

## **Compendium of the Death Penalty in Pre-Modern China**

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### **Abstract**

The Death Penalty in Pre-Modern China is basically grouped into two types since Qin and Han Dynasties: the direct deprivation of life punishment and the damages on the corpse punishment after the death. This is the dual structure of the death penalty: body punishment and corpse punishment. This situation is related to the unique purpose of punishment of the ancient China, that is, the purpose is not for retribution, but for general prevention. As far as body punishment is concerned, there has experienced a significant change in the Chinese penalty history since hanging replaced the capital punishment by severance of the upper body as of Northern Wei Dynasty. From the relationship between the traditional Chinese etiquettes and penalties, revenge, the activity beyond the penalties provided by the code of law, is a ritual activity permitted by the code of rite; revenge and filial piety, virtue and killing, although are contradictory, however, they are related and complementary; the externalization of etiquettes could also be embodied as execution and the court flogging with sticks by the emperors.

Keywords: Dual Structure of the Death Penalty, Body Punishment, Corpse Punishment, Hanging, Etiquettes and Penalties