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# Perspectives on the Yi of Southwest China

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## CHAPTER 6

Homicide and Homicide Cases  
in Old Liangshan*Qubi Shimei and Ma Erzi*

Everybody who has done research on Yi society knows that in old Liangshan there was no organization holding coercive power and no military, police, courts, or jails to enforce social control, but nevertheless members of the whole society both strictly preserved internal social order and maintained social control in an orderly manner. What methods were used to effectively control social order and preserve it for hundreds or thousands of years? Few articles have discussed or investigated social control in Liangshan before the Democratic Reforms, and most of them have looked at this question from the standpoint of classes and social strata. Furthermore, although some of these articles have mentioned clan customary law, most have treated the issue only superficially.

This essay will examine customary laws used to settle cases of homicide within the patrilineal clan, along with a few case histories, in order to explain the stabilizing function of such customary laws in old Liangshan Yi society.

## INTERNAL CLAN HOMICIDE CASES

Nuosu call homicide *coquo*, which means "smashing a person." Customary law defined a whole set of rules for settling homicide cases, which in Nuohxo are called *coquo dijie*, meaning "laws for settling homicide cases." These can be divided according to kinship relations into laws that settle cases of killing a clan mate, an affine, a woman, a maternal nephew, a husband or wife, or a nonrelative. According to occupation, they can be divided into laws that settle cases of killing a *ndeggu* (mediator), a *bimo* (priest), or a *jjojo* (ordinary person). Homicide laws can also be divided according to social stratum into those that govern cases of killing an *nzymo*, a *nuoho*, a *quho*, a *mgajie*, or a

*gaxy*. The judgment of and punishments for killing vary according to social circumstances. According to customary law, homicide includes not only deliberate killing but also causing someone to die by negligence, as well as causing someone, as a result of a quarrel, to use one of various methods to commit suicide, such as taking poison, hanging oneself, jumping into a river, or jumping off a cliff. The rules for settling a murder of someone within the clan are the most thorough, with absolutely no contingencies left unconsidered and no room for anyone to alter the methods of settlement.

Historically, it was absolutely necessary to carry out these laws according to a strict standard of justice. These were different from other kinds of homicide cases, in that other cases had definite temporal and spatial constraints on their settlement, and more lenient results could be sought through employing the power of the clan as a group or through various economic measures. Even those guilty of the most serious types of homicide could, if they had power or money, arrange a behind-the-scenes way to be spared. Homicides internal to the clan vitiated the usefulness of power or money and transcended the limits of space and time. It was just as the Nuosu proverb said: "Anyone who on earth has killed a clan mate will not be received in heaven by the ancestral spirits."

In the process of determining the legal rules for settling an intraclan homicide according to Liangshan Nuosu customary law, people did not think systematically about the justice of the rules. Nuosu believed that as long as they employed the principle of "those who hold the child do not cause the child to cry," that was satisfactory. When homicide occurred among members of the same clan, and a settlement was reached through negotiation between the close relatives of the killer and the victim so that there was no further trouble, then afterward people would naturally respect this method of settlement. Like a legal precedent, it would be transmitted from generation to generation and would gradually become a general and systematic rule. This is what is meant by the Nuosu proverb "If there are no precedents, how can there be legal rules?" In many respects Nuosu in Liangshan did not settle cases according to concrete legal statutes, but rather settled them according to like precedents. Still, the application of such precedents gradually extended until they became habitual customary laws or compacts, which everyone was compelled to obey through customary, moral, and religious strictures.

Liangshan intraclan homicides were divided according to their severity into *anuo*, *azzi*, and *aqu*: respectively, "black," "colored," and "white." Black refers to very serious cases, colored to semiserious cases, and white to not serious cases.

*Black Cases*

Cases of clan mates who, due to lack of respect for each other or for other people's lives or safety during quarrels or other discussions of differences,

