

Divine Justice: Chicken-beheading Rituals in Japanese Occupation Taiwan and Their Historical Antecedents¹

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While an impressive body of research exists on the judicial aspects of the Chinese underworld,² as well as Chinese legal history,³

Key Words: chicken-beheading rituals, judicial rituals, indictment rituals, trials of the insane, rites of affliction

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- 1 I would like to express my heartfelt gratitude to Ch'en Chao-jung 陳昭容, Ch'en Shih-jung 陳世榮, Chu P'ing-yi 祝平一, David Jordan, Lai Yu-ling 賴玉玲, Li Chen-te 李貞德, Li Tsung-yi 李宗益, Lin Fu-shih 林富士, Lin Mei-rong 林美容, Liu Hou-chun 劉厚君, Tseng Su-yueh 曾素月, Robert Weller, Yu Guang-hong 余光弘, and the two anonymous reviewers for the Center for Chinese Studies. Part of the research for this paper was funded by a National Science Council grant (NSC numbers 88-2512-H-008-001-L5, 89-2512-H-008-001-L5). Some of the data presented here are also contained in a paper written in Chinese to be published in the *Bulletin of the Institute of Ethnology, Academia Sinica*. This study was partially inspired by Li Yih-yüan's path-breaking article on chicken-beheading rites, which explored the symbolic meaning of this type of ritual violence (李亦園 1983). For a Chinese version of my research, see 康豹 2000.
- 2 See for example 馬書田 1998; 澤田瑞穗 1968; Eberhard 1967; Goodrich 1964, 1981; Teiser 1988, 1993, 1994; Wang-Toutain 1998.
- 3 See for example Allee 1994; Ch'ü 1961; Bernhardt & Huang 1994; Huang 1996; Karasawa 1993; Macauley 1994, 1998; Reed 1999; Zhou 1995.

few scholars have paid attention to what might best be termed “divine justice,” that is, the ways in which the Chinese people sought fair and impartial justice by performing judicial rituals at temples dedicated to a range of chthonic (underworld) deities, including the City God (Chenghuang shen 城隍神), the Emperor of the Eastern Peak (Dongyue dadi 東嶽大帝), and the Bodhisattva Ksitigarbha (Dizang wang pusa 地藏王菩薩). This paper represents a preliminary investigation of Chinese forms of divine justice based on a case study of judicial rituals performed throughout Taiwan during the Japanese Occupation era (1895-1945). Specifically, I focus on the social and cultural significance of chicken-beheading rites (*zhan jitou* 斬雞頭) staged at temples throughout the island. During these rituals, the parties embroiled in a dispute would bring one or two live chickens (usually white cockerels) to temples dedicated to chthonic deities like the City God and publicly make oaths proclaiming their innocence or the veracity of their statements. The oaths concluded with the announcement that the guilty party was willing to suffer a sudden and violent death (like the cockerels they held in their hands), following which the unfortunate fowl were beheaded. Chicken-beheading rites continued to be performed throughout Taiwan into the 1980s, particularly by candidates for public office declaring their innocence in the face of charges of vote-buying, but protests by animal rights groups and distaste on the part of temple committee members have resulted in their virtual disappearance. As a result, I have yet to witness a performance of these rites, and have not heard or read accounts of their performance in recent years, so the data presented below is largely based on previous field reports and historical documents. We are fortunate that ethnographers and officials working for the colonial administration compiled detailed records of some chicken-beheading rituals, and much of my analysis will be based on

their accounts.

In terms of their ritual structure, chicken-beheadings appear to have consisted of two main components: the making of an oath and the slaughter of a cockerel. While the data indicate that some disputes could be settled by oath-making alone, more complex or potentially explosive cases clearly required the sacrifice of an animal victim (吳瀛濤 1987:167-168). The fact that a white cockerel was usually the bird of choice may be because it has long symbolized the sun and *yang* forces of life and vitality, but on a more practical level, cockerels were cheaper to purchase than other animals (de Groot 1892-1910 I:200-218, VI:965-970; ter Haar 1999:157, 183). One scholar has even suggested that cockerels were never eaten because of their potential use in oaths (Williams 1941:199-200), but further research will be necessary to clarify this point. Blood also symbolized life, yet also provided added force to the oath. As for the gods invoked during these rituals, they served as impartial witnesses who also had the power to judge the guilt or innocence of the participants and enforce the grim punishments cited in the oath's maledictions (ter Haar 1999: 163, 178). People believed that wrongdoers who made false oaths were doomed to suffer a wide range of divine punishments, including illness and even death (see below).

If we consider the overall purpose of judicial rites like chicken-beheadings, as well as their structure, it soon becomes clear that they represent a process by which individuals entangled in a dispute convince themselves to go to a temple and publically make contingent curses. The practice of contingent cursing was not limited to chicken-beheading rituals, but also accompanied the performance of blood oaths and even oaths lacking any form of sacrifice (see below). In some ways, this practice is not that different from making a vow (*xuyuan* 許願), inasmuch as in both instances the worshipper peti-

tions a deity to respond to his or her claim in the near future. This indicates that future research on judicial rituals like chicken-beheadings may need to place them in the context of other forms of prayer and oath-making in China. Contingent curses can vary in terms of their object: some are auto curses, where divine punishment is meant to be visited on the person who has borne false witness; other curses are directed at the allegedly guilty party. Regardless of the circumstances underlying their performance, and the nature of the curse, judicial rituals like chicken-beheadings are clearly marked by a window of peril for the guilty party. While the gods invoked during such rites are not necessarily obliged to pass and execute their grim judgements immediately after the ritual's conclusion, people tend to scrutinize what happened to the participants in the hours and days thereafter (see especially 夏之乾 1990). Future research will need to systematically focus on the actual outcomes of performing judicial rituals. In the cases below, we can see instances of people suffering divine retribution shortly after a rite had been performed (see in particular Macgowan's account of two apprentices in Amoy), but in others the results remain unclear. It does seem that while judicial rituals placed the issue of guilt in high relief, the performance of such a rite, and the period of waiting for divine judgement that followed, may have allowed for tempers to cool and the entire matter to be brought to a peaceful resolution (for example, the case of the lawsuit between the Chang's and the Yeh's described below).⁴

The presence of oaths and the accompanying threats of divine punishment might remind some religious historians of the ordeals performed in ancient and medieval Europe and the Near East. Although the term ordeal usually prompts images of men or women

4 I am deeply grateful to David Jordan for his comments on these matters.

walking over burning ploughshares or sticking their hands in boiling oil, research on this practice clearly indicates that ordeals could also involve the making of oaths without trials of the flesh.⁵ Strangely enough though, most research on oaths and ordeals overlooks the importance of such rites in Chinese and other Asian cultures. The comparison of oaths and ordeals on a worldwide basis may become a fruitful area for comparative research in the future.

My interest in the relationship between religion and justice in China began during the 1980s in the course of undertaking fieldwork on plague expulsion festivals in southern Taiwan and historical research on their origins in south China. Despite the presence of local variations, such festivals share a number of common features, many of which concern the problem of divine justice. For example, men and women wishing to atone for past misdeeds often march in plague festival processions dressed as “criminals” (*fanren* 犯人) by wearing paper cangues around their necks, while others who feel they have been wronged take advantage of the festival’s performance to file indictments (*fanggao* 放告, *gao yinzhuang* 告陰狀) in the presence of local chthonic or plague deities worshipped. Moreover, the Taoist rites designed to prevent or alleviate disease clearly express the idea that physical affliction represents a form of divine punishment for wrongdoing, and that penance is a necessary first step in the process of prevention or recovery (Katz 1995b). These rituals appear to have evolved in southern China as early as the tenth and eleventh centuries, and played an important role as Chinese-style “rites of affliction” by coping with both physical misfortune in the form of disease and the sociocultural problems seen as prompting the wrath of the gods (Katz 1995a). The data thus points to a potential link between

5 See for example Bartlett 1986; Klinger 1987; Lea 1974:26–32, 58, 59; Sabbatucci 1987.

Chinese rites of affliction and ideas of justice, but this was an issue I left unexplored at that time.

