

Why is the sorcery criminal?——on causality of Qing Dynasty sorcery criminal and its legal application

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Abstract

The Great Qing Code took provisions about sorcery crime charges using specific doctrine of legislative technology, such as “worst offence”, “sorcery ban”, “homunculus fallacy”, “killing blood collection” and “manufacturing and poison to kill”. Zhu Qingqi of Qing Dynasty included about forty cases related sorcery in his *Three criminal case assembly*. There is the key of problem about how the causal fact in witchcraft cases turning into the causality of law, and logically proving corresponding criminal responsibility in legal reasoning about convicting witchcraft, in which analogical reasoning played a very important role, and this method could also be put in common case reasoning of Qing Dynasty. Body thinking mode was the basis of thought behind analogical reasoning method, which originating the thinking pattern containing the witchcraft itself: Like interpretation of law, this kind of thinking mode had an anti-formalism dangerous tendency, which is worthy of our today’s legal construction to learn and watch.

Keywords: *The Great Qing Code*, The sorcery crime, causality, analogic reasoning, Body thinking mode