

The Shaping of Judicial Leaders and Qing Guan Culture in Song Dynasty

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Abstract: the Song Dynasty has the most developed private economy in ancient china. The judicial system dealing with complex economic and legal relations came into being. The shaping of judicial leaders and qing guan culture had a profound impact on the legal ideology of traditional Chinese people and formed the legal thinking, legal logic and justice concepts with Chinese characteristics. This paper attempts to take Zheng Bao as the example to analyze the internal relationship between him and the traditional Chinese judicial culture from the perspective of judicial leaders and qing guan culture in the Song Dynasty.

1. Introduction

The Song Dynasty is the most successful period in the history of our country in shaping the culture of judicial leaders and Qing guan officials. Zheng Bao is the most typical example. Zheng Bao (also known as Bao Qingtian and Bao gong) returned to his official career at the age of 39 and died at the age of 63. he held many positions. However, it is worth noting that, throughout his life, the judicial officer was not the main identity compared with other positions he held. As far as the existing historical records are concerned, only ten judicial cases were really handled by Zheng Bao, such as the case of “furtively cutting the ox's tongue”. Some scholars even think that the case of “cutting the ox's tongue” is the only case decided by Zheng Bao in history. The judicial experience of Bao was very short; how did he become the famous judicial officials in the traditional society of china? For the reasons behind it, many scholars have done comprehensive analysis from the perspectives of social and economic background, cultural background, system background, and judicial career background. Of course, the development of commodity economy, the judicial reform and the professionalization of legal profession were all important reasons for the process of god creation; especially, the new development of folk opera literature brought opportunities for Zheng Bao to become a god. But it is undeniable that the process of Zheng Bao becoming a god is very complicated; the promotion of religious culture, especially taoism plays a role in creating the myth of Zheng Bao.

2. From Judicial Officer to Judicial God: the Cultural Logic Behind God Creation

If tao gao is the god of justice in the legend of ancient china, Zheng Bao would be the god of justice in the real society of our country. Bao gong belief, together with the wide spreading “qing guan belief”, “qing tian belief”, “Bao gong literature” and “Bao gong opera” have created a magnificent god making movement, outlined the realistic image of a judicial god in line with the needs of traditional culture, and formed a unique Bao gong belief in the traditional society. It is worth noting that, the secret of forming Bao gong belief is as follows. “the Bao gong literature is related with the concepts of divine judgment, the myth of emperors and generals, the fighting between loyal and treacherous officials, as well as the virtues of loyalty, filial piety and righteousness in cultural tradition, with the elements of the hell, ghosts and the king of hell in buddhism culture, with the image of town gods in taoism culture, and with the zhong kui in the folk belief. So it gained the 'communication hegemony', which was the cultural driving force of the spreading of Bao gong literature.” This comprehensive judicial effect constantly enriches the connotation of Bao gong's character, and makes the image of Bao gong become a “personification symbol” and “facial makeup of law” in the traditional justice system which is deeply popular and

widely praised by the people.

The immortal genealogy of taoism is open. Since it came into being, the immortal genealogy has been enriching according to actual needs. Zheng Bao has also been listed among the gods. For example, in *xuyi jianzhi*, the suBao department is recorded in the story *Baonv gets married*. The suBao department is under the charge of the emperor dongyue in the underworld; it is a special organization in charge of the retribution for good and evil. It is named for the rapid retribution. According to taoism, the god of mount tai dominates the 18 layers of hell in the netherworld as well as the life and death of the common people. All these cases heard by the town gods of different places should be finally submitted to mount tai for final decision. Due to the heavy responsibilities, in mount tai, there are 75 departments in charge of public affairs. One of the most famous is the Subao department. The chief of the department is generally considered to be Zheng Bao, the famous official of the northern Song Dynasty, or Fei Yue, the king of wumu in the southern Song Dynasty. Therefore, during the Song and yuan dynasties, taoism included Zheng Bao in the immortal world; he became a full-time judicial official in the taoist immortal genealogy.