More recently, however, I have begun to reconsider the problem of divine justice in China in the course of doing research on a popular temple jointly dedicated to the Bodhisattva Ksitigarbha and a controller of unruly ghosts known as the “Lord of the Hordes” (Dazhong ye 大眾爺). This site, listed in official accounts as the Abbey of Ksitigarbha (Dizang an 地藏庵) but popularly referred to as the Temple of the Hordes (Dazhong miao 大眾廟), is located in the city of Hsin-chuang 新莊, a few miles southwest of Taipei. While the temple has no obvious links to plague god cults, its annual “dark visitation” (*anfang* 暗訪) ritual (an exorcistic procession performed at night) originated in 1910 as part of an effort to prevent the spread of contagious diseases. Perhaps more importantly, the rites performed at this and other chthonic temples in modern Taiwan reveal the continuing importance of divine justice to the Taiwanese people. The Abbey’s annual procession often features the presence of people dressed as criminals, while believers embroiled in domestic, civil or criminal disputes still file indictments in the presence of the Lord of the Hordes and his chthonic minions on an almost daily basis, with over 3,000 such documents being read aloud and burned by the temple’s Taoist masters every year. Until the previous decade, believers and candidates for local office continued to perform chicken-beheading rituals in front of the Lord of the Hordes (康豹 1998).

The historical and field data presented above all point to the importance of divine justice and judicial rituals in the social and cultural history of China and Taiwan, topics I intend to pursue in future research. However, any systematic investigation of judicial rites and the quest for justice which undergirds their performance will necessitate the collection and analysis of data from different regions span-

ning many centuries, something which is beyond the scope of this paper. The following description of Taiwanese chicken-beheading rites and their historical antecedents is simply meant to serve as a basis for conducting future research on the problem of divine justice in Chinese religion and culture. In order to achieve this goal, I briefly explore the possible origins of chicken-beheading rituals in other Han and non-Han judicial rites, including the chicken-beheading and indictment rites of southern Fujian, the oaths (*shi* 誓) and blood covenants (*xuemeng* 血盟) of ancient China, oaths southern Chinese Taoist priests made in the course of staging exorcistic rituals during the Song and Yuan dynasties, and rites to resolve conflicts involving the slaughter of domestic animals performed by non-Han peoples of southwestern China.

The paper concludes by considering the ways in which chicken-beheading rituals both reflected and attempted to cope with social problems in a key public setting: the local temple. I place special emphasis on the important roles played by temples because most scholars researching Chinese legal and social history have focused their attentions on private mediation and trials presided over by officials. In fact, the evidence presented below indicates that temples constituted an important public space where people attempted to resolve disputes outside of the established framework of the legal system. In considering this issue, an obvious problem involves the numbers of people who performed judicial rites in temples before, after, or even without attempting to resolve disputes through private mediation and the courts. The answer to this question may never be fully known, but the data presented below reveal that research on religion's role in Chinese legal history may provide a promising new direction for future social historians. Moreover, the public nature of judicial rituals, combined with the fact that officials often oversaw or

even participated in such rites, strongly suggests that current quests in search of a Chinese civil society, public sphere, or third realm may need to be extended beyond tea houses, theatres, guild halls, and yamens to include temples and their rituals.

Chicken-beheading Rites in Taiwan

In Japanese Occupation Taiwan, people usually chose to perform chicken-beheading rituals after attempts at dispute mediation or less extreme forms of oath-making had failed. The Chinese term for oath-making (*duzhou* 賭咒, literally “to gamble on an oath”) and the Southern Min *chiu-chhoa* 咒咀 (*zhouzu* 咒詛; literally “an oath and an imprecation”) clearly express the elements of risk and danger involved in submitting to the rigors of this ritual process. As Wu Ying-t’ao notes in his description of Taiwanese customs:

In most cases, so-called “gambling on an oath” is accomplished by facing the heavens and making a vow (*duitian lishi* 對天立誓; in Southern Min *chi-thi chiu-chhoa* 指天咒咀). In more serious cases, when a simple oral expression [of innocence] proves unable to satisfy the other party or fully resolve the matter, additional steps are taken, which involve the parties making a vow in the presence of the City God, the Lord of the Hordes, or other judicial deities. This expresses the solemnity of the occasion.

The contents of these vows generally involve the expression of the willingness of the party who speaks falsely to accept any punishment the gods may choose to inflict, including the death of his/her entire family, death while on a trip away from home,⁶ or a bad death before

6 Implying that the deceased will not enjoy the benefits of mortuary rites intended to transform a ghost into an ancestor.

one's time. The parties also formulate promises to be fulfilled, and those who actually make oaths dare not break them.

The most serious form of "gambling on an oath" is to make a vow and slaughter a chicken in the presence of the gods, which is called "killing a chicken while making oaths and imprecations" (*thai-ke chiu-chhoa* 刳雞咒咀). The meaning of this rite is to express one's willingness to be killed should his/her oath prove false.

In the past, local officials used these forms of oath-making in adjudicating cases, something which could be termed psychological trials. Because the people have always felt fear and reverence for their gods, they rarely dare make a false oath in their presence due to their deep fear of divine punishment. Even in those rare cases when someone makes false statements, they soon become faint of heart and often make fools of themselves. People often end up quaking with fear or other inexplicable occurrences (吳瀛濤 1987:167-168; see also 片岡巖 1981 (1921):7).

Wu's account is highly significant for a number of reasons. To begin with, it reveals that chicken-beheading rites were often a means of last resort after other means of dispute resolution had failed but before disputes reached the courts.⁷ Secondly, chicken-beheading rites conform to Li Yih-yuan 李亦園's analysis of their meaning in that they feature the presence of James Frazer's "law of similarity", with participants expressing their willingness to suffer the same fate as the chickens which were beheaded. Thirdly, the deities wor-

7 At the same time, however, it is important to recognize that the work of Japanese Occupation era ethnographers and my own research at the Abbey of Ksitigarbha indicate that many people simply made vows in temples without beheading chickens; see 黃得時 1943; 李宗益 1998; 増田福太郎 1934, 1937a, 1937b, 1937c.

shipped during chicken-beheading rituals frequently included members of the chthonic bureaucracy responsible for either escorting the souls of the dead to the underworld or helping administer justice there. Wu's account identifies the City God and the Lord of the Hordes, while other sources also list the Emperor of the Eastern Peak (增田福太郎 1996 (1942):83).⁸ Deities representing Heaven and Earth (particularly the Earth God) could also be invoked in blood covenants and chicken-beheading rites, particularly those linked to martial groups and the Triads (Tiandi hui 天地會) (莊吉發 1999; ter Haar 1999:157, 161-162, 181-203). Finally, representatives of the state, including Chinese officials usually viewed as "Confucian" exemplars as well as Japanese colonial administrators, were not averse to overseeing or even participating in these rites, at times relying on popular terror of the above chthonic deities to bolster official judicial proceedings (see below).

Case studies of chicken-beheading rites in Japanese Occupation Taiwan may be found in the work of Masuda Fukutaro 增田福太郎, a professor of law at Taihoku [Taipei] Imperial University (today's National Taiwan University) who possessed a profound interest in the relationship between religion and the law. His many essays and books contain two summaries of newspaper accounts and two lengthier field studies of chicken-beheading rites performed in Taiwan during the 1930s. The first took place in the town of Tou-liu 斗六 (then in Tainan Prefecture; now in Yunlin County) during May of 1934. Some chickens and a pig belonging to one of the town's Ts'ai 蔡 families were poisoned, and suspicions soon focused on 32 other Ts'ai households who had been entangled in a land dispute with the Ts'ai's.

