

# A Textual Research on the Left Preference in Inflicting Corporal Punishment

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**Abstract**—In ancient society, people gradually endowed left and right with abundant social connotations, linked left and right concepts with hierarchical system, and left or right concepts often affected people's social status, and then extended to other areas of society. In ancient criminal law, the phenomenon of "the name of punishment is left" is just the product of "the left" thought. This paper attempts to explore the basis of this phenomenon and its cultural significance from the perspective of the origin of Leftist ideology and labor demand.

**Keywords**—left preference in corporal punishment; left superiority thought; labor

## I. INTRODUCTION

"Left" and "Right" were originally nouns expressing orientation in daily life. In ancient society, people gradually endowed them with rich social connotations, such as the relationship between right and left expressing superiority and inferiority, thus forming the concept of "Left" or "Right" hierarchy, which is important to people in different historical periods, different regions and different occasions. The requirements are not the same, so they cannot be generalized. This concept also has a strong penetration in the ancient criminal law; "left preference in inflicting corporal punishment" is a typical phenomenon.

"Left preference" refers to the ancient criminal law in which the execution order of corporal punishment takes the left as the first legal provision. Specifically, in the execution of corporal punishment, the left half of the offender is damaged first, and the punishment of the offender and the warning of others have been achieved. For example, "If the number of people committing theft reaches five, even if the stolen goods are worth only one qian, their left toes shall be chopped off." is recorded in the "Qin Bamboo Slips and Legal Questions". In ancient times, other corporal punishments also took the left as the first. What is the reason?

## II. THE INFLUENCE OF THE ANCIENT RIGHT-UPHOLDING THOUGHT ON THE LEFT NAME OF PENALTY

### A. *The Ideological Origin of the Phenomenon of "Left Name of Penalty"*

The broad sense of corporal punishment originated from the primitive homomorphic revenge theory of "killer's death,

wounder's creation". In the mid-summer, Shang and Zhou Dynasties, it became the state's regular punishment. There are three classics and five penalties, which are the same in Qin and early Han Dynasties. "Xunzi Zhenglun" contains: "the secular for the sake of the speaker said: Govern ancient times without corporal punishment". The so-called "governing ancient times" refers to the peaceful prosperity of Yao and Shun. The Annals of the Criminal Law of the Han Dynasty contains: "After Yu Chengyao and Shun, they made corporal punishment by virtue, and those who went along with Tang and Wushun were less vulgar than those in Tang and Yu." This means that corporal punishment began in the Xia, Shang and Zhou dynasties.

The Book of Rites, Tan Gong, records that "Confucius stood alone with the door, and the arch was still right, so were the two or three sons. Confucius said, "Two or three sons are fond of learning, but I have lost my sister." Two or three sons are left-handed." Note said: "Good things are left, Yang is also; evil things are right, Yin is also. This cover arches the hand while the right hand is on it." What the author is talking about is the prevailing ideas in the pre-Qin period. It can be seen from this that in the pre-Qin period, the concept of emperor first, respect, left, subordinate, inferior and right was prevalent. Lao Tzu Thirty-one Chapter contains: "A gentleman's residence is precious to the left, and his military service is precious to the right." At that time, people thought that the left Yang and the right Yin were precious to the right, and that the Yang was the source of the Yin and the master of the killing, so the military service was precious to the right. In the pre-Qin period, most of the penalties were carried out with the emergence of wars and captives. In Zuozhuan Qigong's 25-year history, "De Yiruo China, Penalty Weiyi" and Zuozhuan Chenggong's 13-year history, "National affairs, sacrifice and Rong", Lv Simian's "History of Pre-Qin Dynasty" contained: "At the beginning of the punishment, Gai therefore treats the alien races". It can be seen that the war was a national event in the pre-Qin period, and the penalty was closely related to the war. The use of troops was expensive, and the use of punishment naturally took the left as the first. Moreover, the penalty belongs to the vicious events in the Pre-Qin Dynasty, such as "the good things meet left, the bad things meet right" in the Book of Rites, and "the good things count for left, the bad things count for right" in Lao Tzu. Auspicious events are the