deliberately killed other members of their clan were black cases. Among these, if we divide them according to the method of killing, the most serious of all involved bashing with a rock, hitting with a club, or using metal tools or other blunt instruments to beat someone to death. These were called "jet black beating to death." Using a gun or knife to kill was the next most serious, called "blood-dripping killing." In black cases, all that could be done was to give the killer a time limit in which to take his own life. Before he died (most killers were male), it was impermissible to hit him or kill him or even to insult him. Close relatives and friends were to use gentle words to encourage him to kill himself: "The crime that you have committed, which shakes the heavens, was perhaps brought about by evil spirits from heaven. Even though the ultimate blame for the wrong lies with heaven, the two hands that perpetrated the crime are yours, so the life that has to be taken in return must be yours. Go ahead, don't be afraid—the ancestors have made the rules and the descendants have to follow them. Only this way are you a wise person, and otherwise you will have sullied the souls of the ancestors, as well as ruined the face of their descendants." As they were urging him, his close relatives and friends also prepared fine food for him, called sendoff feasts. When the time came, he could choose his own method of death—poisoning or hanging. When he died he was cremated immediately, without any solemn funeral proceedings. If he was not willing to kill himself to replace the life of the slain, clan mates would continuously urge him to kill himself, while at the same time keeping watch over him, offering him deadly poisons, ropes, and other means of committing suicide, until he finally capitulated. If he fled for his life and there was no means of capturing him and bringing him back, all nearby clan members were brought together, and a religious ceremony was held to expel him from the clan. All his property was confiscated and distributed among the close relatives of the deceased and other clan members.

If the killer was an only son, and his parents were already past reproductive age, and he was either unmarried or without sons, and he was not willing to kill himself, claiming destitution, in a few cases the death penalty could be voided by a meeting of clan members, and blood money paid as a penalty instead. Every clan had its own specific standards for blood money; there was no universal level for all of Liangshan. There were local and social stratum differences. Even so, the amount of blood money paid in compensation was basically the same everywhere and had to come entirely from the murderer's direct relatives, with no contributions allowed from other clan members.

For all of Liangshan, the commonly paid amounts of blood money in a black case varied according to stratum. A *nuoho* killer was required to provide three large pieces of good land, three large households of agricultural slaves, a horse to carry the ashes, a person to carry the ashes on his back,

and a piece of silk to wrap the ashes. In addition, the blood money for the dead man was 1,700 ounces of silver, with an additional 1,200 ounces to the victim's mother's brother's family. A horse went to the victim's father's mother's brother's family. If the victim had children, they were to be provided with economic support while they were young; if they were unmarried they would receive money for bride-price and dowry. The price for hiring a *bimo* to exorcise evil spirits and send the soul on its way was 9 ingots of silver.

After all the above-mentioned compensation was paid, the killer knelt on the ground and used a drinking vessel made of a pig's foot or an ox or ram's horn to drink to the close relatives of the deceased. After the settlement was made, the killer and his generation could not live together with the other members of the clan, but had to move to a place near their mother's brother or to some other place. Nuosu called this "having enmity with their own clan, and so living with the mother's brother." After the killer died, if his children wanted strongly to return to the original clan home, recover their original clan membership, and receive the protection of the clan, they could do so—if they obtained the permission of the leaders and elders of the clan who discussed the matter—after undergoing a solemn religious ceremony. They would ask a *bimo* to perform the ceremony of "exorcism and reconciliation of a parricide," kill an ox, buy some liquor, offer them to the clan members living in the original home, and give some money to the relatives of the original crime victim; this was called drinking reconciliation liquor, eating reconciliation beef, and giving reconciliation money. Only after these procedures were carried out could the children of the killer be restored to their full clan membership. Otherwise it was said that misfortune would come to both sides. At the same time, the relatives of the original victim could still seek revenge, because in Nuosu thinking, the saying "If the grandson is strong, he will avenge his grandfather" describes a dignified way to behave. However, through the performance of religious ceremonies of reconciliation, people could eliminate this layer of enmity left by previous generations.

The blood money paid for a black-case homicide in a *quho* clan was a little bit less than that paid by *nuoho*. Usually the killer was required to provide 1,700 ounces of silver, a horse to carry the ashes, a man to carry the ashes on his back, and a piece of silk cloth to wrap the ashes. In addition, he gave 1,200 ounces of silver to the victim's mother's brother's family and a horse to the victim's father's mother's brother's family. If there were small children, he was required to give enough money to cover the cost of raising them, and if there were children not yet married, to contribute to wedding expenses. When a *bimo* was called to read scriptures to send off the soul of the deceased, he was given 9 ounces of silver. The murderer would kneel on the ground and, using a cup made of a pig's foot or an ox or ram's horn, drink individually to each relative of the victim and to each member of the ascending gen-

eration who was present. Members of the murderer's own generation were not allowed to live in the same place as the rest of their clan, and had to move to a place near their mother's brother's clan or to some other place. After the murderer died, if his children had a strong desire to return, they would have to seek general agreement, and then kill an ox of reconciliation, drink reconciliation wine, and pay reconciliation money before they could restore their original clan membership.