8 Masuda's account also lists Mazu 媽祖, but he fails to provide examples of people worshipping her during chicken-beheading rituals.

In order to put an end to these suspicions, the heads of these 32 households gathered together in a local “public hall” (*gongguan* 公館),⁹ knelt down, proclaimed their innocence, and beheaded chickens in front of an image of the City God which had been invited from nearby Chu-shan 竹山. A Japanese policeman from the local precinct office was also invited to serve as a witness to the proceedings, which were open to the public. The dispute seems to have been resolved shortly thereafter, although further research will be required in order to gather more information on the case (增田福太郎 1996 (1942):97). This example also demonstrates the important role of public ritual as a means of attempting to resolve long-standing social tensions.

The second example of a chicken-beheading ritual took place in Taichung 臺中’s City God temple at 2:00 p.m. on September 30, 1933. The events proceeding this ritual had to do with a tangled web of connections and interests involving an inheritance case. Following the deaths of the head of the city’s wealthy Lin family and his wife, their adopted and natural descendents, as well as other relatives, engaged in a bitter struggle for control of their assets which ended up in the local courts. When the father of one of the parties suddenly died of “pneumonia” on September 3 and was promptly buried the next day, suspicions of foul play arose. Eventually, the relatives gathered in Taichung’s City God temple, and beheaded three squawking chickens, again in the presence of a crowd of curious onlookers and

9 Despite the use of the term *gong* 公, *gongguan* 公館 appear to have been “public” only in a relative sense. In general, *gongguan* appear to have been the property of either landlords or sub-county officials such as *xiangbao* 鄉保 and *zongli* 總理. In some cases, tenants paid their rents at *gongguan*; other *gongguan* housed members of local militias (*tuanlian* 團練) and their weapons. Why the Ts’ai’s chose to make their oath at a *gongguan* 公館 is not clear. One possibility is that they were tenants of the same landlord, but further research will be necessary to solve this problem.

nervous representatives of the colonial government (this time a prosecutor, a clerk, a native interpreter, and numerous policemen) (増田福太郎 1996 (1942):97-100). I have yet to determine how the case was eventually resolved, but it provides a fascinating example of how Taiwanese practices of marriage and adoption studied by Arthur Wolf and other scholars could occasionally spark tensions which spilled into the realm of popular religion. Moreover, we again see ritual serving as a public means of dispute resolution, as well as the presence of local officials in this seemingly unofficial activity.

The remaining two cases of chicken-beheading rituals were actually witnessed by Masuda or his colleagues and acquaintances. The first took place in Tung-shan 冬山 township (in today's Yilan County). A running dialogue in Southern Min purporting to be the actual remarks of the people involved was transcribed using characters and romanization, and translated into Japanese by Masuda and an as yet unidentified individual named Kimura Teijiro 木村貞次郎. According to this account, Wang Pu-jen 王不仁 borrowed 50 yen from his friend Ch'en Yu-yi 陳有義 (the names may well be fictitious), but refused to return the money to Ch'en's widow after Ch'en's untimely death, claiming that he had already repayed it. The distraught woman and her only son Ch'en Yu-chung 陳有忠 immediately sought assistance from the ward chief (*baozheng* 保正; *hosei* in Japanese), but he stated that he was powerless to do anything because Ch'en had failed to keep a receipt proving he had loaned Wang the money. At that point, Ch'en's widow suggested going to Tung-shan's City God temple and performing a chicken-beheading ritual to determine who was telling the truth. The next morning, Wang, Ch'en's widow, and the ward chief went to the temple. After kneeling down and worshipping the City God, Wang proceeded to make his oath:

Lord City God, I live at number 20 in Tung-shan and my name is Wang Pu-jen. I'm currently 52 *sui* 歲. Last year I borrowed 50 yen from my elder brother¹⁰ Ch'en Yu-yi, which I returned to him last month. If [in fact] I didn't return the money, may I fail to live out the year, and not even regret the deaths of all my children and grandchildren, just like this chicken [beheads the chicken].

Ch'en's widow went next:

Lord City God, I live at number 15 in Tung-shan and I am Ch'en Yu-yi's wife. I am 50 *sui*. If my husband had indeed received 50 yen from Pu-jen may I have no descendants and die this year, just like this chicken [beheads the chicken].

Just twenty days later the ward chief spotted Wang madly running through the streets, babbling that he had lied and would now be willing to give 100 yen to Ch'en's widow to put the matter to rest. He also claimed to be fleeing from Ch'en's ghost, but his eventual fate remains unknown (增田福太郎 1996 (1942):58-83). Regardless of the overall veracity of this story, which in its emphasis on madness as a form of divine punishment resembles an account recorded in Amoy by the British missionary John Macgowan (see below), we can again see the tendency for people to rely on judicial rituals when all other means had failed or were perceived as ineffective.

The final example, which is also the one for which we have the best data, involved members of the Hsin-chuang and Taipei elites. The main participants were the plaintiff, Chang Ch'ing-hsi 張清溪 of the Chang family (originally from Hsin-chuang; later moved to Taipei) and the defendant, Yeh Chin-t'u 葉金塗 of the Yeh family (Taipei). Between 1913 and 1914, Chang's grandfather Chang T'ing

10 Whether or not Ch'en and Wang were sworn brothers is unclear.

張閉 had failed in a business venture, and in order to hide his remaining assets from creditors listed them under the name of his son-in-law, Yeh Chin-t'u. However, after Chang T'ing's death Yeh refused to return control of these assets to the Chang's and apparently used Chang T'ing's chop to conduct his own business affairs. The Chang's filed a lawsuit, but Yeh proved a formidable adversary, having made a fortune in the canning industry and amassed assets of well over 100,000 yen. The suit languished in the courts for years, until finally Chang Ch'ing-hsi and Yeh Chin-t'u agreed to participate in two chicken-beheading rituals to be held on the morning of May 10, 1933: the first near the Chang's original home at Hsin-chuang's Abbey of Ksitigarbha; the second near the Yeh's home at Taipei's famous City God temple, the Xiahai chenghuang miao 霞海城隍廟.

At 8:00 a.m. on the morning of May 10, four cars carrying Chang, his lawyer, and Japanese officials (including a judge, a clerk, and an interpreter) pulled up in front of the Abbey of Ksitigarbha. Two white chickens were trussed up along the sides of Chang's car. In an impressive display of support, two thousand locals had gathered outside the Abbey, and the police had to deploy officers there to keep order. However, Yeh failed to show up, and at 10:30 the Japanese judge phoned him and instructed him to appear. By 11:00 it had become obvious that Yeh was not planning to come, and so, after taking a photo to record the scene, Chang and the officials set out for Taipei's City God temple at 11:30. By the time they reached the site, they found that an unruly crowd of over three thousand people had gathered, whistling and yelling as soon as Chang stepped out of the car. After the police had restored order, Chang and Yeh finally strode inside the temple, made oaths of innocence, and beheaded the two chickens. Masuda's account reproduces a series of charges the Chang's had filed against the Yeh's in 1927, followed by this declara-

tion:

If the above facts are true, and the defendant [Yeh] refuses to admit this, may his entire family—male and female, young and old—perish and may his ancestors be demoted to “Dukes of Response” (Youying gong 有應公; in other words hungry ghosts).¹¹

If the above facts are false, and the plaintiff has filed a false plaintiff, may his entire family suffer the same fate, and his ancestors be demoted to Lords of Response (增田福太郎 1934:6, 1996 (1942):94).

