modern translation of this term) being only one of them.

⁷⁴ Another large class of disorders in traditional medicine, many of which would be considered acute viral disorders today.

the tongue nor the anus will protrude, and the color of the corpse will be yellowish white.⁷⁵

When someone has frozen to death, the face will be a sickly yellow. There will be a flow of saliva in the mouth, the teeth will be clenched, the body rigidly extended, and the hands drawn up across the chest. The clothes will be thin and poor. At the time of examination, use wine and vinegar to wash the corpse. When treated with a little steam, the jaws will turn red and the face the color of the lotus blossom (*fu-yung* 芙蓉) [i.e., deep pink]. Saliva will flow from the mouth, but will not be sticky. These, then, are the symptoms of death from freezing.

3.8a/88

In deaths from starvation, the whole body will be blackish, emaciated, teeth tightly set, and the hands and feet extended.

3.8b/89

Sometimes, in cases of deaths from disease occurring in the spring, summer, or early fall, if the report is delayed so that several days pass before the body can be examined, the areas above the stomach, below the navel, and the depressions between the ribs will be found to have turned slightly livid. This is the appearance of decay in a person who died of illness several days before being examined. A foul liquid produced in the belly has penetrated up under the skin, causing this color. It does not stem from causes operating while the deceased still lived. Great care must be taken about this.

n.G.

When holding inquests on persons dead from disease, on arrival at the place of investigation, first ask the original informant where the deceased came from, when he arrived in the neighborhood, when he fell ill, whether the authorities have already been informed through submitted depositions, and whether there are people who were acquainted with the deceased. If depositions have already

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3.6a/87

⁷⁵ "Hot Heteropathy Attack Syndrome" is closer to the modern heat stroke than to heat exhaustion (Nathan Sivin, personal communication, 25 July 1977).

been received, ask from what disease the victim suffered and his age. How many days had the course of the illness lasted before depositions reporting it were sent to the authorities? Subsequent to the making of the depositions, how many days elapsed before the victim died? If no depositions were given, ask why not. If the deceased was a female slave, then first call for the certificate of ownership and examine it. Ask whether the victim had any relatives. What disease did she have? What physicians had been consulted? What drugs had she taken? Had depositions already been sent to the authorities? If not, ask why not. Afterwards, in the presence of the gathering, declare what evidence has been assembled. If there are no other factors involved in the death, then merely gather a group of people and write the inquest report, saying in their presence, "The entire body is of a yellowish color and is bony and emaciated. This is truly a case of dying from such and such an illness." In addition, have the physician fill out a sheet specifying his examination of the symptoms of the illness. If there really is clear evidence from witnesses that the deceased died of illness, even if there were no original depositions, in the absence of any indications of foul play in the death it will not be necessary to send in a warrant requesting a re-inquest.

30. Deaths from Acupuncture and Moxibustion

A physician must be summoned to examine the sites of acupuncture or moxibustion to see whether or not the treatment was performed on the correct locus and tract. Even if there was no intent to kill, it is still mandatory that the death be stated to have been caused by acupuncture or moxibustion. Also, the physician may be accused of a crime falling under the classification of doing what ought not to be done.⁷⁶

3.10a/89

⁷⁶ "Doing what ought not to be done" (*pu ying wei* 不應為) was a catchall category which allowed magistrates to punish offensive behavior that

31. On the Recording of Depositions

In the writing out of depositions [reporting grave illness], you should be concerned lest they not be made in person. Sometimes, another party will falsely pretend to be sick and make deceitful statements in the place of the proper person. These may not be recognized as such. The judgment should say, "In the future, in case the sick person dies, the authorities are to be informed, and an inquest will be carried out in accordance with the rules." Thus, powerful families will be given forewarning concerning those things which they ought not to do [i.e., they will be warned not to engage in such deceitful practices].

