

PRISONS IN PEKING, *circa* 1500

L. CARRINGTON GOODRICH

One of the less noticed accounts of China in western Asiatic literature is that of Aly Ekber (also spelled 'Alī Akbar'), a Moslem merchant from central Asia who visited China about the year 1500.⁽¹⁾ He entitled his work *Khīṭay Namèh* (or *Khīṭay-nāma*), after completing it in 1516. P. Kahle has made a complete translation of this into German but, so far as I am aware, this remains in manuscript.⁽²⁾ Nearly ninety years ago Charles Schefer translated three of the chapters (I, VII, and XV) into French, and fortunately this fragment has been published, together with the original Persian text of these chapters,⁽³⁾ which he located in the library of Achir Efendy in Constantinople. It is chapter VII which I take the liberty of putting into English (with the exception of a single verse which adds nothing to the narrative), as it relates the experience of the author in a prison in Peking. In a recent address, published in the *Journal of the American Oriental Society*,⁽⁴⁾ Professor Derk Bodde mentions how striking is our "lack of knowledge of how the prison system functioned in pre-modern China." This chapter should help to fill the lacuna.⁽⁵⁾

The prisons of China; may God preserve us from them!

At Khan Baligh there are two prisons, one named Chin pou, the other Kim pou⁽⁶⁾. In the last the prisoners are treated with the utmost severity and loaded with heavy chains; rarely do they emerge alive. In the Chin pou, the regime is less rigorous and the chains lighter; the majority of those who have been incarcerated there come out alive and safe and sound. In both prisons, women are kept separate from men. The extent of the buildings resembles each of those places of detention in a town rather than a prison bearing the name. On the outside are offices where the nature of the offense of a culprit is ascertained and established. His guilt is determined and a report drawn up on the circumstances which have led to his arrest; this report is submitted to the emperor, and the prisoner jailed.

When one reaches the prison gate, one finds, besides gate-keepers, three officials who note down the names of the criminals, their motives, and the dates of their arrest. The Chinese, knowing no other empire than that of Khitay, ask the prisoner what province he comes from. They put in writing his reply as well as the date of his birth; if he is ignorant of the latter, they open his mouth as they do with horses, and establish his age according to the condition of his teeth; next they place on his face a seal rubbed with ink, and make him enter the jail. As

the Khitay empire is composed of twelve governments, the prison is divided into twelve sections, to each of which is assigned people of the same province, and all the individuals arrested are incarcerated in the section bearing the name of the province of which they are natives; this forms a separate building, solidly constructed.

If an individual is accused of an act of violence, they arrest for a single delinquent ten or fifteen people from among his relatives and neighbors, men and women, and lead them to prison, chained at the neck. Every individual, condemned by any tribunal which has established a professed fault, is taken to jail loaded with chains: when he is to be freed, they have him appear before the same court and then release him. It is by groups that people are incarcerated, and by groups that they are freed from captivity. In the entire Khitay empire no official and no police officer would dare to exact a single piece of money to the injury of the emperor. The forfeits that are exacted of a culprit consist of white rice; the members of his family and even the women also have to give some measures of wheat or of millet. Such is the nature of fines in Khitay; it is not required to make payment in gold.

When a guilty man is brought forward who has to be imprisoned, he is asked of what province he is a native. Following his answer, he is led to the section made ready for his fellow provincials. The Chinese imagine that the whole earth from east to west is under the control of the Khâqan and that there is no other empire but theirs in all the world.

This is the adventure which happened to us. There were twelve in our party who went to Khan Baligh to be near the Khâqan of China. One of us, a coarse fellow, had a dispute with a Tibetan; we were all loaded with irons, even those of us innocent of any wrong-doing, and taken to prison. By a grace peculiar to God they did not make us endure the bastinado nor did they apply any torture; and we were not forced to pay any fines. When they took us off to prison—those of us who had committed no fault—, they locked us in the section reserved for people from the province of Cheng-si [Shensi?]. On our entry we were searched to deprive us of gold, silver, or any other object. They told us that this was a rule they always observed. We were escorted to one of a dozen sections where we were to be imprisoned, and we were worn out by the road they made us travel to the interior of the jail to reach our destination. On our way we noticed different courts of justice having a double facade, placed so as to receive the declaration of the accused. In each of these tribunals sat three mandarins of high rank, one in the place of honor, the two others by his side. The first conducted the examination; the one on his right is the *émin* or assessor and the one seated on his left is the *divan* or recorder. These three mandarins are considerable personages, for they owe to their profound knowledge and the esteem they are able to inspire the function they are called upon to fill in the prisons. All these

tribunals with double facades have the same number of mandarins.