Shortly after the completion of this rite, which appears to have turned out unfavorably for Yeh Chin-t’u, his wife, son, and daughter-in-law filed a document with the Taipei District Court declaring their refusal to recognize its efficacy due to the fact that it was “superstitious” (*mixin* 迷信) as well as a “debased custom” (*louxi* 陋習). The impact (if any) the above chicken-beheading ritual had on actual legal proceedings is as yet unknown, but in August of 1934 Chang Ch’ing-hsi won his case in court.

In considering the sociocultural significance of the chicken-beheading rituals described above, we should begin by recognizing that all four cases involve conflicts which could not be resolved by mediation, two of which had entered the legal system. Secondly, in terms of their geographic scope these cases cover the entire island of Taiwan, while in terms of social class they extend from farmers and workers to members of Taiwan’s urban elites. Thirdly, while the chickens were beheaded in front of the gods, they were not sacrificial items. After the ritual had concluded, their bodies were not cooked, offered to the gods, and then eaten but rather thrown away. In other

11 For more on this cult, see Harrell 1974; 高賢治 1989; 林富士 1995; 戴文鋒 1997; Thompson 1975.

words, the chickens resembled scapegoats rather than offerings, a problem I explore in greater detail in the paper's conclusion. Fourthly, all four rituals were staged in front of Taiwan's chthonic gods. In three examples, these deities simply witnessed the rite, but in the case of Wang Pu-jen the City God was thought to have acted as judge and executioner as well. Finally, representatives of the Japanese colonial government, including judges, clerks, police officials, and ward chiefs, were clearly not averse to attending such rites as witnesses. Their motives for doing so are as yet unclear, particularly as most (including Masuda) tended to view chicken-beheading rituals as a form of "superstition" (Tsu 1998). Future research will be required to elucidate this point, but it appears that such officials may have been motivated by ethnographic curiosity, or perhaps they thought that their presence would help prevent the rites from degenerating into actual violence.

Possible Origins of Taiwan's Chicken-beheading Rites

In the pages below, I present data collected during the past year pertaining to the historical antecedents of Taiwanese chicken-beheading rituals. The evidence gathered to date is largely sketchy and incomplete, representing just the initial phase of a long-term research project. Moreover, the means by which these rites actually spread from China to Taiwan may never be fully understood. Be that as it may, I hope that this information can aid us in further understanding the overall sociocultural significance of Taiwan's rites, as well as provide possible directions for future research.

Any attempt to trace the history of Taiwan's chicken-beheading rites would logically begin in the areas along China's southeast coast from which many Han Chinese migrated to Taiwan. It should thus

come as no surprise that the data from this region, especially the province of Fujian, indicate that temples there were frequently sites for both making oaths and doing so as part of a chicken-beheading ritual. Yao Han-ch'iu's study of popular customs in Fujian and Taiwan notes that in southern Fujian individuals suspected of theft were often hauled before images of judges (*panguan* 判官) and instructed to make oaths proclaiming their innocence. Then, someone hiding behind the image would move its right arm to point at the defendant, who if guilty would supposedly break down and confess (姚漢秘 1981: 120). The effectiveness of such rites in actually catching thieves is unclear. In addition, Michael Szonyi's path-breaking research on late imperial Fuzhou also shows that villagers there occasionally staged trials in the presence of the Earth God or other tutelary deities, and that the managers of their temples often served as judges (Szonyi 1999).¹²

Detailed accounts of chicken-beheading rituals in Amoy may be found in the writings of the British Presbyterian missionary John Macgowan. A member of the London Missionary Society, Macgowan journeyed to Amoy in 1863 and preached the gospel there while also travelling to other parts of China for over 50 years. In two books published during the early 1910s, he provides gripping accounts of chicken-beheading rites he witnessed at Amoy's City God temple.¹³ The accuracy of Macgowan's descriptions are open to some doubt, particularly since he fails to provide any information as to the actual dates these rites occurred as well as the names of the participants.

12 For similar data from other parts of China, see Duara 1988:138; Macgowan 1912:134-135; Wu 1988. Detailed accounts of religion and society in late imperial Fuzhou may be found in Doolittle 1986 (1865-1876); Szonyi 1995.

13 For more on this temple, see 陳耕, 吳安輝 1993.

Nevertheless, the data he presents largely conform to what we know about chicken-beheading rituals in Taiwan, particularly their links to unresolvable social conflicts, the fearful imprecations accompanying the rite, the grim consequences which could be visited upon the guilty, and the potential for local officials to become involved.

Macgowan's first account describes how one of two apprentices in a shop was accused by its owner of stealing one hundred dollars. The suspect promptly decided to file an indictment against the other apprentice who he suspected of having stolen the money, and so, with a large white cockerel in his left hand and the newly accused in tow, he led a throng of people to the City God temple. There, in the presence of the god, he hurled imprecations against the as yet unknown individual who had actually stolen the money. Macgowan records his words as follows:

Let his life be one long torture...May every enterprise in which he engages end in disaster; may his mother and father die and let him be left desolate...may he become a beggar with ulcered legs...may he never have a son...may madness seize upon him so that his reason shall fly and he shall be a source of terror to this fellow-men; and finally, may a tragic and horrible death bring his life to a sudden end, even as I bring to an end the life of this white cock [sic!] that I have brought with me [Beheads the cockerel] (Macgowan 1910:140).

The young man then took a previously prepared written indictment and burned it. The other apprentice remained silent during the rite, perhaps due to his own guilt feelings, for just two weeks after the conclusion of the rite his sister drowned and his family's fields were washed away in a flood. Eventually, the poor fellow went insane, and like Wang Pu-yi aimlessly wandered the streets muttering that ghosts were chasing him. His madness soon turned violent, and he had to be

restrained with ropes to prevent him from hurting himself or others. Finally, his distraught father somehow located or produced the stolen amount, and the assistant who had performed the chicken-beheading rite submitted a written petition to the City God in which he dropped the charges. The guilty party recovered shortly after the completion of this rite (*Ibid.*:140-145).

The second chicken-beheading rite Macgowan witnessed involved a wealthy man who had a considerable sum of money stolen from his home. When he blamed his assistant, the latter denied all knowledge of the crime and volunteered to bring a white cockerel to the temple of the City God and make an oath in the deity's presence in order to prove his innocence. This ritual differed from the one described above in that while the plaintiff also read aloud and burned a written indictment, this time the defendant solemnly proclaimed his innocence and declared his willingness to submit to any punishment the gods saw fit to inflict should he in fact be lying. After concluding by stating his willingness to suffer sudden death, the defendant beheaded the white cockerel he had brought with him. A few days after the ritual, the real culprit became so terrified at the thought of his impending doom that he found a way to return the wealthy man's money without revealing his identity. At this point, the plaintiff had to take the rather embarrassing action of appearing in public before the City God and withdrawing his indictment of the original defendant (Macgowan 1912:137-140).

Macgowan also provides an example of reckless oath-making which almost culminated in a chicken-beheading ritual. A wealthy individual had assumed possession of someone else's ancestral home when the family had gone through hard times, and refused to resell it to a family member who had earned enough money to buy it back. When this man filed a complaint with the local officials, the magis-

trate, who clearly sympathized with the family, decided to try the case in the City God temple. Once the trial had begun, the magistrate declared his inability to determine the rightful owner's identity, and suggested asking the god to decide. Messengers were sent out to purchase a white cockerel, and the ritual began. However, when the rich man began to list the imprecations to afflict himself and his family should he be caught lying, a scream was heard and one of his sons fell to the ground in a faint. At this point, the magistrate stepped forward and awarded the house to the family (*Ibid.*:140-142).