three rites of auspiciousness, honor and guest in the Five Rites of the Zhou Dynasty, and the vicious events are the two rites of evil and army in the Five Rites. Penalty, which belongs to the rite of punishment and reward in military etiquette, naturally belongs to murder. Therefore, in the pre-Qin army, the right penalty was heavier than the left penalty, so the first one was left and the second one was right. The character "take" oracle bones is written in the form of "take" Oracle bones, which means to cut off the left ear of the enemy's dead prisoners of war and contribute to counting, that is to say, to prove it.

In the Qin and Han Dynasties, after the reform of the Qin Dynasty, the national strength was constantly strengthened and the six countries were unified. From this, the Qin Empire was established and the autocratic monarchy began. As a result, the ideas of Qin and Han Dynasty also changed compared with the pre-Qin Dynasty, and the way of heaven, which was dominated by virtue, became the way of monarchy and humanity. The formulation of criminal law naturally reflects this point. According to Wu Shunjie, a collection of Yizhou Books, people in ancient times believed that "heaven turns left, so it goes left and right, so it goes right". There is a similar description in "The corpse" that "heaven moves left and starts morning glory, and the earth opens up right and ends up in Bibi". The Qin Empire also advocated the right in the army, such as "the symbol of military armor, the right in the monarch, the left in the Du", and "the right in the rank of military meritorious lord" in respect of "the left in the long" can show that the penalty in the Qin Dynasty was right more important than left. As for the Han Dynasty after the Qin Dynasty, there has always been the saying that "the Han Dynasty inherited the Qin system", and the Han Dynasty still used the term "broken right arm" to cut off the enemy's key points or occupy important places. For example, in the book "The Book of the Later Han Dynasty Yu Yizhuan", it was recorded that in the Eastern Han Dynasty, Yu Yiyi once said, "Thieves do not know how to open storehouses and recruit people, rob warehouses, guard city garrisons, and break the right arm of the world." Yu Yi occupied the key area with a broken right arm instead of a broken left arm. This shows that Han people think that the right side of the body is more important than the left side. Naturally, in the Han Dynasty, when punishing the body, they also feel that the right side of the body is heavier than the left side of the body.

From the Qin and Han Dynasties to the Yuan and Ming Dynasties, it was probably the same. There was a slight difference between the Qing Dynasty and the Qing Dynasty. In the Qing Dynasty, the prick was matched with "the first prick on the right arm, the second prick on the left arm, the second prick on the right side and the left side". The order of the right of recidivism was reversed from that of the first corporal punishment in ancient times. This is because in the Qing Dynasty, the punishment of stabbing was mostly carried out on Han people, and few Manchus were executed. In the Qing Dynasty, Manchus were generally used as left posts and Han people as right posts. Therefore, the execution of puncture matching should embody the idea that Manchu people are nobler than Han people, so puncture matching is

the first offender to puncture the right and the second offender to puncture the left.

#### *B. Inventory of the Phenomenon That the Names of the Dynasties Were Left*

The earliest period to be examined was the Western Zhou Dynasty, such as the Western Zhou Dynasty's foot-cutting slave dug unearthed in Guyuan Zhuang Bai in 1976, the Western Zhou Dynasty's door-keeping square tripod unearthed in Rujiazhuang, Baoji, in 1988, and the Western Zhou Dynasty's shearers unearthed in Wenxi, Shanxi Province, in 1989. The image of these deceivers is sound right foot and incomplete left foot. It can be seen that in the Western Zhou Dynasty, the deceived punishment had been executed for the first time.

By the Spring and Autumn Period and the Warring States Period, in the fable of He's Xianbi recorded in Han Feizi and He's family, he's first offering of jade was chopped off his left foot and the second offering of jade was chopped off his right foot. At the same time, in Zuo Zhuan Zhaogong's Three Years, the words "the cities of the country, the cheap and the expensive" showed that shanty was prevalent at that time, not an example.