Gardens, groves, and orchards are adjacent to these courts. They are reserved for the functionaries who spend a few moments here to relax, to drink, and to enjoy themselves in the greenery, in the shade of the trees.

Each day, in the morning, at the hour when the audience of the emperor breaks up, every official in the empire of Khitay repairs to his office to attend to urgent matters. Not one of them would dare to be late or fail in this duty.

When prison officials, after having enjoyed their leisure for some time in the garden, take their places at the tribunal, they make appear before them, according to the degree of their wrong-doing, the accused who have been imprisoned. Some are released, others sentenced to the bastinado; certain ones are weighed down with chains very different from those in use in this country (Turkey). Certain others among them have slabs of lead fastened about their necks; they fix on the necks of several others planks like those of a coffin. To the feet of certain unhappy ones they attach shackles of lead. One sees some of them who are suspended by their hair and to whose fingers are fastened burning slabs, or even have nails inserted in the inner part of their thighs. Others are beaten on both sides of their thighs, right and left. The cruelty of these punishments make them lose consciousness of everything, and we presumed that they had breathed their last.

Those of us who were innocent had a view of these courts of law, these gardens, and orchards, and we saw the magistrates. There passed before our eyes a crowd of people who were brought before the tribunals or who were hurried away to endure all sorts of tortures. Witness of these extraordinary affairs, we marched forward trembling and seized with fear. We finally appeared before a tribunal, the most important of all those in the prison, and the magistrates seated there were considered as the expression of the words of the Khâqan himself. This court was charged with ascertaining the crimes committed by officers attached to a special service of the Khâqan. We enjoyed the same privilege as they did, because in the audience hall of the Khâqan they had placed us not far from his throne, and on this ground we were treated as his officers.

When we were introduced to this court, we were seated opposite the judges, because they considered us rude and savage folk, from whom they could expect no courtesy, deference, respect, or observation of the rites. In their eyes, their country is the only one which is civilized. They put irons on our feet and hands when we took our places; next they led us to our prison. At the gate, they searched us once more; they examined our shoes and our sleeves, in the fear that we had hidden some arm, or gold, or costly object. May those who hear this recital see a like misfortune far from them! We passed, when they escorted us out, between two ranges of long covered galleries and we saw a great number of unfortunates cast into dungeons, lying on their stomachs and pinned to planks by

means of four or five nails. The chains, by which their feet and their hands were burdened, were at their ends attached to these nails; their heads were held down by their hair in such a way that they were made immobile; their feet were made to pass through planks. Others, also lying on their stomachs, had the upper parts of their bodies encompassed with chains of a length of a hundred cubits, and one would fear that the bones of their chests would be crushed. All these forlorn creatures rent the air with their cries.

Criminals who were pinioned and chained were cooped up in boxes. God is witness of the truth of what I assert; I make no exaggeration, I report only actual facts.

The unfortunates who are locked in boxes are those found guilty of the murder of their fathers or their mothers. These boxes are triangular in form, very low and very narrow; they are an arm's length in height. Great God! how had they succeeded in holding these poor victims in so small a space! They raised the upper part of one of these boxes, and I saw a man whose members had been eaten away by fetters and chains. Force had been used to make him enter into so restricted a space and to confine him there and to make him hold his head on a level with his limbs; one had to believe that his bones as a result of being compressed had become as soft as his flesh. When they opened this box, a man burdened with fetters and chains straightened himself on his seat: his aspect was so frightening that he made the liveliest impression on us.

I have said that we were shackled; they kept the chains on us for five days. At the end of this time, a rescript was brought from the palace; the emperor gave the order to take them off and to rid us of them completely. "These foreigners," he said in this rescript, "have never undergone such a punishment, and they haven't the strength to bear it." They then freed us of our fetters and chains at once and we had, in our prison, the freedom of our movements.

They let us see, through an opening similar to a grated window, some women who were confined. We were informed as to their number by a porter; he answered that there were fifteen thousand of them shut up in the Chin pou.

Our captivity lasted twenty-six days. May God keep those who listen to me from a misfortune like ours! During this time, nearly every day numerous prisoners were released: they were led to different parts of Peking; an inquiry was made as to their conduct, and they were punished according to their faults established by the courts. We were witnesses of the rigor with which they were chastised and I imagined that all of us were going to receive the death penalty in this prison.