Chicken-beheading rites were also practiced among Overseas Chinese in Singapore, including immigrants from parts of southern Fujian. For example, an account published by W.G. Stirling in 1925 states that: "[the beheading of a cockerel] is a procedure which the Chinese only resort to in cases of the greatest importance, for many of them intensely dislike thus killing the cockerel...I have seen men turn livid and perspire when they have had to cut off a cock's [sic!] head on such occasions" (Ward & Stirling 1925 I:71; ter Haar 1999:164-165).

The above descriptions of chicken-beheading rituals are important for a number of reasons. For one thing, Macgowan's account of the reckless oath-maker again portrays local officials participating in the system of divine justice. Secondly, the texts specify that not any chicken could be used in these rituals; only white cockerels were acceptable. The Dutch scholar J.J.M. de Groot, who lived in Amoy not long after Macgowan's tenure there, does not specifically mention chicken-beheading rituals in his writings, but his mammoth six-volume study of Chinese religions uses both textual and field data to discuss the importance of cockerels (especially white ones) as symbols of *yang* power, and the use of the blood of cockerels in healing and exorcistic rituals (de Groot 1892-1910; ter Haar 1999:157, 183). Recent

research on late imperial Chinese women exposing their genitalia during battles and sieges in order to quell firearms (euphemistically referred to as the “Formation of the Yin Gate” or *yinmen zhen* 陰門陣) also indicates that opposing armies used the blood of cockerels in order to counter the effects of *yin* power/pollution with its *yang* vitality (蔣竹山 1998; Cohen 1997:128-134). Finally, it may also be significant that Macgowan’s first and third accounts mention sudden illness, especially mental illness, as a form of divine punishment, particularly since Wang Pu-ren, the guilty party of the Tung-shan chicken-beheading ritual described above, also ended up going insane. While the history of mental illness in China has yet to be fully understood,¹⁴ it does seem clear that from ancient times on certain types of behavior culturally defined as “abnormal” were frequently considered to be the result of either spirit possession or a form of punishment for wrongful deeds.¹⁵ Thus, it appears significant that certain areas of late imperial south China (especially in the province of Zhejiang) featured ritual trials of people considered insane, usually in the presence of the City God or the Emperor of the Eastern Peak (林用中, 張松壽 1936:8-11; 徐春雷 1994:199; 鄭土有, 王賢森 1994:177). I plan to explore this topic in greater detail in the future.

If we cast our nets even wider in search of evidence about the possible origins of chicken-beheading rites, we soon discover that similar rituals were also practiced by numerous non-Han peoples of southwest China well into the twentieth century. In a broad-based study of non-Han judicial rituals entitled *Shenpan* 神判 (*Divine Jud-*

14 This is not to deny the progress that has been made in our understanding of this problem. See for example Chiu 1981; Kleinman 1980, 1986; Ng 1990; Unschuld 1985.

15 See for example Cedzich 1995; Huntington 1996; Kang 1999; Ng 1990:48-59 Von Glahn 1991.

gement), the ethnologist Xia Zhiqian documents a wide variety of rites most commonly held at local Earth God temples ranging from oath-making to drinking the blood of animals as part of the oath (perhaps related to the blood covenants described below?) to trials of the flesh remarkably similar to the ordeals of medieval Europe and the Near East. One section of this book, which concerns the ritual killing or wounding of animals in the course of resolving conflicts, describes how some groups cut the forelegs off of dogs, while others beheaded or sliced open the necks of chickens (夏之乾 1990:29-39). One of the most detailed accounts of a chicken-beheading ritual concerns the Miao 苗 of Rongjiang County (Guizhou). When disputes over land or stolen property arose and all efforts at mediation had failed, the plaintiff and defendant would seek out the services of a ritual specialist (referred to in the text as a “ghost master” or *guishi* 鬼師, the term is probably an exonym) and gather at the local earth god temple. The specialist stood in the center of an open space, with the plaintiff and defendant taking up positions three meters to his right and left. Two stakes linked by a rope marked with string were driven into the ground next to the plaintiff and defendant (see Figure 1). When all was ready, the plaintiff would “gamble on an oath” (*duzhou* 賭咒), stating his or her version of the facts and concluding “If I have wronged him (the defendant), may I die in less than three months. If he really...[is guilty of the crime I accused him of], may he die in less than three months!” The defendant made a similar oath, following which the specialist grabbed a chicken produced by the plaintiff, proclaiming “Chicken! Chicken! Open your eyes! You know who is true and who is false. Find the one who has done wrong!” Then he would fatally cut the chicken in the neck with a knife. As the poor bird writhed on the ground, it would roll towards the plaintiff or the defendant. If it rolled past the string attached to the rope, the person

it approached was deemed guilty and forced to pay restitution (夏之乾 1990:31-32). This and similar practices resemble Taiwanese chicken-beheading rituals in the use of a fowl to resolve disputes. However, in terms of relying on an animal's ability to locate the guilty party, such non-Han rites also seem similar to ancient Chinese rituals involving butting goats (see below). Barend ter Haar has shown that other non-Han judicial rites such as the passage through a gate of swords (*jianmen* 劍門) had a strong influence on Triad groups, especially those which formed in the mountainous regions of southern and southwest China. (ter Haar 1999:167-170.)

Taoist priests and ritual masters who resided in Fujian and other parts of south China during the Song and Yuan dynasties also beheaded chickens in order to make oaths with the deities who both protected them and aided them in exorcistic rituals. The early fourteenth-century ritual compendium entitled *Daofa huiyuan* 道法會元 (TT 884-941; CT 1220) contains numerous examples of such rites, some of which have been discussed by Barend ter Haar in his new book on the Triads (ter Haar 1999:153-156). A Taoist specialist wishing to form an alliance with guardian deities (usually martial or thunder gods) would first pace the Steps of Yu (*yubu* 禹步), offer wine to the gods, chant spells, and burn charms. Then, taking a squawking cockerel in his left hand, the Taoist or ritual master would chop its head off and allow the blood to drip into a cup of wine, using his sword to mix the two substances together. Then he would make an oath stating his willingness to serve heaven by protecting the people and the nation and calling on the gods to send their armies to help in his cause. After completing the oath, the Taoist drank the "blood wine" (*xuejiu* 血酒). Cockerels were not the only animals used by Taoists; in some cases they also beheaded geese, sheep, and even eels. A few texts even describe Taoists as cut-

ting their fingers open and drinking their own blood (*Daofa huiyuan*, *juan* 8, 56, 57, 93, 97, 123, 137, 141, 152, 187, 188, 241; ter Haar 1999:154, 156, 158, 159, 202). These accounts may finally lay to rest scholarly misconceptions of Taoism as a religion consisting solely of Pure Codes (*qingyue* 清約) which vehemently opposed or even attempted to control local cults Taoist leaders condemned for their “licentious sacrifices” (*yinsi* 淫祀) and “bloody [= meat] offerings” (*xueshi* 血食).