71/n.G.

was not specifically covered by law. It occurs regularly in the *Codes* from the T'ang to the Ch'ing. The penalties involved were always relatively light. During the Sung, the penalties ranged from forty blows with the light rod to eighty blows with the heavy rod. *SHT* 27.20b.

CHAPTER V

32. Inquests on Dead Prisoners

72

In holding inquests on the bodies of prisoners who have died in jail, where the deaths may not be from natural causes, directly inform the circuit Judicial Intendant's office (*t'i-hsing ssu* 提刑司), immediately sending the message by post.

n.G.

33. Death from Corporal Punishment

Determine the width of the marks left by beating with the heavy rod. Check to see if there are signs of subcutaneous bleeding at the scrotum, the female genitalia, the ribs, the waist, the belly below the navel, and so on. The marks of beating with the small rod on the left side [of the buttocks] should have a crosswise length of three inches and a breadth of two and one-half inches; on the right side, a crosswise length of three and one-half inches and a breadth of three inches. In either case, the depth should be three-tenths of an inch. The marks of beating [on the buttocks] with the heavy rod, whether right or left, should measure three inches by three and one-half inches in size, all with a depth of three-tenths of an inch. In all cases there will be pus. There will also be a discharge of pus all around the sores, and the skin and flesh will be rotten. The sores from beating on the back with the heavy rod will have a crosswise length of five inches, a breadth of three inches, and a depth of one-half inch. If it is possible to examine the wounds shortly after they were

3.11a/89

inflicted, then the report ought to state that all around the sores there flowed an evil discharge of a bluish-red color and the skin was hard. If some time has already elapsed, it should say that all around the sores there was also a discharge of pus, that the skin and flesh were rotted away, that medical treatment was unavailing, and thus, the victim died.

Also, when prisoners have been put to the question, and a heavy rod for beating the legs or a heavy rod with thorns left on it was used, which damaged the testicles so that the prisoner died, the inquiry must be extraordinarily scrupulous.⁷⁷

73/n.G.

34. Deaths from Falls

When someone dies as a result of falling from a tree or house, examine the place where the branches hang down, the height of the house, the marks where the victim lost his footing, and the depth of the marks on the ground. The critical injuries should have the marks of wounds inflicted by bumping against things or being bumped by something. If internal injuries were the cause of death, then blood will flow from the mouth, eyes, ears, and nose. If the injuries are extremely severe, be even more careful in the examination, measuring the exact height of the place from which the victim fell.

3.12a/90

35. Death from Being Crushed

When someone has been crushed to death, his eyes and tongue will protrude, his hands will be slightly

3.12a/90

⁷⁷ During the Sung, the use of judicial torture was supposedly regulated by law. See *SHT* 1.2a, 29.11a-b; *WHTK* 167.1444, 167.1453, 167.1454. As this comment in the *Hsi yuan lu* makes clear, these rules were sometimes ignored.

clenched, and all over his body dead blood will have seeped out, showing as a purplish-black color. Blood or a watery fluid may flow from the nose. The injured parts, because of subcutaneous bleeding, will be red and swollen. When the skin is broken, it will be red and swollen on all sides. At times, the bones, muscles, and skin may be torn and broken. The object that crushed the victim will necessarily have injured a vital spot. If no vital spots were crushed, the victim will not die. The above symptoms will not be found on bodies crushed after death.

In investigating cases where a house, wall, or stone fell on someone and killed him, if there are the marks of injuries on fleshy vital spots, the report must state their length and breadth. If they were inflicted by something hard, an additional check must be made to see if bones were broken or not. If someone has been crushed by a tree, note the tree which fell and the size of the oblique injury.

3.13b/90

36. Death from Suffocation

74

When someone has used clothing or wet paper to block the nose and mouth so that the victim dies of suffocation, then the abdomen will be dry and swollen.