Thanks to God, we were neither clubbed, nor put to the torture, for only the Chinese whom they brought in were made to undergo these punishments. May God preserve us from them!

The city of Khan Baligh is so large that one must walk for a day to reach

the tribunal of the quarter where the crime had been committed (for which we had been arrested): a day was consecrated to the investigation made on our account, and we took a day to return to our prison.

When the moment of our deliverance drew near, they made us appear before the judges who sat in the interior of the prison. May God keep me from comparing them with ours! Never will the beauty of the gardens and orchards, in the midst of which stood the tribunal where we appeared, go out of my memory. When we were conducted into the presence of the judges, the depositions made on our case, and brought together in the tribunals of the quarters of Khan Baligh, were laid before them. They were written in Chinese characters on leaves of Chinese paper of the size of a mat which serves (us) for prayer. In these reports was supplied the name of the one who had committed the act of violence; it was added that he had confessed his crime, that his companions were his accomplices, and that for these reasons all had been arrested with the criminal, chained and imprisoned.

These judges, whom I am far from comparing with ours, were old men, who, having filled administrative posts, had been invested with these duties because of their complete and perfect knowledge of laws and regulations. They owed their places to their knowledge and experience in affairs. The highest function which Chinese magistrates can fill is that of chief of prison tribunals, for the office which gives the right to enchain, to incarcerate, and to condemn to capital punishment is considered the most important. It is thanks to the observation of these laws that they succeed in governing *Khitay*.

When these old men, filled with experience and maturity, had taken cognizance of the papers which were laid before them, and which gave account of what concerned us, they said to us: "You are innocent, but your companion has beaten a Tibetan with several blows of a cudgel and occasioned his death. He is a wicked man. You will each pay a tax of three measures of millet. As for the murderer, we are applying to him the penalty of retaliation. At the end of three years he will be punished with death, and up to that point he will be held here. As for you, very soon you will be put at liberty." The judges drew up their sentence and despatched it to the palace of the emperor. On the following day the imperial answer came; it ordered the detention of the murderer and our release, for in Khan Baligh all matters great and small are submitted to the *Khâqan*. In the provinces, they are brought before the eunuchs who are the governors. If the case has but slight importance, these people make the decision; if the affair is of serious consequence, they refer it to the *Khâqan* who takes it under advisement and actions are taken according to his commands.

When the prisoners are about to be released, after having been chained for a long time and treated with extreme severity, they are led in groups into market places and along well frequented roads. Around their necks are placed collars

made of slabs of cast lead; on their hands and feet are put iron shackles, and they are hung [by poles?] under their armpits in such a way that their feet do not touch the ground. They are made to undergo this torment to inspire terror in the people: if they have the strength, for a whole month, to endure this anguish and hold on to life, they are given their liberty after having been bastinadoed a hundred blows on the buttocks. The Chinese have the rule of administering the bastinado to men after having deprived them of their trousers; when women are beaten they keep theirs. They also inflict fines: these consist of a certain number of measures of white rice, grain, or millet. If the condemned individual has no means of making payment, he is forced, to expiate his punishment, to remain several years in a guard tower or become a night watchman or agent of the police. At the expiration of his term of service, he is brought before the prefect of police of the town, and, through an application, makes known his situation. The prefect, after familiarizing himself with the case, has him beaten another hundred blows on the buttocks and hands him a paper indicating his release.

Fines in China are of the kind I have just explained. It is not the rule to pay in gold or in silver. When prisoners are released, their places are taken by others who undergo the same treatment as those of whom I have just spoken: there is a great variety of fines.

In all the towns of Khitay, in the markets, in the thoroughfares, in the streets, and on the roads, one sees criminals who are locked up and tortured in guard-houses. When prisoners are led outside to undergo these torments, they show their delight, for they know that their hour of deliverance is at hand.

The accused who are incarcerated in the large prisons appear the same day before the courts without the least delay: an investigation is made into their conduct; they are beaten and put to the torture, and their confessions collected. Each accused has to undergo an interrogation in his turn once a month (so it occurs twelve times a year), and his responses are put in writing on these different occasions. In Khitay prison administration is considered of the utmost importance. The Khāqan continually asks for information on the condition of those held in jail.