#### Colored Cases

If members of a clan ordinarily had no disputes between them, but one slipped unintentionally—for example, if a gun went off accidentally, or if one killed another accidentally during a battle, or if while working one rolled a rock or felled a tree that killed a fellow clan member, or if after a quarrel one committed suicide by jumping off a cliff, hanging himself, jumping into a river, or taking poison out of spite—then the perpetrator was guilty of a colored case. In a lot of colored cases, the perpetrator killed himself voluntarily at a time he himself decided, but generally not more than a month after the original death. During this time relatives and close friends could entertain him as much as they liked and encourage him to visit friends and relatives and to call together relatives and friends to make a parting statement. Everyone would praise his resolution and call him a man of courage. If the victim had said any last words expressing the fact that the two sides were the best of friends or exhorting the members of the clan to exercise lenient treatment or not to pursue the affair, then a meeting of the clan could authorize the loosening of certain conditions. But usually someone who had previously had this degree of closeness with the deceased would be determined to follow his friend to death without hesitation, so there would be no need for anyone to apply customary law.

If someone guilty of a colored-case killing did not want to take his own life, then usually the members of the clan would not coerce him to commit suicide, and he could pay blood money to compensate for the death. But in a case like this, people would not respect his actions. The amount of blood money paid varied from place to place and clan to clan. In general, among Nuosu in Liangshan there were two kinds of situations, as the following describes.

First, in a case of accidental death of a clan mate among *nuoho* living in the core areas of Liangshan, the blood money was 1,700 ounces of silver, plus the killer provided a horse to carry the ashes, a man to carry the ashes on his back, and a piece of silk to wrap the ashes. In addition, 1,200 ounces of silver went to the victim's mother's brother, a horse to the victim's father's mother's brother, and 9 ingots of silver to the *bimo*. The killer would pay a portion of the cost of animals sacrificed at the funeral. The blood money for

a person who killed himself by jumping into a river or off a cliff in consequence of a quarrel was 1,200 ounces of silver, along with 900 ounces for the mother's brother's family, a horse for the father's mother's brother's family, 9 ingots for the *bimo*, and a portion of the cost of animals sacrificed at the funeral. The blood money for one who took poison or hanged himself was 900 ounces, along with 700 for the mother's brother's family, a horse for the father's mother's brother's family, 9 ingots for the *bimo*, and a portion of the cost of sacrificial animals. For a poisoning, one horse was added to the penalty.

The blood money for a colored case among the *quho* stratum in the core areas was 1,200 ounces of silver, plus the cost of a horse to carry the ashes and a man to carry the ashes on his back, 900 ounces of silver for the mother's brother's family, a horse for the father's mother's brother's family, 9 ingots for the *bimo*, and part of the cost of funeral sacrifices. For one who killed himself by hanging, taking poison, or jumping off a cliff, the blood money was 700 ounces, along with 500 ounces for the victim's mother's brother's family, a horse for the father's mother's brother's family, 9 ingots for the *bimo*, and a portion of the cost of sacrificial animals at the funeral. Another horse was added in cases of poisoning.

In the second variant for colored cases, the accidental killing of a clan mate among *nuoho* in peripheral areas where the Nuosu were in contact with other peoples, the blood money was 1,200 ounces of silver, along with 600 ounces for the victim's mother's brother's family, 9 ingots for the *bimo*, and a portion of the cost of the funeral sacrifices. For one who committed suicide by taking poison, hanging, jumping into a river or off a cliff, the blood money was 600 ounces, along with 300 for the victim's mother's brother's family, 9 ingots for the *bimo*, and a portion of the cost of the funeral sacrifices. Hanging added an extra horse. For *quho* in these areas who accidentally killed a member of their clan in a colored case, the blood money was 600 ounces, along with 300 for the mother's brother's family, 9 ingots for the *bimo* and a portion of the cost of funeral sacrifices. For a suicide who jumped into a river or off a cliff, took poison, or hanged himself, the blood money was 300 ounces, along with 150 to the mother's brother's family, a *bimo's* fee of 9 ingots, and a portion of the cost of funeral sacrifices. Suicide by poisoning added a horse to the compensation.

#### White Cases

These usually referred to cases in which an individual committed suicide by jumping into a river or off a cliff, took poison, or hanged himself, and in which—even though no particular clan mate was directly implicated in provoking the suicide—a certain clan member might have indirectly participated by maligning or insulting the victim or by some other activity. The regula-

tions for settling white cases were generally the same across areas and social strata: compensation was usually a horse, a vat of wine, and hosting a feast for the relatives, for which the perpetrator sacrificed an ox or a pair of sheep; after this it was considered settled.