3.14a/91

When someone has blocked a person's mouth and nose so that he cannot breathe and so suffocates, the eyes will be open and the eyeballs protruding. From the mouth and nose a clear bloody fluid will flow. All over the face there will be subcutaneous blood of a reddish-black color, the bowels will protrude, and the insides of the clothing will be soaked with urine.

3.14a/91

37. Prodding to Death

Whenever someone has been prodded with a hard object until he dies, in back of the ribs there will be

3.15b/91

purplish-red swollen marks as if from the rash of a disease. These will be three or four inches in size. The skin will not be broken. By hand, feel whether injuries have been done to the muscle or bone.

38. Trampling to Death by Horse or Buffalo

When someone has been trampled to death by a horse, the corpse will be slightly yellow in color, the hands open, and the hair in disorder. Blood will often flow from the mouth and nose, and the injuries will be black in color. Where a vital spot has been trampled and death results, the bones will be broken and the bowels will protrude. If a man is merely knocked down and trampled on nonvital spots, then the skin may be broken and reddish-black rashlike marks evident, but death will not ensue. The marks from a donkey's hooves are small. When someone is butted by a cow's horns, if the skin is not broken, the injuries still will be red and swollen. Such injuries are most often found here and there over the heart, on the chest, on the lower abdomen, and on the ribs.

3.16a/91

39. Crushed to Death by Cart Wheels

When someone has been crushed to death by the wheels of a cart, the flesh of the corpse will be slightly yellowish, the mouth and eyes open, the two hands slightly clenched, and the hair in order.

Generally, when a cart wheel crushes someone, in many cases it passes over the heart, chest, and ribs. These are vital spots and death will follow. If no vital spots are crushed, death will not ensue.

75

3.17a/92

3.17a/92

40. Death from Lightning

When someone is struck by lightning and dies, the flesh of the corpse will be of a scorched yellow color. The whole body will be soft and blackish, the two hands open, the mouth open and the eyes protruding, the hairline behind the ears will be scorched yellow, and the hair on the head will be in disorder. At the burned places, the skin and flesh will be hard and shrivelled. The clothes on the body will be burnt up by lightning (*or perhaps not burnt up*). The traces of the injuries are often on the top and back of the head, the sutures of the head will have opened up, and the hair will be singed off from top to bottom. Occasionally there will be patches of loose purplish-red skin as large as the palm of the hand, the flesh will not be injured, and on the chest, neck, back, and upper arms there will be marks that resemble seal characters.⁷⁸

3.18a/92

41. Death from Tiger Bites

The flesh of those who die from tiger bites will be yellowish, the mouth and eyes wide open, the two hands clenched, the hair in disorder, and feces will have been excreted. The wounds are often uneven, with marks from the tiger's tongue and teeth.

3.18b/92

When tigers bite men, they often bite the head and neck. The upper part of the body will be marked by claws and feet. The wounds are punctures where the bones sometimes show through, on the chest, over the heart, or on the upper legs. There will be signs of the tiger on the ground. Have an artist copy the marks of the tiger. Have the village head (*ts'un-chia* 村甲) and the neighbors all act as witnesses. (*One text says that when tigers bite men at the beginning of the month, they bite the head and neck, at*

76/3.18b/92

⁷⁸ That is, the Chinese characters written in the form used on seals, which employs many curved lines.

the middle of the month, the stomach, and at the end of the month, the two legs. Cats bite rats in the same fashion.)

42. Deaths from Snake, Reptile, or Insect Bites

When people die from snake or reptile bites, the injured part will have small teeth marks and be of a blackish color. The surrounding area will be livid and swollen. There will be a livid or yellowish discharge. The poison having flowed to the four limbs, the whole body will be shiny and swollen and the face blackish. If the investigation reveals these symptoms, declare that the victim died from the spread of the poison.