When we were in the prison of the Chin pou, three died there, in a single day, three prisoners as a consequence of the weight of chains with which they were loaded and from the harsh treatment which had been inflicted on them. Every time that a prisoner passed away a report is sent to the Khāqan. The emperor as a result sent a rescript couched in these terms: "The death of these three prisoners in a single day should be due to the negligence occasioned by the administration of the jail." The officials were frightened; together they entered the dungeons and visited all the prisoners; they put on some lighter chains; others were rid of them entirely, and others at last received more abundant nourishment.

Once a day the emperor furnished a meal to the prisoners; those who have

relatives receive subsistence from them. It is brought to the former in baskets marked with certain signs and carrying a written address. These baskets are placed in a pile in the middle of each prison. Nobody would be sufficiently daring to commit the least fraud, and he who would do wrong to another for the value of chick-pea would be considered a thief and a felon. Twice every day the prisoners are accorded some moments of freedom to satisfy their natural needs and to take nourishment. Each then must recognize the mark and the address placed on each basket and carry away the pittance which is intended for him. When the meal is ended, the chains are replaced and they are led to jail.

The Khâqan is constantly kept informed as to the situation of all the prisoners, for each of the latter appears once a month before the tribunal and is subjected to an investigation. The clerks draw up a report in which they take account of the state of each individual, of his confessions and his denials; this is submitted to the emperor once a month: they make known in it the kind of tortures inflicted, the duration of the investigation, and all that has to do with the prisoner. This regulation permits the emperor to know the names of all those incarcerated, both men and women, and to be instructed and informed of everything that concerns them. The reports and accounts of outside tribunals and those emanating from provincial tribunals in all of China are kept in the private palace of the emperor. Great God! What laws and what observation of the rites. It is the respect and the veneration which they have for the laws that the Chinese owe, for thousands of years, the stability of their empire; it is thanks to these sentiments that they have never been subjugated by their enemies. Nobody, neither child of seven, nor oldster of seventy, neither pauper nor prince, would dare to transgress the law, or bring about the least delay in its execution.

The Khâqan of Khitay holds an audience every year to examine into the trials of criminals who have been adjudged worthy of death. The murderers, to the number of several thousand, are brought forward, ten by ten, held by the hand by executioners who call each by his name; they leave after they have confessed their crimes.

It is not to commit an act of impiety that I report what the infidels do; I have to make known that the pagans of Khitay have for their sovereign such a veneration that they adore him as a god. They say, may this blasphemy be turned away from those who listen to me! that there are three hundred gods and that the Khâqan is one of them. A single God who is Allah has created these three hundred divinities. Such are their impious and lying doctrines. This belief in the divine character of the emperor deprives them of any assurance of being able to lie or to deny their crimes.

It is asseverated, however, that the Khâqan does not share these beliefs. He adores only one God, some of his actions prove it and I have elsewhere mentioned this fact.

The confessions made every month by the criminals guilty of murder do not permit them to deny the offenses which they have confessed before the courts in the investigations made on their account over the space of three years. The reports are submitted to the Khâqan who thus knows by their names the criminals who are in prison, and especially the assassins who each year have appeared in his presence, and have confessed their misdeeds. At the conclusion of the three year period, the emperor affixes his red ink seal on the reports which have been presented to him during this space of time. When this period has reached its conclusion, he gives the order to execute the criminals, and, on the day of punishment, the several thousand condemned have marks of red material put on their heads; then they are led out of the palace in bands, to be conducted to the place of execution. There is a day appointed in the year for the carrying out of capital punishment: the calendar makes it known in every province. The custom of putting people to death during the daytime has been observed throughout Khitay for several thousand years; but around the year 902 (A. D. 1496) a great famine raged in Cheng si (Shensi), one of twelve Chinese provinces, which caused the death of a large number of people.⁽⁷⁾ A way of exorcizing this scourge was sought. Some wise men advised that henceforth the execution be scheduled during the night, in place of the day. These punishments were then inflicted in a single night throughout all China, particularly at Khan Baligh, on several thousand criminals. During the following morning the people were witnesses of the spectacle of unhappy folk all of whose members had been slashed and separated from their bodies; others had had their heads severed and their bodies heaped in piles; some had suffered the slicing process; others had been flayed and hanged with their heads down. Each category of criminals underwent a different punishment.