Bao Zheng's image has gone through thousands of years. After repeated processing and inheritance of various folk literature, operas and folk arts, its original image has long disappeared, leaving behind the image of “black face with crescent shape scar” after art processing. For example, in *three heroes and five gallants*, there is a description of Zheng Bao's appearance when he was born: when his second brother went to look for him, he saw a “black, bright and naked child” on the ground. Of course, this image is deeply influenced by the folk imagination and creation. Scholars have made a lot of research on Zheng Bao's dark face, but they often neglect the possible taoist factors. As early as the Song and yuan dynasties, the taoism put Zheng Bao in the fairyland and asked him to preside over judicial affairs. Therefore, when folk art portrays Zheng Bao's image, it is inevitable to draw the figure according to taoist doctrines. Taoism advocates black; there are immortals with black faces. The image of the god of wealth in taoism is like following. “gongming zhao was born in the zhongnan mountain. He wears an iron crown, holds iron whips in his hands, has a black face and curled-up beard. He rides a black tiger, and enjoys the title of xuantan marshal. He can control thunder and electricity, control the wind and the rain; he can also extinguish plague like malaria, and eliminate diseases and disasters. In case of litigation, he can make the justified decision. Doing business is for money and should be carried out in harmony. All these things can be handled appropriately by the god of wealth”. It can be seen that black is often the most common color used by taoism to create the image of gods.

In addition, Zheng Bao's dark face may also be related to the sacrifice of fang xiang (the god who drives away epidemics and evil spirits) in ancient times. In the face of death threats such as body diseases, ancient ancestors often thought they were caused by ghosts, so they had to hold corresponding rituals to exorcise ghosts. They need to “light candles, wear scary masks like taotie (a mythical ferocious animal in the legend), dance bravely and fiercely, and cry the sound of nuo loudly and incessantly to scare the fierce ghosts away. This exorcism ceremony is called nuo. Fang xiang officiates the nuo sacrifice.” Fang xiang is known for his black and ugly appearance. Therefore, for the sake of his profession, when Zheng Bao was included in the immortal genealogy, his image became black and ugly by referring to fang xiang's appearance.

Finally, from the perspective of the magic tools used by Zheng Bao, there is no lack of taoist elements. Since Zheng Bao was listed in the immortal class by taoism, according to the existing practice of taoism, the immortals should not only know all kinds of magic arts but also have different magic tools. It is obvious that Zheng Bao must have some magical tools besides his black face and the crescent mark. Therefore, in the process of being mythologized, Zheng Bao gradually had magic tools such as the “fuyin (going to the hell) bed”, the “youxian (visiting the fairyland) pillow”, the “zanyao (killing the demon) sword”, the “zhaoyao (demon spotting) mirror” and the “huanhun (soul returning) pill”. These magic weapons can lead the owner to the nether world or the fairyland. The tools include swords, mirrors, and pills, which are the most obvious, typical and important symbols of taoism. Thus, the taoist factors and traces are obvious in Zheng Bao's myth. Taoism indirectly has a lasting influence on the human justice and professional style through

shaping the image of Zheng Bao.

3. From Judicial God to Judicial Officer: the Influence of Zheng Bao Belief on the Justice System in Human World

Bao Zheng, a judge in the human world, was shaped into a god of justice by Taoism. In the shuttle between the man's world and the heaven, the Zheng Bao belief has brought many influences to human justice, including the traditional legal culture, the method of judicial adjudication and the legal concepts of the people.

3.1 Created the “Qing Guan” Culture with Chinese Characteristics

“Qing Guan” officials are endowed with unique feelings and expectations in the Chinese discourse system. The concept has unique political meanings in the traditional Chinese culture, and only exists in the Chinese legal culture. It is a unique political and legal phenomenon in China; there is no corresponding vocabulary in the West. In English, Qing Guan is generally translated as “good officials”, “honest and upright officials”, and “upright magistrates”. Obviously, the so-called “good”, “upright” and “honesty” are only one of the connotations of “Qing Guan”. They cannot cover the cultural connotation of “Qing Guan” in China for nearly a thousand years. The so-called “Qing” refers to “integrity, honest, wisdom and free from corruption. It also includes meaning of ‘fearless in front of the authority.’” Some scholars think, “the word of 'Qing Guan' has been popular since the Wei, Jin, southern and Northern Dynasties. It passes through the Sui and Tang Dynasties to Song and Yuan Dynasties. The meaning has changed three times: from the clan of the gentry to the official position controlled by the central government to the official morality recognized by the society. The word referred to the family status, the official position and the official morality. It divided people, officials and morality.” In historical documents, the use of “Qing Guan” is late; the meaning is not uniform. After entering the Song and Yuan Dynasties, with the development of economy and people's yearning for the honesty and integrity of officials, the Qing Guan culture represented by Zheng Bao became popular.