3.19a/92

43. Deaths from Overeating or Overdrinking

When investigating deaths due to overeating or overdrinking, first gather the host of the party and others who were at the place where the eating and drinking occurred. In public view have the coroner's assistant or the attendants wash the corpse in hot vinegar and examine it. If on the body there are no signs of injury, use the hand to pat the skin of the stomach. If it is swelled and sounds like a drum, then death resulted from repletion. Because wine or food was taken to excess, the abdomen swelled up, affecting the cardiac and pulmonary systems of function and causing the death. In addition, take down on a joint document the statements of the relatives of the deceased who were members of his household as to the amount the victim usually drank before becoming drunk, and the report of the manager as to how much the deceased had drunk. Follow the format for inquiries into the cause of death.

3.9a/89

44. Deaths from Internal Injuries Resulting from Being Pummeled after Eating or Drinking to Excess

Internal injuries suffered by men who have been pummeled after eating or drinking to excess can also cause death. The symptoms are very unclear. The outside of the corpse will show no other causes of death, with only some food and drink excreted at the mouth, nose, and anus, together with a bloody discharge from the anus. When these symptoms are present, a most careful investigation must be carried out to determine if the victim had fought with someone and been pummeled. If the testimony of the witnesses is very clear, then a statement of cause of death may be completed.

77/n.G.
89

45. Deaths from Sexual Excess

When men die as a result of sexual excess, it is because their vital energies have been exhausted. When men die while having sexual relations with women, the facts of the case must be investigated. If it is really a case of death from this cause, the erection will not have subsided. If it is not, then it will have subsided.

3.10b/89

46. Roadside Deaths

Sometimes, men who have been beaten to death are carried to the side of the road. The Elders and Guard Leaders will merely inform the officials that someone has died by the roadside. Such cases must be examined carefully. If there are traces of injuries or signs of disease, they should be reported to the officials and all means should be employed to conduct a thorough investigation.

n.G.

47. Death after Which the Victim Has Lain Supine Overnight, in Which There Is a Slight Red Coloration

Generally, dead persons have a slight red coloration on the back of the neck, on the top of the back, on the ribs, the back of the waist, the insides of the legs, the upper arms, the backs of the legs, the knees, the feet, and the stomach. Check to determine if after death these corpses were laid out supine overnight. The collapse of the blood vessels may cause this slight red coloration, which does not indicate any other cause of death.

n.G.
81
held up
head down

78

48. Injuries Inflicted after Death by Insects, Rats, or Dogs

When corpses are injured after death by insects or rats, the skin will be broken, but there will be no blood. Marks of their teeth will be found all around the breaks in the skin, which will be uneven. If the bites were made by dogs, the marks will be larger and coarser.

n.G.

49. Opening of Graves

Examine how the grave is oriented and the width and length of the grave site. If it has been pillaged by robbers, the dirt of the grave will be wildly scattered. Measure how deeply it has been hoed out. Are the planks visible or the coffin open so that the corpse is exposed? Have the informant write out a list of the clothing and personal effects that had been with the corpse. Those not still present have been stolen by robbers.

n.G.

50. Holding Inquests on Corpses in Neighboring Subprefectures

Sometimes in a neighboring subprefecture a corpse will be found in a wild desolate spot in the mountains or forest. The body, having already been there a long time, will have no skin or flesh. If the subprefecture originally responsible, having already investigated and declared the victim dead from disease, then forwards a warrant to the neighboring subprefecture calling for a re-inquest, this usually means that they have reservations about their own initial investigation, which was not wholly clear. Thus, they will involve others in a re-inquest. Under such circumstances, the best thing to do is to send in a straightforward report stating, "The corpse at present is merely a set of bones. The hands, feet, and head are complete [i.e., not missing]. There are no skin, flesh, or internal organs. The examination of this corpse having occurred after such a long time, it is not now possible to state the cause of death. We have not dared to release the bones for burial." Send this report up to higher authorities for their instructions, so as not to suffer the accusations of colleagues that an inquest was conducted when there was no basis for conducting one.

n.G.