In the Qin and Han Dynasties, according to Yunmeng Qin Bamboo Slips Legal Questions and Answers, "If the number of people committing theft reaches five, even if the stolen goods are worth only one qian, their left toes shall be chopped off and their faces tattooed black before they are sent to do city wall building labors." In the Han Dynasty, there were "those who chopped left toe, those who chopped right toe, those who chopped right toe" in the bamboo slips of Zhangjiashan Han Tomb; "those who chopped left to consider Chengdan" in the Jinguan Law; "those who chopped left to stop slaves" in the Announcement Law; "those who chopped left to stop slaves" in the Annals of the Han Dynasty and "the three ethnic groups of Yi" in the Annals of the Criminal Law of the Han Dynasty, all first chopped, chopped off and chopped off. Historical materials such as left and right toes, slaughter, bang the head, smoke their flesh and bones in the city, etc. describe the phenomenon that "the name of punishment ranks left".

The corporal punishment was abolished in the Western Han Dynasty, but its right-upholding thought still influenced the criminal law of the past dynasties.

For example, Article 10 of Yuan Dynasty's *Dayuan Tongzhi* (Comprehensive Regulations and Statutes of the Yuan) stipulates that: "Those who have committed theft are to be tattooed in the left arm, called money seizers; recidivists are to be tattooed in the right arm." The *History of Qing: Treatise on Punishment and Law* also recorded: "Some are tattooed the reason of their punishment; some are taboed the place of their crime; some are taboed both in Manchu and Han characters. First-time offenders are tattooed in the right arm; second-time offenders in the left arm; third-timers in the right face; fourth-times in the left face."<sup>[3]</sup>

### III. EXPLORING THE CAUSES OF LEFT-RANKING CRIMINAL NAMES FROM THE PERSPECTIVE OF ANCIENT LABOR DEMAND

#### A. *Different Functions of Left and Right Limbs from a Physiological Perspective*

So why did the rulers of the Pre-Qin Dynasty choose to punish the left limb when they first committed a crime? There may also be considerations for labor needs.

The human body looks symmetrical from left to right, but many tissues and functions of the human body are not symmetrical. Brain controls human trunk activity. In neurological research, the brain is often divided into left and right hemispheres, which control and coordinate different areas of the human body. Studies of the brain's nervous system have shown that the left hemisphere of the brain controls logical and abstract thinking, i.e. language functions. Therefore, the left hemisphere of the brain is known as the "language brain". The right hemisphere of the brain mainly receives nonverbal materials and processes them, such as imagery thinking on the perception of sound, image and melody. In modern education, children are trained in manipulation such as handicraft and painting, which aims to develop the right hemisphere function of the brain.

The left and right hemispheres of the brain also have different division of labor in sensory and motor control of the left and right sides of the body. The left hemisphere controls the sensation and movement of the right limb, and the right hemisphere controls the sensation and movement of the left limb. Therefore, the division of labor between the left and right sides of the body is not the same. After all, the proportion of left-handed people in the population is a minority, most people use right-hand tools. If you change to the left hand, you will feel unnatural and inflexible relative to the right limb. Regarding human's movement habits and ability of limb movement, whether the number, time or intensity of limb movement, or the ability of motion coordination feeling and balance coordination, the right limb is stronger than the left limb. Therefore, human labor is often based on the right limb and left brain.

For most people, it is not convenient to do things with their left hand. So it is with the ancient people. *Guanzi: Baixin* states that "The left aspect symbolizes birth; the right aspect death. The birth aspect is not detrimental, against which self-inflicted detriment occurs." Yin Zhizhang annotated, "Left is Yang; Yang dominates birth; thus the statement goes. Right is Yin; Yin dominates death; thus the statement goes." Guo Moruo annotated, "When they used weapons, soldiers in ancient times held their shields in the left hands, swords or halberds in the right hands." Holding offensive weapons in the right hand demonstrates in a way its dexterity.