The last possible antecedents to Taiwan’s chicken-beheading rituals to be discussed here are the oaths and blood covenants of ancient China, as well as ancient judicial rituals involving the sacrifice of a goat. Such rites, which are discussed in detail by Mark Edward Lewis in his seminal work *Sanctioned Violence in Early China*, could be performed in a number of circumstances, including forming alliances, resolving conflicts, or determining guilt. Lewis and other scholars have shown that the *Zuozhuan* 《左傳》 contains numerous examples of oaths performed before battles during which the gods were summoned to act as both witnesses and judges with the power to punish wrongdoers.¹⁶ In addition, their work also points to the importance of hundreds of blood covenants sealed through the collective drinking of the blood of a victim. Such rites, most frequently performed during the Spring and Autumn era, were usually intended to create or solidify ties among men. Blood covenants resembled oaths in invoking the gods or even ancestors to serve as witnesses who would punish any oath-breakers, yet also involved the slaughter of an animal, the victim usually being an oxen or a sheep. Archaeological and textual evidence indicates that the participants in blood covenants first purified themselves through fasting. The killing of the victim took place at an altar, following which its left ear

16 Similar oaths are found in the *Shang shu* 《尚書》, but are most likely fabrications.

was placed in one vessel and its blood in another.¹⁷ Blood was then sprinkled on the altar as a means of summoning the gods or ancestors, following which the text of the covenant was read. Each of the participants in the covenant then drank some of the victim's blood, or in other cases smeared the blood on his lips (*shaxue* 歃血). Covenants invariably included a curse on those who violated their terms, and it was also customary to perform a rite of "malediction" (*zu* 詛) after the covenant had been completed. The texts of these curses and maledictions do not seem all that different from the imprecations performed during chicken-beheading rituals. One passage in the *Zuozhuan* describing a covenant rite performed in 562 B.C.E. contains the following malediction:

If anyone violates these commands, may the guardians of reverence and covenants, the spirits of the great mountains and rivers, the collected heavenly spirits and spirits who receive sacrifice, the former kings and lords, and the ancestors of the seven surnames and twelve states destroy him so that his people desert him, he loses rank and clan, and his state and family are extinguished (Lewis 1990:47-48).¹⁸

Oaths and blood covenants (including the smearing of a victim's blood) continued to be performed among China's Han and non-Han peoples well into the late imperial era, although the choice of victims seems to have expanded over time. For example, one account in the *Hanshu* 《漢書》 describes how prisoners set free by Wang Mang 王莽 to fight on his side drank the blood of a pig while performing a blood covenant ritual (*Hanshu*, 99.4190). Late Yuan and early Ming blood

17 Lewis points out that it was customary to cut off the left ear of enemies killed in battle; see Lewis 1990:46.

18 For more on ancient blood covenants, see 白川靜 1983; 尙秉和 1991; 陳昭容 1993.

covenants, including those performed by the Maiteyist rebel leader Liu Futong 劉福通 and the future Ming emperor Zhu Yuanzhang 朱元璋, featured the sacrifice of a white horse (representing Heaven) and a black ox (representing Earth). Ming-Qing rebels like Deng Maoqi 鄧茂七 also used these animals in blood covenants (ter Haar 1999:157). However, data on the Triads and non-Han groups in southwestern China indicates that the animal of choice for these rites appears to have been the cockerel (Ownby 1996:39-41; ter Haar 1995:31, 32, 35 & 1999:151-203; 夏之乾 1990). For example, Xie Zhi 謝志, a pupil of the Triad leader Lin Shuangwen 林爽文, sacrificed a cockerel and instructed his own pupils to pass through a gate of swords as part of a blood covenant performed in Taiwan in 1790. Triad leaders in Guangdong and Guangxi also used cockerels in blood covenants performed during the 1820s (ter Haar 1999:181-189).

Although blood covenants and maledictions are best known for their links to alliances, scattered evidence also indicates that such rites could be performed to resolve legal disputes. Chinese and Japanese historians frequently cite a passage from the *Rites of Zhou* (*Zhouli* 《周禮》) stating that if legal disputes occurred the parties were to publicly perform covenant and malediction rituals (*mengzu* 盟詛) using victims to be supplied by their neighbors. The *Zuozhuan* also records an incident which took place in 712 B.C.E. when the state of Zheng attacked the state of Xu. Two officers quarreled over a chariot, with one taking advantage of the chaos of battle kill his rival. Nobody actually witnessed the murder, but in order to find the guilty party the Zheng ruler ordered his troops to kill pigs, dogs, and chickens in a malediction rite aimed at destroying the killer (白川靜 1983; 尙秉和 1991:302; 晁福林 1995:23-24). The *Book of Odes* (*Shijing* 《詩經》) also contains a poem describing the use of these three animals in malediction rites (晁福林 1995:24).

Other ancient texts describe the use of butting goats or other horned animals to locate wrongdoers. For example, the Han scholar Wang Chong (王充 27-109) recorded in his *Lunheng* 《論衡》 a legend about Gao Yao 皋陶, a minister of the sage-king Shun 舜, who asked a single-horned animal known as a *xie* 獬 or *xiezhi* 獬豸 to butt the guilty party in cases where he proved unable to resolve disputes (Ch'u 1961:210; 黃展岳 1986; 白川靜 1983).¹⁹ Lewis makes the interesting observation that Gao Yao was also the reputed ancestor of the Qiang 羌, a generic exonym applied to peoples of the areas to the west and northwest of the Han Chinese heartland who worshipped the goat as a totemic animal (Lewis 1990:198).²⁰ Images of *xiezhi* were frequently sewn or embroidered on the robes of judicial officials from the Han dynasty on (黃展岳 1986:18).

The *Mozi* 《墨子》 also contains an account of divine justice which occurred in the state of Qi (which had links to the Qiang). When two sons of an official became embroiled in a legal dispute which dragged on for three years, the exasperated ruler of Qi ordered them to produce a goat and engage in a covenant ritual at the Qi *she* 社 altar. The goat's neck was then cut open, and the sons ordered to read their oaths of innocence aloud. The goat lay still during the reading of the first son's oath, but before the second son had gotten halfway through his text it jumped up and butted him. The son was executed on the spot (白川靜 1983; 晁福林 1995:23; 黃展岳 1986:17). The use of a sacrificial animal to determine the guilt of two parties involved in a dispute reminds one of the non-Han chicken-beheading rituals de-

19 These scholars have shown that *xiezhi* could also be written using the characters 解廌, the latter of which was a component of the ancient character for law.

20 It is interesting to note that female Qiang slaves could be sacrificed in the course of non-Han gate of swords rituals; see ter Haar 1999:168.

scribed above, although any possible links between these rites remain unknown.

Concluding Remarks

The evidence presented above has shown that Taiwanese chicken-beheading rites are not unique special cases; instead, they constitute an important component of a complex system of divine justice which spread among both Han and non-Han peoples of China and Taiwan from ancient times to the present day. Although such judicial rites vary in terms of their historical development, all seem to center on a central theme—the pursuit of fair and impartial justice, an ideal which appears not only in judicial rituals but also numerous works of literature and drama.²¹ Even today, the popularity of the Taiwanese TV series entitled *Bao Qingtian* 包青天, which is about the renowned Song-dynasty Judge Bao, can be partially attributed to this factor. The ideal of fair and impartial justice was rarely realized in practice though, and this may have prompted many men and women to take their disputes to temples housing chthonic deities like the City God and the Emperor of the Eastern Peak. Even in modern-day China and Taiwan, fear of the judicial powers that chthonic deities possess remains real and profound. Numerous temples to such deities contain murals or sculptures vividly portraying the tortures wrongdoers could expect to face in the underworld, as well as gripping images of the judges and lictors responsible for the administration of divine justice. Some temples to chthonic deities even display large abacuses in order to represent the accuracy with which the gods could calculate one's good and evil deeds. Others have placards bear-

21 See for example Hayden 1978; Johnson 1989.

ing the words “So, you [too] have come [to be judged]!” (Ni/er [ye] laile 你／爾[也]來了) (Duara 1988:12; 林明德 1995; 呂理政 1992:23). One moving inscription composed in 1847 which expresses both the fear and awe people felt for these deities may be found in Tainan’s City God temple. A portion of it reads:

...I ask you, what have you done during your lifetime? Grasped at other peoples’ wealth, ruined their lives, fornicated with their women, destroyed their ethics...When you come here, all injustice will be requited. Reduce your lifespan! Destroy your possessions! Annihilate your descendents! Punish your licentiousness! Open your eyes, fear ye not? Of all those violent and vicious [souls who have come here], how many can escape [their fate]? (呂理政 1992:24).