When a warrant to go to another subprefecture to conduct a re-inquest is received, first write out a statement specifying the time the warrant was received and that an official is going to conduct the inquest. Send this to the higher authorities. When it is night, stop over for the night. On reaching the place in question, in sequence receive the statements concerning the criminal acts of those persons involved, and the cause of death, and how many days have passed prior to the investigation. If a long period has already passed, so that the skin and flesh of the corpse really are rotted and are not a sufficient basis for examination, then write down the depositions of the coroner's assistant and the attendants. It should be announced that "the corpse's head, neck, mouth, eyes, ears, nose, throat, breast, abdomen, lower belly, hands, feet, and

79/n.G.

so on, all the body, have rotted away. Maggots are crawling on and consuming the body. The corpse is not in good enough condition to permit an examination." If there is any possibility for an examination, first use water to wash away the maggots, and carefully follow the principles of inquests.

51. Methods for Dispersing Vileness

Three Spiritual Substances Infusion (*san-shen t'ang* 三神湯)⁷⁹: to avoid the fumes from the dead.

Green atractylis⁸⁰: two ounces (*liang* 兩), soaked in water that has been used to wash rice for two nights and then dried.

White atractylis (*pai-shu* 白朮): one-half ounce.

Licorice root: one-half ounce, toasted.

Grind the above into a powder. To each dose of two-tenths of an ounce, add a pinch of salt. Take sprinkled on food.

Pill for Avoiding Vileness: this will disperse rotten fumes.

Musk (*she-hsiang* 麝香): a little.

Asarum heterotropoides root (*hsi-hsin* 細辛): one-half ounce.

Spikenard rhizome (*kan-sung* 甘松): one ounce.

Ligusticum wallichii, Franchet (*ch'uan-hsiung* 川芎): two ounces.

Grind the above into a fine powder. With some honey, roll the powder into balls the size of a projectile pellet.⁸¹ They are best after some time in storage underground. When needed, burn one pill.

4.27a/n.G.

now traduct
by
Giles

4.27a/n.G.

⁷⁹ *T'ang* 湯, which in ordinary usage means "soup," in pharmaceutics meant a filtered infusion.

⁸⁰ Both white and green atractylis correspond to several different species.

⁸¹ On the size of pills in Chinese pharmaceutics, see Sivin, *Chinese Alchemy: Preliminary Studies*, p. 254.

Storax Balls (*su-ho-hsiang yuan* 蘇合香圓)⁸² [gum from the *Liquidambar orientalis*]. Each time, hold the ball in the mouth until melted. Has great power for dispersing pollution.

80

4.27b/n.G.

52. Methods for Restoring Life

When someone has been hanging from morning to night, even though the body is already cold, they may still be saved; if from night to morning, the operation will be more difficult.⁸³ If there is warmth below the heart, they may still be saved even though a day or more has passed. Do not cut the rope, but gently take the body in the arms, have it untied, and lay it down. Have a man place his feet on the two shoulders⁸⁴ and, with his hands, pull on the hair so that it remains taut. Let another man delicately massage the throat. In a similar way, in front, have someone massage the chest so as to move it. Have another chafe the arms and feet, flexing and extending them. If the limbs are already stiff, gradually flex them. Also, press down on the abdomen. If this is done, in about the space of a meal, air will come from the mouth and respiration recommence. The eyes will open. Do not allow activity. Give the patient officinal cassia infusion and gruel to drink to moisten the throat. Have two men blow into the patient's ears through small tubes. If this method of resuscitation is followed, it will always be effective. Another method is to stop the patient's mouth with the hand. Do not allow breath to circulate. In a few moments,

4.27a/98

⁸² "Storax Balls" were made from fourteen ingredients, all highly aromatic except cinnabar. See *PTKM* 19.119.

⁸³ For revival of those long hanging, see Forsyth, *Synopsis of Modern Medical Jurisprudence*, p. 216.