As a kind of “official virtue”, Qing Guan was widely used and praised, which benefited more from the artistic reconstruction of Zheng Bao's image by folk art. For example, there are 16 Qing Guan Operas in Yuan Dynasty, accounting for one tenth of the total number of existing Yuan operas. Their contents are the same: the Qing Guan officials settle lawsuits. The large number of Qing Guan Opera was related to the social and political situation at that time. The Yuan Dynasty had relatively dark political environment in the feudal history of China. The aristocracy of Mongolia, as well as the privileged class formed by big landlords and bureaucrats, took bribes and bent the law, resulting in a large number of false and unjust cases. These cases are common in official documents. During the trial, officials had no leniency or forgiveness. They bent the law for personal gain and used unlawful punishment, leading to a large number of people “dying uncleared for the false charge“. When punishing prisoners, they were even more severe.

It is in such a social background that the common people suffered from judicial arbitrary and persecution. They needed the emergence of Qing Guan urgently. Once people found the spark of Qing Guan officials, they worshiped and praised them. With the great development of folk literature and drama in Song and Yuan Dynasties, Zheng Bao's image gradually became a “facial makeup” and the epitome of Qing Guan. He has been praised for nearly a thousand years in China.

3.2 Added the Feature of Divine Judgment in the Traditional Justice System

After the nearly a thousand years of God making movement, Zheng Bao has become the most qualified judicial officer in the eyes of the Chinese people. His image directly affects the Chinese people's cognition and judgment of judges. From this point of view, we can call Zheng Bao the “God of justice” in the world. Since he is a God, he must have divinity. According to legends, Zheng Bao was a judicial God in the human world in the daytime, and the judge of the underworld at night. He wandered between the two realms of Yin and Yang, which was often used in literature and drama. The traditional Peking opera, *Tan Yin Shan*, is created based on *Three Heroes and Five*

Gallants. In its story, Zheng Bao even killed the magistrate in the hell out of anger. The drama reappears Zheng Bao's role of the cross-border God of justice. The plot of killing the magistrate endows Zheng Bao with a higher priesthood position in the justice system of underworld.

Zheng Bao not only wandered between Yin and Yang. Even when he handled cases in the human world, he used the divine power. In stories like *Bao Investigated the Case of Butterfly Dream*, *Bao Investigated the Case of Houting Flower*, *Bao Investigated the Case of Basin Ghost*, and *Havoc in the Kaifeng Government*, Zheng Bao used the supernatural power to settle the lawsuits. It can be seen that in both human world and netherworld, Zheng Bao's judicial decisions have been marked with "divine judgment".

3.3 Created the traditional qing guan image: "clear mirror hanging on high, the judgement accords to heavenly principles" ; "combining leniency and strictness, the official is sympathetic to lower people's experiences".

As mentioned above, in historical materials, the number of cases that Zheng Bao tried is uncertain. Some scholars think that there is only one case of "cutting the ox's tongue"; some scholars collect more than ten different cases according to the historical materials of Zheng Bao's biography, Zheng Bao's epitaph, as well as local records and unofficial history notes besides the *History of Song Dynasty*. Through these cases, we can have a clearer understanding on the real image of Zheng Bao. In the traditional Chinese judicial trial, the judge tried cases on the basis of natural principles, national laws and human feelings. The weights of the three components depend entirely on the personal quality of the judge. Zheng Bao is undoubtedly considered as the most outstanding representative in this respect. He advocated the outstanding judicial quality of the Song people. Zheng Bao's image of being an Qing Guan has always been known as "good at handling cases". Among the more than ten cases existed, the case of "cutting the ox's tongue" shows Zheng Bao's "wisdom in judgment", which was processed by literature and art afterwards. From the perspective of the judicial skills in this case, it is a typical "fraud". This kind of judicial skills can also be found in Zheng Bao's case of *Hiding the Money of Pot Companion*.