## CASE HISTORIES

### *Cases in Nuoho Clans*

In the Hxobulieto area of Meigu there was a man named Aho Gezuo Lahxa. Ordinarily he cared for nobody, and he was known for selfish behavior, which gradually developed to the point where he traveled around irresponsibly creating trouble, causing his close relatives to apologize right and left, pay fines left and right, and be extremely ashamed of his behavior. One time he was dragged back home by his nephew Aho Tidu Lati, who used iron fetters to lock him up in his house, where people had the idea that they could gradually educate him and cause him to give up his bad habits and become a moral person again. But a few days later, he took advantage of his attendants' lack of attention and managed to secretly unlock the fetters and flee. When he was discovered by Tidu Lati, and Lati yelled at him to come home again, he did not listen. Lati chased him but could not catch him, and in anger took up his gun and shot him dead.

Leaders of the Aho clan quickly gathered at the scene from all over. At their meeting they decided, after going over all angles of the case, that Lahxa's misbehaviors were real, but that an action must be requited with a like action, and a death with a death. They determined that for Lati, a member of a younger generation, to shoot to death his uncle Laha should surely be classified under the precedent of "plucking the feathers to kill the bird," and for this reason Lati would have to compensate with his life. When this decision was made, Lati was unwilling to commit suicide and he immediately fled. All the members of the clan chased him, but they were unable to catch him and he got farther and farther away from them. They decided they would all get their guns and shoot him simultaneously (so that if he were hit, the whole group, rather than an individual, would be responsible). But after a few volleys of shots they quickly lost the resolve to shoot, and Lati again fled into the distance.

After a short time, they heard that Lati had come back to settle at his mother's brother's house. The Aho clan gathered together again from an even wider area to hear the opinions of clan members. All agreed that Aho Lati had seriously violated clan rules, and that they could only allow him to take his life, that the case could not be settled by other means. After a few years, Aho Lati had no other recourse but to return to his original home and take his life. Before he died, they held a feast for him and prepared his fu-

neral clothes, and he chose hanging as his method of taking his life. This case happened five generations ago.

In another case, the Hma clan living in Meigu sent out fighters to battle the Alu clan. On the road they ran into Alu Ggehxa, who took up rocks to pelt the Hma fighters. When Hmasse Shyha arrived to mediate, he was accidentally killed by Hmasse Zhybuo. The two were cousins twelve generations removed, so Zhybuo was not willing to take his own life to atone for this. The Hma clan who discussed the matter decided that "a hen laid an egg by mistake; it's not the case of the hen eating her own egg; it's a sow mistakenly giving birth to a piglet, not a sow eating her own piglet." Zhybuo mistakenly killed Shyha while he was serving his clan in a confusing situation, and because of this if he were unwilling to take his life, then it was permissible to pay blood money in compensation. In the end, he paid 1,700 ounces of silver in blood money, along with 1,200 to Shyha's mother's brother's family, a horse to his father's mother's brother's family, and 9 ingots to the *bimo*. In addition they killed a reconciliation ox, drank reconciliation liquor, and paid reconciliation money. Zhybuo knelt and drank to each member of the senior generation one by one, and so this case was resolved.

### *Cases in Quho Clans*

At Hxtobulashy in Meigu, there was a conflict between Jjiemu Lyhuo and Jjiemu Abi, and one day during a quarrel Lyhuo killed Abi. After killing him, Lyhuo was not willing to kill himself, so his relatives built him a simple lean-to and killed an ox for him to eat. After this, his brothers and his children all urged him to commit suicide, telling him clearly that, since he had killed a clan mate, if he did not give his life they would give their lives in his place. They asked how he could go on living after that. After five days, Lyhuo took poison to kill himself, and after this the relatives on both sides got along very well. This case happened four generations ago.

In 1939 at Zala Shan in Yanyuan, in the ordinary course of discussion between Ddisse Shuosse and his uncle Ddisse Nyinyi, both of the Bacha clan, there had emerged a few small conflicts. One day Nyinyi's son Xifasse was out looking for a stray ox, carrying a gun on his back, and when he was part-way there he ran into Shuosse's two sisters digging potatoes by the roadside. When their dog came over and bit Xifasse, he asked the sisters several times to chase the dog away. Perhaps because the two of them did not hear him, he became angry and picked up his gun and shot the dog dead. When Shuosse heard about this, he quickly ran after Xifasse, threatening to kill him. Xifasse, thinking he was no match for Shuosse, kept running in fear of his life. After running for quite a long stretch, thinking that Shuosse was too much of a bully, Xifasse turned around and shot Shuosse dead with one shot, after which he fled to his mother's brother's house to hide.