⁸⁴ In the *T'ai-nan ko* edition, the character *t'a* 踏 is written incorrectly as 踏, a character that does not appear in either the *Dai kanwa jiten* or *Chung-hua ta tzu-tien*.

the person will begin to breathe quickly and the patient will live. Another method: grind equal parts of soap beans and root of *Asarum heterotropoides* to a powder and blow a quantity of this, about as much as a soybean, into the patient's nostrils.

When a person has been in the water a whole night, he may still be saved. Pound some soap beans, wrap the powder in cotton cloth, and insert it into the rectum. In a little while the water will be discharged, and the patient will recover. Also, having bent the patient's legs, have him hung over someone's shoulders, with the dead man's back against the back of the helper. Carry the patient about and he will vomit forth the water and recover.⁸⁵ Another method: first, break off part of a mud wall, lay it on the ground, and lay the dead person supine on top of it.⁸⁶ Cover him up with dirt from the wall, excepting only his eyes and mouth. The *ch'i* of the water will naturally be taken up by the mud, and the person will revive. When the Chief Minister, Mr. Hung, was stationed in Fan-yang 番陽, there was a case of drowning. The body was already stiff and respiration had ceased. He used this method and the victim revived. Another method: heat some sand and cover the dead person's face, except for the mouth, ears, and nose. As the sand cools it will become wet. Replace it. After several changes the victim will revive. Another method: pour one-half cup of vinegar into the nostrils. Another method: wrap some lime in a cotton cloth and insert it into the anus. Water will be expelled and the

4.4a/98

81

⁸⁵ For some premodern Western techniques for saving victims of drowning, see Forsyth, *Synopsis of Modern Medical Jurisprudence*, p. 243.

⁸⁶ It is important to understand that in the traditional Chinese view "death" resulted when the soul left the body. Our clinical definition of "death" would in this view be merely the most serious case, i.e., the case in which the soul did not reenter the body. Thus, the Chinese term covered not only clinical death, but all forms of traumatic unconsciousness. So, when a Chinese text speaks of reviving someone who is "dead," it is not necessarily describing anything miraculous.

patient will recover. Another method: hold the patient upside down, and pour good wine into the nostrils and anus. Another method: hold the patient upside down, strip off his clothes, clean out the navel, and have two men blow in his ears through small tubes. Another method: quickly strip off the dead person's clothing and apply moxa one hundred times at the navel.

When someone dies on the road from heat exposure (*ho 暍*), dig a hole with a knife or some sharp object, pour water into it, and pound it. Take some of this thick mixture and force the victim to drink it. He will then revive. If cold water is poured down a man unconscious from the heat, the victim will die. Quickly take some slightly warm ashes from the kitchen and spread them over him. Again, use a cloth dipped in warm water to swab the abdomen and the ribs. The victim will revive right away. Cold things to eat also should not be given to the victim.

4.12a/99

In deaths from freezing, the limbs will be extended straight and the mouth shut tight. If there is any respiration, heat some ashes in a large pot, and when they are warm, wrap them up and apply the package [lit., "iron"] over the area above the heart.⁸⁷ When cool, change it. When the eyes open, give warm wine and gruel in small amounts. If before the warmth has penetrated to the patient's heart he is brought near a fire to be warmed, the conflict between the cooling *ch'i* and the external heat will kill him. Another method: wrap the victim in a rug or mat and tie it with a cord. Have two men stand on opposite sides of the bundle, and roll [the patient] back and forth as if one were unrolling the rug. (Ku-han 古旱 is the way to pronounce the character kan 杆. It means to smooth clothing out flat.) Using this rug method, when the limbs are again warm, then stop.

4.13a/101

⁸⁷ "Ironing" with packages of drugs, similar to medicinal plasters, was a commonly used technique, e.g., in the late T'ang work *Wai t'ai pi yao* 外台秘要 by Wang T'ao 王焘. (Nathan Sivin, personal communication, 25 July 1977).