One peculiarity of the most bizarre sort is the following: after the execution the heads of several thousand of the condemned, after they had been detached from their bodies, were pressed separately into small boxes, with a notice informing whose head it was, and where he lived. It supplies his name, and indicates who his father was; it tells the crime which he had committed and the duration of his imprisonment. It makes known the names of his judges who, every month, had conducted the inquiries, as well as confessions which he had made every year in the presence of the Khâqan. This placard, relating all these data, is attached to the neck of the criminal, and following his death is put carefully in the small box which contains his head; this is kept for thirty years in a storehouse. If, during this period, someone lodges an appeal saying: So and so, my relative, has been unjustly put to death, the head is extracted from the storehouse, by order of the Khâqan, and cognizance is taken of what is written on the placard in order to look into the complaint.

At the expiry of thirty years, there is a prescription: no appeal is considered and all the heads are cast into the sea.

One sees in Khitay many singular things of the same kind! Every year at one time those who have been held for three years are taken out of prison. Some are executed, others are banished to guard duty, others are made night watchmen or agents in police stations. Certain ones are led loaded with chains through the market places, into the streets, on the highways and crossroads, and they endure extraordinary tortures and beatings, in order to inspire in them a salutary terror, as I have said above.

NOTES

- (1) On him see *Encyclopaedia of Islam* (new ed., London 1960) I, 390. He received or adopted the name Khitay, or *Khitā'i*.
- (2) John A. Pope, *Chinese Porcelains from the Ardebil Shrine* (Washington 1956), 122, n. 254.
- (3) In *Mélanges Orientaux* (Paris 1883), 31-84.
- (4) "Prison life in eighteenth century Peking," vol. 89 (1969), 311-33.
- (5) I must admit, however, that some of it strikes me as hardly credible. One wonders how much is based on actual experience, how much on hearsay. I have not altered Schefer's spelling of proper names. Professor Yang Lien-sheng suggests that attention should be drawn to the survey on the administration of justice in China by Niida Noboru 仁井田陞, some of it corroborating the evidence of Aly Ekber. It appears in *中國法制史研究, 刑法* (1959), chap. 16, *中國の戲曲小説の挿畫と刑法史料*, pp. 615-75.
- (6) These two names present a problem. Chin Pou may stand for Hsing-pu 刑部, Board of Punishments or Ministry of Justice, the French *ch* being equivalent to *hs* in the romanization of Wade-Giles. Kim Pou conceivably denotes the prison of the Chin-i-wei 錦衣衛 (Embroidered-Uniform Guard in C.O. Hucker's felicitous rendering), Chin being pronounced Kim in Korean and Kem in Cantonese. As my colleague Professor Fang Chae-ying has put it, the writer was confined only in the Chin Pou, and may not have heard the name for the other prison distinctly.
- (7) A drought is recorded under date of April 21, 1496, in Shensi, involving seven prefectures, including Hsi-an-fu, and twenty-one *wei-so* 衛所 (guard areas). See *Hsiao-tsung shih-lu* 孝宗實錄 (Taiwan ed., 1964), p. 2021.

一五〇〇年左右的北京監獄

富 路 特

中亞細亞回教商人 Aly Ekber 於1500年左右遊覽中國，著有 *Khitay Namèh* 一書，成於1516年。近世紀以來，此書先後被譯成德法文。其中第七章述及作者在北京的監獄的經歷。由於有關那時期中國監獄制度的文獻匱乏，所以特別把這章翻譯出來，以饗讀者。

位於 Khan Baligh 的監獄有兩座：一座叫 Chin Pou，另一座叫 Kim Pou。男女囚犯分開監禁，再以省分籍貫隔離囚錮。被捕者抵監獄時，先報上罪名，犯罪動機和被捕日期。在大的監獄中，被捕者當日在法庭受審。審時用刑。罪名成立後，按輕重收監。米、麥五穀可呈繳以為懲罰，但金錢則不獲接納。

天子對獄中情況垂詢甚為詳切。每囚犯按月受查問一次，結果作成報告，上呈天子。死刑得經天子御旨批准後，才能執行。全國死囚原本每年選定一日在白天處決；可是，由於1496年左右某地發生大饑荒，為了闢邪除禍，死刑乃改於晚間舉行。死囚首級被砍落後，一一盛於小箱內，並附說明，詳述死者姓名、居處、罪名、審判官、認罪紀錄等等。此盛有首級和說明的小箱被保管三十年。有關人士若認為死者含冤不白，可於此期間內提出上訴。逾期則不可。

囚犯所受刑罰至為慘酷，常有人因抵受不住而斃命。手鐐腳銬刑和笞鞭刑最為尋常。有時見到有的犯人頸繫鉛塊，有的兩股被深深插入鐵釘，有的更被禁錮在極其窄小的三角形小籠內，受盡摧殘，真是慘無人道。