Despite the fact that some works of literature have portrayed the chthonic bureaucracy as corrupt, the rituals described above were predicated on the notion that this system provided better justice than its earthly counterpart. Ch’en Yu-yi’s widow, the wrongly accused shop assistant, the Chang’s of Hsin-chuang, members of the Guizhou Miao and many others placed their faith in judicial rites and the chthonic bureaucracy they invoked. Macgowan provides this moving description of a man who filed an indictment in Amoy’s City God temple against a younger brother who had cheated him out of his inheritance: “[His farm and home] were irretrievably lost to him, but he had the satisfaction of having, as he believed, set in motion a power that would never rest or sleep until it had executed dire vengeance on the man who had wronged him” (Macgowan 1912:134-135). One could also consider the case of Peasant Shen discussed by Philip Kuhn: tormented and cheated by the sons of his deceased older half-brother, Shen did not go to the authorities but filed a complaint with the chthonic bureaucracy by burning a yellow paper peti-

tion in his temple (Kuhn 1991:3).

Not only commoners but members of the elite and even officials participated in such rites. Evidence for local officials like the renowned Wang Huizu 汪輝祖 (1731-1807) approving of or even taking advantage of trials in temples appears in many late imperial sources, yet is only occasionally mentioned by scholars researching legal or religious history.²² In Taiwan, prosecutors have been known to occasionally haul handcuffed suspects into temples such as Hsin-chuang's Abbey of Ksitigarbha and then proceed to file indictments in the presence of the Lord of the Hordes and his minions. In one famous case, an arsonist from Pan-ch'iao confessed to his crimes after local prosecutors performed an indictment ritual at the Abbey and was eventually convicted after a trial. The TV actress Pai Ping-ping 白冰冰 also filed an indictment with the Lord of the Hordes against the three men accused of kidnapping and brutally murdering her teenage daughter. Members of the temple committee followed the police investigation with intense interest, and crossed out photos of the felons on a wanted poster pasted in the temple as each was arrested or killed (康豹 1998:147).

Apart from the yearning for divine justice, the presence of threatened or actual violence represents another important facet of many Chinese judicial rituals. In particular, the slaughter of animal victims appears highly significant because most judicial rituals did not feature the sacrifice of the victim to the gods or ancestors, the only possible exceptions being the blood covenants and goat butting rites of ancient China. I would argue that the animals killed during judicial rites may have served as scapegoats for the parties involved in disputes, and perhaps even the entire community. Cultures through-

22 See for example Ch'ü 1961:212-213; 郝鐵川 1997:145, 149; 譚棟華 1997:6; Wu 1988.

out the world feature rituals involving the ritual death of a substitute or scapegoat to which polluting forces have been transferred, and many scholars interpret such rites as poorly disguised attempts to relieve social tensions and/or divert the wrath of the gods (Henninger 1987a, 1987b). In a stimulating treatment of ritual violence, the French scholar Rene Girard maintains that violent tendencies which would tear a community apart are redirected onto defenseless surrogate victims during rituals (Girard 1979). Practices such as chicken-beheading, which feature the violent deaths of animals as part of an attempt to prevent outbreaks of violence between plaintiffs and defendants, appear to fit Girard's ideas. It is also important not to forget the very real threat of violence which could occur if disputes were not resolved quickly and effectively. Late imperial courts were infamous for torturing defendants and even on occasion plaintiffs, while other cases which never made it to local courts ended up degenerating into vigilante justice, euphemistically referred to in Chinese as "private punishments" (*sixing* 私刑). In Fujian and Taiwan, for example, people accused of stealing who never had their cases heard by human or divine judges could be have their tendons cut, hung by ropes and beaten, or force-fed excrement, while accused rapists were often buried up to the neck and left to die (Macgowan 1912:167-168; 片岡巖 1981 (1921):61-68). Kuhn's research on soulstealing (*jiaohun* 叫魂) panics during the eighteenth century also cites numerous examples of alleged sorcerers being brutally lynched by angry mobs before officials had a chance to try their cases (Kuhn 1991; see also ter Haar 1992:173-195, 263-281).²³

The intimate relationship between ritual action and social conflict in the examples discussed above also suggests that judicial rit-

23 Philip Kuhn's *Soulstealers* has recently been translated into Chinese; see Kuhn 1999.

uals may represent a Chinese variant of the rites of affliction and social dramas studied by the English anthropologist Victor Turner (1920-1983). According to Turner, rites of affliction are redressive rituals performed during the third stage of social dramas, a term Turner coined back in 1955 to describe the conflicts and attempts at their resolution he had witnessed during fieldwork among the Ndembu (Grimes 1985, 1990; E. Turner 1985:4-5).²⁴ Turner emphasized the fact that while rites of affliction appeared to be addressing so-called “mystical causes” of calamities, they also reflected and in many cases even brought to light various social conflicts plaguing Ndembu society (Turner 1968).

While Victor Turner composed detailed descriptions of Ndembu rites of affliction in the early stages of his career, perhaps his clearest and most concise analysis of such rituals (including their performance in non-tribal societies) may be found in his later works, particularly a posthumous collection of essays entitled *On the Edge of the Bush* (1985). Two stimulating essays in this work, entitled “Images of Anti-Temporality” and “Conflict in Social Anthropological and Psychoanalytical Theory,” clearly demonstrate that rites of affliction feature a strong element of reflexivity, and that the community examines its moral condition through ritual actions which allow expressions of anger or resentment against others. Rites of affliction thus represent an emotional attempt to confront and deal with the wounds created by social conflict and competition through a process of seeking reconciliation between both the living and the spiritual world, as well as among the living (Turner 1985:124, 132, 232-235). While it would be ill-advised to uncritically apply Turner’s theories

24 Social dramas consist of four distinct stages: 1) Breach (in the norms of community life); 2) Crisis; 3) Redressive or remedial procedures; and 4) Outcome.

to all the examples described, it does seem possible that the idea of rites of affliction addressing both ritual and social needs might be fruitfully employed in future research on judicial rituals in China and Taiwan.

Despite the difficulties involved in formulating a consistent theoretical framework for analyzing all Chinese judicial rituals, it should now be readily apparent that they played a major role in the social and legal history of late imperial China and modern Taiwan. Therefore, judicial rites performed in temples should be treated as part of the premodern Chinese legal system, and as such studied together with other means of dispute resolution such as private mediation and actual trials in the magistrate's yamen (and occasionally in temples as well; see above). Temples had the potential to play a key role in disputes and attempts at resolution because they constituted both an important public space and a focal point of sub-ethnic, native place, and commercial identities. As such, temples were sites not only for resolving but at times also exacerbating disputes between different groups or between state and society. Recent research on Chinese urban history has shown that violent and non-violent protests were frequently organized and staged at temples, particularly those dedicated to the City God, and that ritual action (including judicial rites involving the indictment of officials or local elites) provided a key means of expressing resistance to the authority of the state. When we turn our attention to rural China, we also find evidence for bondservants and tenant farmers indicting landlords or other members of the local elite at public temples (Wu 1988).²⁵ In parts of southeast China and Taiwan, sub-ethnic feuding and other forms of violence often centered on temples and their festivals, although we have yet to

25 See for example Goodman 1995; Rowe 1989; 巫仁恕 1998.

determine whether or not judicial rites played a role in these incidents.²⁶ The significance of temples in disputes and conflict resolution was in large part due to their public nature and the fact that they made up a part of what Prasenjit Duara has termed a Chinese “cultural nexus of power”: a complex web of hierarchical organizations (lineages, marketing systems, temple cults, irrigation communities, etc.) and informal networks (usually based on interpersonal relations) through which late imperial and modern elites attempted to assert their dominance over local society (Duara 1988).

