

A study on Liuxi/ Banishment in the Northern Dynasties (439A.D.-589A.D.)

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Abstract

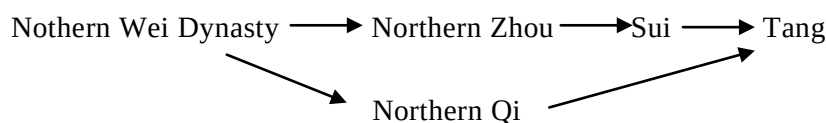
There was penalty to exile criminals collectively to frontier in Northern Wei Dynasty since Emperor Wen Cheng(452-465), but if we study it thoroughly, the banishment was not a formal punishment. It was the mercy of the emperor to replace the death penalty. Before Tai He 16th year(492) of Emperor Xiao Wen(471-499), the penalty system of Northern Wei Dynasty consisted of three parts –Capital Punishment to whole clan; capital punishment & penal servitude. There was no place for banishment. After a discussion on their new penalty system in Tai He 15th year and finally in next year, banishment became a formal punishment. The development of banishment in Northern Wei Dynasty was based on two elements : it was a replacement to the death penalty & the criminals were exiled to frontier as soldiers to safeguard the country. So, there was no grade of this punishment. Moreover, when the punishment established in Tai He period, the family members of the criminals were forced to go together with them. As this punishment was also served to ensure there were sufficient soldiers, the criminals were exiled to the frontier for life. They could not return to their own province unless there was a pardon from the emperor.

The banishment of Northern Qi Dynasty(550-577) was originally inherited from the Northern Wei Dynasty, and it was a

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formal punishment. It also served as a substitute to the death penalty, but the criminals had to be flogged, beaten by light rod and their heads shaved, and then exile to frontier for life. There was no grade of exile in the Northern Wei Dynasty but there were 5 grades in Northern Zhou Dynasty(557-581), ranged from 2,500 to 4,500 miles, that means there were difference in mileages. Besides mileages, the criminals had to perform hard labour for 6 years, and after that, they might return to their native provinces. Difference in mileages, periods as hard labour and years of exile in banishment carried out in Northern Zhou Dynasty were quite different from those in Northern Wei & Qi Dynasties. However, the criminals had to be flogged & beaten before exile were similar to those in Northern Wei & Qi.

The difference in mileages, periods as hard labour and years of exile in banishment in Northern Zhou Dynasty were inherited by Sui Dynasty. But the latter took a step forward: 1) Mileage – Sui from 1,000 to 2,000 with 3 grades; 2) Periods as hard labour – Sui ranged from 2 to 3 years; 3) Number of flog and beat received – Sui with maximum 160. 4) Year of exile – Sui with maximum of 5 years. Simply speaking, the above 4 elements were all taken from Northern Zhou Dynasty. What was the relationship between the banishment in Tang and Wei, Qi, Zhou & Sui Dynasties? There were ‘Mileage difference’ & ‘forced hard labour’ in Tang’s banishment, and this indicated that the principle of this punishment was adopted from Zhou & Sui Dynasties. Whereas families were forced to exile with the criminals and all of them were sent for life long were adopted from Wei & Qi Dynasties. Therefore we can state that banishment in Tang Dynasty was adopted from Zhou & Sui, but also learnt some from Wei & Qi. Below is the development history of banishment:



Banishment was finally developed completely in Northern but not in Southern Dynasty. This was due to the different solution adopted by the 2 dynasties to deal with the loophole existed when the corporal punishment was abolished, together with the unique military system applied in Northern Dynasty. The former is the essential condition, and the latter is the sufficient condition. When the 2 factors merged, the formal banishment was established finally. However, when these criminals became soldiers, this hampered the status of army and finally erupted 'The Rebellion of the Six Military Posts'.

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