In deaths from fright syndrome due to nightmare (*yen 魔*), do not bring a light or approach near and hastily call out, for this may lead to death. Just bite the victim's heel or his big toe and spit in his face. He will then revive. When someone is unconscious because of a nightmare, change his position slightly and quietly call out his name. He will then become conscious. In cases of nightmare at night, if there originally was a lamp burning, let it be, but if there was not one, you must not have one lighted. Another method: blow into the patient's ears through small tubes. Pull twenty-seven hairs from the patient's head, twist them into a cord, and thrust them into the patient's nose. Another method: force the patient to swallow hot salt water. Another method: squeeze one-half cup of juice from leeks and pour it into the victim's nostrils. In winter, the bulbs may be used. Another method: apply moxa twenty-one times on both feet, on the big toes where the hair gathers. (*This means the spot on the top from which the hairs grow.*) Another method: powdered soap beans, about the size of a bean, blown into the victim's nostrils, will stimulate sneezing which will free the movement of *ch'i*. With this method someone can be saved even after three or four days.

82/4.14a/101

Attacks by Repulsive Factors (*chung-o 中惡*)⁸⁸; Possession by Recalcitrant Agencies (*k'o-wu 客忤*); and Sudden Death: generally, cases of sudden death preceded by illness and sudden death during sleep are called Attacks by Repulsive Factors. In either case, thrust the yellow heart of a leek six or seven inches into the nostril (*the left*

4.15a/102

88 "Attacks by Repulsive Factors" was a syndrome whose main symptoms were sudden heart and stomach pains with nausea, often apparently due to heart attacks. "Possession by Recalcitrant Agencies" (i.e., disorderly ghosts) was a form of fright syndrome found mainly in children. The "Sudden Death" here would refer mainly to fainting spells and traumatic loss of consciousness associated with possession. The definition of *chung-o* given here is more restrictive than that found in most other works.

for men, the right for women), causing the blood from [the part of the nostrils] between the eyes to flow. The victim will then revive. Look along the inner edge of the upper lip for blisters like grains of millet. Use a needle to prick them. Another method: take powdered beans of the soap bean plant or powdered, untreated tuber of *pan-hsia* 半夏 [*Pinellia ternata*, Breiter], about as much as a soy-bean, and blow it into the nostrils. Another method: use smoke from burning sheep dung to fumigate the nostrils. Another method: put cotton wool into one-half cup of good wine, and squeeze it with your hand so that the liquid enters the patient's nostrils. Elevate his hands. Do not frighten him, and in a little while he will recover. Another method: burn moxa on the navel one hundred times, blow powdered soap beans into the nose, or pour the juice from a ground leek into the ears. Another method: squeeze a cupful of juice from untreated sweet flag rhizome [*ch'ang-p'u* 菖蒲, *Acorus calamus*, T.], and force it down the patient.

Murderous injuries: when there have been murderous injuries that did not penetrate the peritoneum, take some frankincense (*ju-hsiang* 乳香) and myrrh (*mo-yao* 沒藥),⁸⁹ and a large soap bean, all ground until they have disintegrated, one-half cup of urine, and one-half cup of good wine, and boil these together. Have the victim swallow the mixture. After that, take "dolomite powder" (*hua-jui shih-san* 花翠石散),⁹⁰ some cuttle-fish bones, or dragon's bones, powder them and cover the mouth of the wound.

The Prefectural Judge (*t'ui-kuan* 推官) Sung Cho 宋瑗 was conducting an inquest. There were murderous injuries at two places, but respiration had not yet stopped. He ordered the leader of the labor service unit

83/4.7a/99

⁸⁹ On frankincense and myrrh, see Needham, *Science and Civilisation in China*, vol. 5, pt. 2, p. 137.

⁹⁰ "Dolomite powder" was composed of sixteen ingredients, including dolomite. See PTKM 10.26.