It can be inferred that the ancients found in their practical experience that the right limb had a stronger function than the left limb. Therefore, in the penalty, after the left limb is cut off as punishment, the right limb can still be used to complete the work. As for the death penalty and the cutting

of left ear, it is also the manifestation of the ancients' ideology that "the left side of the body is relatively minor".

#### B. *Increased Dependence of the Development of Labor Tools on the Right Limb*

Labor tools are extensions and externalities of human labor organs. At the same time, they are also comprehensive indicators reflecting the nature of productive forces. Agriculture originated in the early Neolithic Age and developed continuously. At the beginning of the new era, the tools of labor were mostly simple stone tools, such as axes, casting, chiseling, scrapers, and so on. At this point, the difference between the left limb and the right limb is not too big.

In describing the primitive agriculture, the pre-Qin literature has already mentioned the tools of labor, which is recorded in the *Book of Changes*. The book records that "Shennong works with broken wood as rake, rubbing wood as rake, and teaching the world"; in *Yizhou Shu*, Shennong "cultivates axes, breaks wood as rake, hoe, mattress, and reclaims grass, and then Wuguxing, in order to help the fruitful journey". Rake, hoe, mattress, rake, hoe, these are the labor tools already used in agriculture in the pre-Qin Dynasty. In *Guan Guan Hai Wang Chapter*, there is a saying that "tillers must have one piece, one piece and one piece, if it works", which indicates that these labor tools have been widely used in the pre-Qin period.

Compared with axes, castings and chisels of the Neolithic Age, these tools were made more precisely. In *Xu Shen's Shuowen Jiezi Lai Bu*, Lei and Lei are explained as follows: "Lei, hand-ploughed meandering wood" and "Lei Duanmu". From this it can be seen that the use of these tools requires close coordination of the limbs, especially the right limbs which are more flexible and operable. Therefore, the right limb is more valued by people.

#### C. *Before Qin Dynasty, Prisoners Were Needed to Make up for the Shortage of Labor Force*

There are slightly different opinions about the population of the Pre-Qin Dynasty, but it can still be speculated.

Liu Zhao's commentary on "The Emperor's Century" in "Hou Han Shu Jun Guo Zhi" refers to "Jiuzhou as well as Yuping's soil and water, which is also true in today's Yugong". It was the land of Kyushu at that time... And the prince of Zhou became king, and he made a mistake in punishment. There were 137.71 million people, 149.223 people, and more than 161,000 people. Zhou Zhisheng was also very prosperous. After that, over seventy years old, nothing happened in the world, and the people lived in peace. As for Zhaowang's Southern Expedition, King Mu lost his famine and made a terrible rebellion. King Ping moved eastward for more than 30 years, to the second year of Emperor Huan of Qi, thirteen years of King Zhouzhuang, within five thousand miles... 1,118,147,000 people in total."

Mr. Fan Wenlan, a famous historian, roughly estimated the population of the Pre-Qin Dynasty: "The seven kingdoms are the largest in Chu, followed by Qin and Zhao, followed by Qi, Wei and Yan, and the smallest in Han." The

population of Chu and Wei is the largest. If there are 10,000 households on average in each city and even in the countryside, there should be a population of 3 or 4 million in the whole country. South Korean soldiers 300,000, Yan and South Korea are similar, the two countries should have a total population of 3 million, and the total population of the seven countries should be about 20 million.

In his Population History of China, Wang Yuming writes, "Looking at the four dynasties of Xia, Shang, Zhou and Qin dynasties, the rise and fall of the ancient Chinese population for many years are generally four ups and downs... Finally, with the growth and development of the vassal states, the population grew. By the early fourth century B.C., the whole territory was inhabited.

#### IV. CULTURAL PHENOMENA OF "LEFT" AND "RIGHT" LAUNCHED BY "LEFT NAME OF PENALTY"

Although corporal punishment was abolished in the Han Dynasty, the cultural phenomena arising from the "leftist name of punishment" are also worthy of our consideration.

