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David Porter

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By David Porter

Review of Timothy Brook, Jérôme Bourgon, and Gregory Blue, Death by a Thousand Cuts, Harvard University Press, 2008. $29.95

In the months leading up to the Beijing games, as Tibet protests flared and t-shirts derided the “Genocide Olympics,” Jill Savitt, the Executive Director of the human rights group Dream for Darfur deployed a striking phrase in a New York Times interview about her group’s plans to pressure Beijing to take action on Sudan. Promising a broad-based campaign that would be far more sophisticated than a mere “ham-fisted boycott,” she explained, “From start to finish, what we want China to fear is death by a thousand cuts.”

In a coincidence tinged with historical irony, an important book published in the same month as this article began with the observation that the form of capital punishment known in China as “lingchi” and in English as “death by slicing” or “death by a thousand cuts” has served the Western imagination for over a century as a vivid emblem of Chinese barbarism. Read in this context, Savitt’s comment, by implicitly linking a notorious penal practice with atrocities in Darfur, reminds us of the continuing power of collective images of “feudal” China to inform current discussions of global politics, and suggests that much of the current passion concerning the human rights situation in China may have roots in a century-old preoccupation with peculiarly Chinese expressions of state power.

Arising out of a symposium on the comparative history of torture, Death by a Thousand Cuts offers a rich, wide-ranging examination of the histories of both the actual practice of lingchi and of the resonances of this and other forms of (often fantastical) punishments in the Chinese and Western imaginations. In some ways, the story is considerably more banal than one might expect: lingchi was used relatively rarely, and when it was, death was brought on quickly with a stab to the heart; the remaining cuts being mostly for show. In others, it poses unexpected challenges to the familiar pieties that are the continuing legacy of Western visitors’ descriptions of late Qing society. Like footbinding, the historical spectacle of lingchi has reassured generations of European and American observers of the comparative decency and humaneness of their own social practices. The flattering stories we tell ourselves, however, may merit additional scrutiny when they turn out, as the authors argue in the case of lingchi, to have been constructed for this purpose.

The book begins with a graphic account of the public execution of a prisoner condemned in 1904 for the murder of twelve members of a family with whom he had been involved in a property dispute. The event was notable both for being one of the last uses of lingchi—the punishment was abolished in 1905—and for being one of the first recorded by an amateur photographer. The coincidence was crucial in the consolidation of a powerful trope in the Western “understanding” of China. “By preserving images of cruel punishments from the last execution season of the old penal regime, European photographers preserved the gap between Chinese and European penal practices that the Qing state was about to close, making these shocking deaths a permanent memorial of cultural difference.” The crucial point here, as the authors demonstrate, is that an awareness of cultural difference did not so much arise out of the observation of lingchi as require and compulsively feed upon this observation to sustain a belief in essential, irreducible alterity. At times, this belief has taken the form of judgments that Chinese culture breeds an unusual capacity for (and insensibility to) bodily cruelty, but it has also informed, one might argue, the continuing insistence on depicting it as fundamentally lacking in qualities (democracy, human rights, rule of law) deemed necessary to civilized society.

A first step in complicating narratives of essential difference is to demonstrate deeply rooted similarities. Turning to the annals of European history, for example, the authors point out that the abolition of cruel and unusual punishments was a relatively recent development, and that it has only been through the convenient forgetting of this history that Western observers were able to make of tormented execution an icon of Chinese inhumanity and a proof of the cultural superiority of the West. The number of crimes warranting capital punishment seems also to have been comparable: the Ming
legal code lists 241 capital offenses; as late as 1819, English law had 223. In the light of recent debates on Bush-era interrogation practices, it is interesting to read that “Chinese and European courts shared a concern to limit the use of judicial torture,’’ and that Chinese magistrates frequently warned of the unreliability of evidence given under torture. Various forms of sanctioned violence, it is clear, have played a role in the formation of every state; sensationalizing certain instances while downplaying others can only distort historical understanding.

Given the high instrumental value of essentializing narratives, they are unlikely to be dislodged, however, by the mere counter-assertion of parallels and congruencies. The authors rightly devote the bulk of their efforts to the more promising strategy of demythologizing lingchi by tracing, in painstaking detail, its historical evolution as both practice and symbol. Several chapters, then, offer careful studies of the recourse to capital punishment in the Chinese legal code, key portions of which remained in place from the late sixth century through the early twentieth. The most common crimes resulting in the death penalty in the late imperial period were murder, robbery, official malfeasance, and failure of military duty; the most serious crimes were those that threatened the dynasty, the emperor or the state, followed closely by those attacking the authority of parents, elders, husbands, officials, and teachers. From its earliest recorded uses in the Song period, the penalty of lingchi—the rarest of several recognized methods of execution—was closely regulated and authorized only in extraordinary circumstances. Its use in the Song, in fact, was viewed by both contemporaries and subsequent generations of legal scholars as a sign of moral regression, as the death penalty had been abolished altogether by the Tang in 747 (a thousand years before its abolition was proposed in Europe).

The symbolic valences of lingchi are perhaps the most compelling—and challenging—aspects of its history. The ethical significance of the punishment seems to have attached less to the physical pain involved (the coup de grace was typically administered on the third cut) than the dismemberment and exposure of the corpse. To desecrate an individual’s body was ritually to destroy his entire family as well as the continuity between this life and the next. The imaginative resonances of this destruction are explored in a fascinating chapter on representations of the Buddhist underworld, which graphically depicted atrocities that vastly exceeded punishments authorized under the Qing code. Similar imaginative elaborations characterize the history of Western accounts of Chinese punishments explored in the following chapters. The authors trace the origins of stereotypes of Chinese judicial cruelty back to the sixteenth century, demonstrating how they were subsequently refracted through Enlightenment notions of Oriental despotism, colonialist historiography, missionary tracts, and the ruminations of Georges Bataille to create an idée fixe as essential to European self-knowledge as the liberal ideals of Locke or Mill.

Any book by three authors is bound to show a few seams, and there are discontinuities and repetitions among some of the chapters that are occasionally distracting. But on the whole, the argument presented in these chapters and buttressed by thorough and wide-ranging historical scholarship, is as focused as it is forceful. Death by a Thousand Cuts will stand as a significant contribution both to East-West comparative history and to the critical interrogation of those intricate legacies of Orientalism that make it so hard to do well.

Tags: death penalty