Upon hearing this, members of the Bacha clan from all over gathered at Nyinyi's house. Some felt that Xifasse would have to kill himself, because if he did not, order in the Bacha clan would be ruined. Others felt that since Nyinyi had just one son, and because he was already old and unable to have more children, it would be best if they paid blood money according to custom. One of the leaders of a *nuoho* clan, Luoho Nyidu, used his long-standing good relations with Nyinyi to urge the leaders of the Bacha clan to settle the case by paying blood money according to custom. After going back and forth considering the question, it was settled that blood money appropriate to a black case would be paid. All of Nyinyi's family's land was given to the relatives of the deceased, and half their oxen, sheep, horses, and domestic slaves were given to the relatives of the deceased (at that time, Nyinyi's family was among the first rank of wealthy families in this area, and thus the amount given was not small). The family also paid 333 ounces of silver, a rifle, sacrificial goods for the funeral, and the fee for the *bimo*. Every one of the leaders and elders of the Bacha clan who took part in the settlement of this case got an ingot of silver. At the time of the settlement, Xifasse knelt on the ground and drank to all the elders out of an ox-hoof cup. He killed a settlement ox, bought settlement liquor, and feasted members of the clan. As soon as the process was completed, Nyinyi's whole family immediately moved to live at a place about ten kilometers away.

#### CONCLUSION

The clans of the Nuosu in Liangshan are organized kinship groups based on patrilineal descent through genealogical links from father to son over the generations. These lineages are called *cyvi* in the Nuosu language and are divided into two kinds of relationships—*cy* means relatively close descent relations, usually within seven generations; *vi* refers to relations separated by more than seven generations. Whether between the *cy* within seven generations or between the *vi* separated by more than seven generations, there is a strict prohibition on intermarriage. In the Nuosu society of old Liangshan, the clan organization guaranteed the basic social existence of the individual; in customary terms, an individual who was not a member of a clan in old Liangshan would not survive long. The strength or weakness of a clan usually was closely connected to the satisfaction or dissatisfaction of the individual. A Yi proverb says that in being a man, "it is best to be a tree that forms part of the fence protecting the clan; next best is to be part of the earth that supports this fence; after that one wants to receive the attention of clan members." This means that if one cannot be one of the organizers of his own clan, he will still want to be one of its vanguard. In the Nuosu language *Hmamu teyy* (The Book of Knowledge), it says, "For nine generations you should under no conditions leave the clan; if you do leave the clan you

should under no conditions incur any enmity; if you leave the clan and incur enmity, then you will have enemies and have nobody to help you; you will float lonely and alone in other peoples' homes, acting as their slave." We can see the importance of the clan in Liangshan Nuosu society.

We can say that a particular social environment produced a particular social system, and the customary law of the Liangshan Nuosu developed continuously and completely on the primary basis of clan law. The warp of clan customary law extended to produce the law for settling disputes between affines; the woof extended to produce the law on settling disputes between elders and juniors according to generational position and the law of relations between social strata on the basis of descent relationships. The enforcement of these various customary laws was carried out by the clans; apart from the clans a lot of customary laws would become worthless checks, not excepting the law of social strata. By examining the laws governing intraclan homicide and several case studies, we can broadly discern that paying with one's life and compensating with blood money were, ultimately, ways of unraveling the myriad threads of vengeance woven into the term *relative*.

In the discussion of how a case would be settled, there appear around the central figure of the victim two kinds of kinship relations: the inner circle consists of clan relations (close relatives and clan mates); the outer circle consists of affinal relations (the mother's brother's family and the father's mother's brother's family). The mother's brother's family referred to here is not just the mother's brother himself: for the Liangshan Nuosu, all men of the mother's clan are considered part of the mother's brother's family. The blood money paid to the mother's brother's family is equally divided, so that collateral uncles also get a share.

Many clans' internally determined customary laws are continuously legitimated versions of cases that have settled disputes within the clans. Their style of management is democratic, in that nobody is allowed to take his own measures against the wishes of the majority of clan members. The autonomy of the clan is very strong, as is the autonomy of the individual. Commonly, in the course of regular life, many able individuals have emerged and established their own particular reputations, such as the *ndeggu* and *suyyi*, who had an acute sense that allowed them to settle disputes; the *ssakuo*, who bravely stood at the vanguard in war; and the *suga* who accumulated great wealth without setbacks. But none of them could act arbitrarily within the clan group. The clan determined customary law, and customary law united the group very closely. Within the warp and woof of clan customary law, a whole set of Nuosu customary laws was developed, and this set of customary laws made an overriding contribution to social order in the Nuosu area of old Liangshan.