

To seek for no wrong: Probe into the execution of capital punishment in Tang Dynasty based on the “Tiansheng Prison Officer Statutes”

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Abstract

The main theme is to scrutinize measures taken to prevent a miscarriage of justice in capital punishment in Tang Dynasty compared with Song & Japan based on the newly discovered “Tian Sheng Prison Officer Statutes”

Death penalty not only taken a person’s life when they alive, but also their life in the future in the ancient China including Tang Dynasty. The purposes of capital punishment were used for punishing the criminals, hamper the family’s prestige, as well as deter to the mass. Therefore it was more than a personal issue, and it could also be classified into varies levels.

In Tang Dynasty, to prevent innocent from being executed, the ‘report-check-approval system’ was established before the execution. An officer was appointed to supervise the execution, announcement on the crime committed and the relatives were allowed to bid goodbye with the criminal. All these were used to prevent an unjust charge. If the death criminal was proven to be an innocent, the execution would be paused at once. General speaking, this criminal would be executed in themarket, except those royal family members and government officials who could be executed in private or at home. But for those committed serious offence, the emperor would the officials mass to witness the execution, or abolish their privilege

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and carry out the execution in market. Some would be sent according to a route [from Palace, to the Royal City and then to the Capital City] to demonstrate to the emperor, gods & devils, government officials and the public before execution.

By comparing the capital punishment system among Tang, Song & Japan, we observe that there are great differences in ‘report-check-approval system’, the arrangement of dead body, the mean of execution for officials and royal family. All the differences above are worth for further studies.

Keywords: Tang Dynasty, Tiansheng Statutes, Prison Officer Statutes, capital punishment, report-check-approval system