(pao-chia 保甲) to take the white of a scallion, heat it in a pan until it was cooked, and spread it over the wounds. The victim drew in his breath sharply. When the onions were applied a second time, there was no pain. He had already spoken of this to the Administrator of Lo-p'ing 樂平 Subprefecture, Pao Ch'i 鮑旂. When they met again, Pao said, "The white of the scallion is most remarkable! The men of Lo-p'ing love to fight and are frequently injured. Each time there is a case involving murderous injuries, before doing any investigating, I first plaster the wounds with hearts of scallions. Many men have survived, and so the number of capital cases has diminished." This comes from Chang Sheng-tao 張聲道, *Prescriptions from Experience*.

Restless Movement of the Fetus: when in women who have been involved in fights the fetus is restless, there are pricking pains and distension [from *ch'i*] in the abdomen and labored noisy breathing. Take one and one-half ounces of Shensi lovage [*Ligusticum wallichii*, Franchet] and one-half ounce of the root of Chinese angelica (*tang-kuei* 當歸)⁹¹ and grind them into a fine powder. Each dose is one-fifth of an ounce in a large cup of wine, which is simmered until it is reduced to three-fifths of its original quantity. Adding a little raw ginger, roasted while stirring in an open pan, makes it even better. Another method: take a large handful of ramie fiber root (*chu-ma* 苧麻), wash it and add it with a few slices of raw ginger to a large wine-cup of water. Simmer until reduced to four-fifths of its original volume, blend it with rice gruel, and give it to the patient to eat.

n.G.

When someone is dying from fright, give them a cup or two of warm wine to drink and they will recover.

4.15b/102

⁹¹ *Tang-kuei* is listed in Chinese publications as *Angelica sinensis*. Publications outside China often list it as *Angelica polymorpha*, Maxim. It is often used to stimulate uterine contractions. See PTKM 14.2.

In cases of the five deaths [i.e., death from child-birth, fright, strangulation, nightmare, and drowning] or sudden death from falls or blows where the heart is still warm, the victim may still be saved even though a day has passed. First, take the dead person and place him on the ground with knees bent, like the posture of a Buddhist monk in meditation. Have someone take the dead person's hair and pull it down towards the ground. Using a bamboo or paper tube, blow a quantity of raw powdered *Pinellia ternata*, Breiter into the nose. If he revives, administer a dose of raw ginger juice, which will counteract the poisonous effects of the *Pinellia*. (*In the five deaths--childbirth, fright, strangulation, nightmare, and drowning--the method of cure is uniformly to administer a dose of Pinellia*).

4.15b/102

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In cases of sudden death from falling, from striking hard against things, or from the nightmare demon, if the flesh is not yet cold, quickly administer some Storax Balls and wine. If the patient swallows this, he may live.

4.16a/102

53. Statements on the Inquest Report

All inquest report forms must record the original location of the corpse; its condition; its position relative to its surroundings; how it was dressed. One by one each of these items should be checked and written down. Does the corpse have any marks from tattooing or moxibustion? Are there any signs of past broken bones? Is the victim hunchbacked? Did he have a limp from a twisted limb? Was he bald? Of a bluish-purple, blackish, or reddish complexion? Are there tumors, swollen legs, or various signs of disease? These things should be stated aloud and noted down on the inquest form one by one, to be ready in case the witnesses at the inquest make false statements, and to provide support in any inquiry concerning the original causes [of death]. When the name of the deceased is unknown, and later on relatives submit a request [that they be given charge of the body], then the inquest report

1.4b/62

will be necessary in seeking to verify the body. If the extant inquest form is excessively brief and the writing incomplete, this will make future verifications difficult. How much more will this be the case for possibly mistreated criminals, soldiers, or unclaimed corpses where the assigned official is responsible for reaching an inquest decision. Officials will depend on the inquest report in their investigations. How can such things be done in brief? Again, if the inquest has been in error, [the investigating official] will stand guilty of a serious crime. Those who are responsible for this task must carefully look into it.

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