In the pre-Qin folk culture, there are few records centered on the left. "The corpse" records: "heaven left comfortable and morning glory, the ground right open and end the coffin." It means that the heaven stretches from left to right, starting with morning glory, and the earth turns from right to left, starting with Bi Su and Plebeian Suite. The Tao of Heaven is Yang and Left, so Left is the highest, while the Tunnel is Yin and Right, so Right is the lowest. "Su Question" also said: "Qi Bo said: the upper right line, the lower left line, about Sunday, and the rest will also meet again." This is the ancient people's understanding of the relative movement of heaven and earth. It can be seen that the pre-Qin people held the idea that the Tao of Heaven was left-handed and the Tao of Heaven was right-handed in the field of Taoism of Heaven. This concept combines with the concept of yin and yang, forming the concept of left yang, right yin, left Yang for the top, right Yin for the bottom.

But in fact, is our tradition really "Left first, Left first"? There are not many reliable scientific evidences in this respect. On the contrary, there are many evidences for the statement that "the right is respected and the left is inferior" in Chinese tradition.

From a political point of view, as early as the Shang Dynasty, the ancestral temple sacrifice system of the merchants "the great events of the country, the sacrifice and the army" embodied the concept of "the Yin people advocate the right". In oracle bone inscriptions, there are many "Youzong". Scholars think that the "right" of "Youzong" is the "right" of "left and right", "Youzong" is the "Youzong". The oracle inscriptions mostly pray for rain, but there is no "Zuozhong".

The idiom "No one can surpass him, no one is higher than him" means that no one is better than him. This allusion comes from "Ten people, such as Uncle Tian and Meng Shu, the wise Zhao minister, in the book of Emperor Gaodi, who summoned and said that Han Tingchen could not surpass him. As in the setting of prime ministers, there is the saying that "the right prime minister is higher than the left prime

minister", which originated from "The History of Chen Prime Minister's Family" and "the right prime minister is Jiang Houbo, every time. Peace migration was the second prime minister of the left, indicating that the Han Dynasty also had the habit of respecting the right.

Shigu Yan, a philologist in the Tang Dynasty, also said that "the ancients respected the right and could not pass the words, so the clouds could not reach the right." Say it. Song Xiaozong's Preface to the Collection of Wen Ji in Jingjin Dongpo contains the words "Dongpo's loyalty and criticism, the great festival of the establishment of the dynasty, and the courtiers have no right at that time". Song Dai-di's Mouse Pulp: "Han people respect right. It is said that the rank of demotion is to move left, officials and princes are to move left, and those who occupy a high position are to move right. "Left-moving" here means that officials are demoted and demoted; here "left" means "low status". Li Bai's poem Wen Wang Changling's left migration to Longbiao Yao has this letter, and Bai Juyi's preface to Pipaxing "Yuan He Decade, Yu Zuo's left migration to Sima, Jiujiang County" also means this.

In life, traces of the right can also be found. Confucius once praised Guan Zhong: "Microtubule Zhong, I was left-handed!" This proves that at least in the mid-summer region of the Yellow River Basin, people generally wear right-handed clothes and are right-handed in their clothes.

In ancient people's habits, there were habits of rich people living in the right and poor people living in the left. "History of Chen Shijia": "In July of the second year of the first year, nine hundred people from Yuyang were attacked by left-handed troops, and the town of Tundaze was set up." "Suo Yin" records that "the left of Luzuo is the left of Julu. Those who live in the right place are rich and strong, while those who live in the left place are poor and weak." In Ming Dynasty's book Ming Emperor's Chronicle, there is also a record of "putting the canal into the field, giving the poor, and making the right and the right secure their interests". Li Xian: "Haoyou, everybody too." The reason why the right surname is Gao's surname and Haoyou's surname is everybody's is that Gao's surname is everybody's famous family members who live in Luli's right. In a house, the right ventricle respects the left ventricle.

#### V. CONCLUSION

From this point of view, there are some deviations in the cultural concepts of the left and the right in the past dynasties, and the traditional Chinese view of "leftism first, leftism first" is doubtful.

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