These cases are enough to show the wisdom of Zheng Bao's judgment, which is exactly the metaphor of "clear mirror hanging on high" in traditional justice. The value of judiciary is to reveal the truth and the fact to the world. With the mirror hanging high, criminals have no where to hide. This also reflects that the traditional judicial system pursues substantive justice. The core of Zheng Bao's case is "quick" in "wisdom", without complicated deduction, and pursues the effect of "turning stone into gold" in the judicial trial. This is the core of people's worship of Zheng Bao and the myth of Zheng Bao for thousands of years, and the concentrated expression of Zheng Bao's Qing Guan image: "clear mirror hanging on high, the judgement accords to heavenly principles.

It is worth noting that, while shaping the image of "black face" Bao Gong, the folk literature and opera also show his gentle and soft character in the folk. In Bowen Shao's literary sketches, *Shao's Records of the Song Dynasty*, there is the case of *Tong Dun Wrongly Stepping on the Old Woman*. In this case, the defendant committed adultery and stepped on the old woman when he climbed over the wall. The old woman sued the man immediately. When Zheng Bao tried the case, he "did not go deep into it" and settled it through simple compensation. This story reflects that Zheng Bao also had worldly wisdom when he decided the case, rather than simply rigid and insightful. It is the working style of "combining leniency with strictness, and being sympathetic to lower people's experiences".

4. Conclusion

To sum up, due to the lack of historical records, cases which were really handled by Zheng Bao are very limited. In the dozens of cases that are widely collected, we can not see the whole picture of Zheng Bao's working style and personality. What impresses us is the reconstruction of Zheng Bao's image in literary and artistic works. The present Zheng Bao is no longer the person in real world. He becomes a fixed "facial makeup", a "symbol" and the logo of "Qing Guan". His image also becomes the essence of traditional culture.

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References

- [1] Xu, Z.M. (2002). The Stories of Bao Gong on Adjudicating Cases from the Perspective of Historical Narration. *Tribune of Political Science and Law*, no. 4.
- [2] Hu, S. (1979). *Textual Research on the Traditional Chinese Zhanghui Novels*, Shanghai Book Company.
- [3] Li, Y.P. (2007). New Thoughts on the Image of Communication of Bao Gong in Literature. *Guangming Daily*, March 31, 007 edition.
- [4] Shi, Y.K. (2006). *Three Heroes and Five Gallants*, Phoenix Publishing House.
- [5] Wang, L.F. (2018). The Blackening of Bao Gong's Face. *Journal of China West Normal University (Philosophy and Social Sciences Edition)*, no. 1.
- [6] Anonymity. (2012). *Gods of Confucianism, Buddhism and Taoism with Pictures: External Two*, Shanghai Ancient Books Publishing House.
- [7] Li, Y.P. (2014). Sacrificial Ceremony and the Evolution of the Image of Bao Gong. *Chinese Opera*, no. 48.
- [8] Zhu, Y.X. (1997). *Spoken Stories in Chenghua Period of Ming Dynasty*, Zhongzhou Ancient Books Publishing House.
- [9] Zhang, C.R. (2005). *A Chinese-English Dictionary of Classic and Current Expressions*, Foreign Languages Press.
- [10] Pan, S.Z. (2003). *Selected Chinese English Dictionary of the New Era*, The Commercial Press.
- [11] Wu, S.L. (1966). So-called “Qing Guan” in History. *Academic Research*, no. 3.
- [12] Kong, F.M. and Yang, X.Q. (2011). Change of the Meaning of “Qing Guan” in the Song and Yuan Dynasties and Reasons. *Journal of Beijing Union University (Humanities and Philosophy and Social Sciences Edition)*, no. 5.
- [13] Guo, H.C. and Su G.R. (1979). On Upright Officials and Qing Guan Operas. *Literary Review*, no. 3.
- [14] Guo, J. (1999). *Legal Culture in China*, Orient Publishing Center.