On a broader level, the importance of both rituals and temples in Chinese legal and social history has far-reaching implications for the debate over whether or not late imperial and modern China developed a civil society or public sphere. These two concepts, based largely on the work of the German philosopher Jurgen Habermas and its recent reinterpretation by sinologists, are generally used to refer to a public space open to both state and society where ideas and values could be formed and transmitted.²⁷ Although it might seem a bit odd to discuss civil society and the public sphere in a paper about Chinese judicial rituals, my main reason for considering this problem is that many scholars on both sides of this debate have generally ignored or underestimated the significance of religion in Chinese public life. This may in part be an unintended result of a desire on the part of some scholars to show that China possessed a public sphere similar to that of modern Europe—one in which religion was considered to have played a largely insignificant role. As a result, the public nature of many Chinese temples and related ritual activities does not find a

26 See for example Faure 1986; Lamley 1981; Ownby 1996.

27 For more on this issue, see Brook & Frolic 1997; Habermas 1989, 1995; Huang 1991, 1993; Rankin 1986; Rowe 1990, 1993; Schoppa 1982; Strand 1989; Wakeman 1993.

place in the arguments of most scholars who have published on this topic; even those scholars arguing against the application of Habermas' ideas to Chinese society tend to overlook this point. I should emphasize that the goal of this paper is not to show whether or not modern Chinese society possessed civil society or a public sphere that conforms to the concepts advanced by Habermas. At the same time, however, it would be a serious mistake for historians and social scientists to ignore the fact that one of the most important realms of public activity in late imperial and modern China, not to mention Chinese communities in Taiwan, Hong Kong, Southeast Asia and the West has centered on public temples and their rituals. This means that any discussion of civil society or the public sphere in China should not be considered complete until it has taken into the account the critical role of religious activities in Chinese public life.²⁸

Based on the evidence presented above, I would argue that public temples represented an important part of what Philip C.C. Huang has termed China's "third realm"—a form of public space situated between state and society in which both interacted. Huang argues that while China may not have possessed a public sphere in Habermas' sense of the word, the idea of a third realm located between state and society can be of considerable value to scholars studying Chinese social history. However, despite the fact that the theoretical parts of Huang's arguments are highly convincing, his attempt to locate the third realm pays too little attention to the importance of popular religion. For example, Huang argues that during the Qing dynasty one form of the third realm lay somewhere between the for-

28 For more on this problem, see Brook 1993; Dean 1998; Duara 1988; Faure 1986; Katz 1995a; Szonyi 1999. See also the papers by Myron Cohen and David Faure included in this collection of essays.

mal state-run legal system and informal customary practices for dispute resolution, providing a means for people to resolve difficult legal disputes (particularly civil cases) before turning to the state legal system. This analysis, which appears in his later works on civil justice as well as the writings of some of his students (see note 3), helps us better in conceptualizing Chinese public spaces but largely ignores the fact that many people in late imperial China and modern Taiwan relied on judicial rituals to resolve disputes, including civil ones.

The above and similar cases of benign neglect of religion's role in late imperial and modern Chinese public life may in part be due to modern historiographical conceptions of "social history" as a discipline which excludes the study of religious activities, as well as a tendency of scholars in "religious studies" to focus on doctrine instead of practice. However, the data discussed above reveals that it might be time for scholars of Chinese society to conceptualize the object of their study by using a definition which is grounded not on the modern Chinese term *shehui* 社會 translated from Meiji-era Japanese but instead the traditional *shehui* or "association of the *she* altar", a socioreligious association dedicated to the earth god or other local deities which served as a vital force undergirding a diverse range of social activities, including the pursuit of justice.

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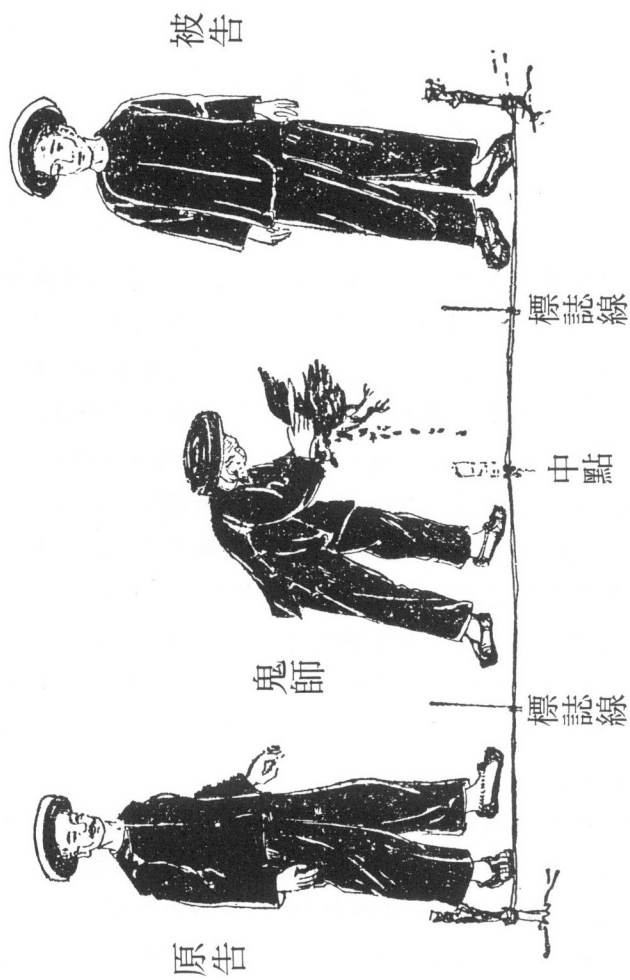
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Figure 1 — A Chicken-beheading Ritual among the Miao



Xeroxed from 夏之乾 1990.

漢人社會的神判儀式初探： 從斬雞頭說起

康 豹

摘 要

李亦園先生曾經發表過一篇有關「斬雞頭」的短文（民國 66 年 10 月 13 日，《聯合報》），其中提及在選舉期間，有一些候選人爲了表示自己的清白，手裡拿著一隻活公雞，而在民眾面前發誓：「自己若有不當的行爲，就會有如這隻雞一樣，身首異處，或者遭到天譴。」然後一刀將雞的頭斬斷。李文引用英國學者佛萊則（James Frazer）的名著《金枝篇》中提出的「相似律」（Law of similarity），認爲臺灣選舉期間所見的斬雞頭，即是「相似原則」的巫術（或儀式）。由於拜讀李先生大作的啓發，筆著遂對此一題目產生很大的興趣。我認爲斬雞頭可以說是一種「神判儀式」。所謂的神判儀式，是指人們無法確定某一個有理或無理，乃至於有罪或無罪時，祈請神明裁決的儀式。中國漢人和非漢人的社會中，存在著各式各樣的神判儀式。在東南沿海地區和臺灣漢人社會裡，最主要的神判儀式就是「斬雞頭」、「放告」（又叫做「告陰狀」）和「審瘋子」。

本文主要是對在中國南方和臺灣的三種神判儀式，做一概括性的討論，至於更進一步地、或是區域性的深入探討，則有待日後的努力。當然，要作概括性的討論，一定會遭遇到一些困難，因爲這些神判儀式有區域性的差異，也隨著時間的不同而有所變易；此外，大部分的史料係出自當時文人、官吏之手，而他們對儀式的理解和舉行儀式者未必一致。雖然如此，筆者希望藉著這樣一種概括性的討論，能有拋磚引玉的效應，以豐富這方面的研究。

關鍵詞：斬雞頭、神判儀式、告陰狀、審瘋子、受難儀式