Introduction

For almost a thousand years now, Judge Bao (Bao gong) has served as the preeminent embodiment of justice in China.[1] But Judge Bao is far more than an astute judge. Pure, orthodox and incorruptible in his own behavior, he unfailingly establishes the true nature of the crime and its culprit, either through his native intelligence or by supernatural means, but, more importantly, once he has done so, he sees to it that the criminal, irrespective of his or her position and connections, will be punished. It is especially this latter quality that has endeared Judge Bao to Chinese audiences for centuries. The court cases of Judge Bao were popular with storytellers and actors, and were adapted as ballads and stories, novels and plays.[2] Materials

[1] Bao gong might also be translated as Lord Bao. Other common designations for Judge Bao are "Rescriptor Bao" (Bao daizhi), "Dragon-Design Bao" (Bao Longtu) and "Clear-sky Bao" (Bao qingtian). The first two of these designations are derived from functions that the historical Judge Bao held at one time or another during his career; the third designation is a reference to his purity.

[2] The development of the legend of Judge Bao has been studied repeatedly. Some of the most important pioneering studies are Hu Shi (1980). "*Sanxia wuyi* xu," reprinted in his *Zhongguo zhanghui xiaoshuo kaozheng*, Shanghai: Shanghai shudian, pp. 393–435; Sun Kaidi (1985). "*Baogong an* yu *Baogong an* gushi," reprinted in his *Cangzhou houji*, Beijing: Zhonghua shuju, pp. 67–150; Zhao Jingshen (1937). "Baogong chuanshuo," in his *Xiaoshuo xianhua*, Shanghai: Beixin shuju, pp. 104–137; and Y. W. Ma (1971). "The Pao-kung Tradition in Chinese Popular Literature," PhD dissertation, Yale. More recent Chinese studies are Ding Zhaoqin (2000). *Suwenxue zhongde Baogong*, Taipei: Wenjin chubanshe; Xu Zhongmin (2002). *Baogong gushi: Yige kaocha Zhongguo falü wenhua de shijiao*, Beijing: Zhongguo zhengfa daxue chubanshe; Zeng Yongyi (2003). *Suwenxue gailun*, Taipei: Sanmin shuju, pp. 569–590; and Zhu Wanshu (1995). *Baogong gushi yuanliu kaoshu*, Hefei: Anhui wenyi chubanshe. In Japanese, by far the most wide-ranging and ambitious survey is Y. Abe (2004). *Hōkō densetsu no keizei to tenkai*, Tokyo: Kyūko shoin, which collects and summarizes the author's many studies on the subject. This latter work contains an extensive bibliography of Judge Bao materials and studies on pp. 546–573. Zhu Wanshu provides a chronological survey of the development of the legend of Judge Bao, whereas Ding Zhaoqin treats the subject by genre, starting from the folktales about Judge Bao that have been collected in the twentieth century, proceeding to fiction and drama. Abe chooses a thematic approach and is especially thorough in his coverage of plays on Judge

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that had become popular in one genre were bound to be reworked into other genres, a process that may well have started as early as the twelfth century and continues into the present — for instance, the Taiwan-made television series on the court cases of Judge Bao was a huge hit when it was shown in the People's Republic of China in the 1990s. Judge Bao enjoyed both official and popular veneration, and many of the temples in his honor that had been destroyed during the Cultural Revolution (1966–1976) have been rebuilt in more recent and prosperous times.

Judge Bao is only the most prominent representative of the "pure official" (*qingguan*) in Chinese popular literature. Every age has added new figures to this gallery of saintly and heroic bureaucrats. Popular tradition turned historical officials who had distinguished themselves by their probity, purity, daring and stubborn steadfastness in the pursuit of justice into figures of legend. Once that happened, cases easily moved from one pure official to the next as their legends were further embellished by subsequent generations. In their efforts to maintain the proper social order and to eliminate all crime, these pure officials, if need be with the support of divine powers, do away with thieves and murderers, lecherous monks and adulterous wives, corrupt officials who disregard the law, and thousand-year-old animals that charm gullible young men. Elites and commoners in both traditional and modern China viewed these pure officials as the staunch defenders of the highest spiritual and social values of Chinese culture.[3] It was only in the early months of 1966 leading up to the Cultural Revolution and during the Cultural Revolution itself that these pure officials, beginning with Judge Bao, were condemned by Marxist critics as the most vicious representatives of the old ruling class. As they gave rise to the expectation that justice might be obtainable in individual cases, they were deceptively hiding, these critics argued, the true class nature of "feudal society" and all its attendant structural suffering and injustice. However, as soon as the Gang of Four was toppled and the government of the People's Republic of China adopted a policy to

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Bao in the many varieties of regional drama. He also includes an extensive section on the veneration of Judge Bao as a deity (pp. 457–538). Both Ding Zhaoqin (pp. 2–9) and Abe (pp. 14–16) provide a brief survey of the development of the study of the legend of Judge Bao.

[3] See Yu Tieqiu (2004). *Qingguan chongbai tan: Cong Bao Zheng dao Hai Rui*, Ji'nan: Ji'nan chubanshe.

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establish "a rule of law," the pure officials of pre-modern times once again became figures of inspiration.[4]

The character of the Judge Bao of legend was based on that of the Song dynasty official Bao Zheng (999–1062). Bao Zheng was born into an official family from Luzhou (modern Hefei),[5] and passed the national exams in 1027. However, he initially declined an official appointment and returned home to take care of his parents. When he set out on his official career ten years later, he quickly established a reputation as an astute judge and an incorruptible official. He served in a wide variety of functions in the provinces and in the capital. Most of his active service coincided with the uneventful last decade and a half of the reign of the fourth Song emperor Renzong (the Humane Ancestor; reg. 1022–1063).[6] In his functions at court Bao Zheng fiercely and fearlessly criticized a wide range of officials, including eunuchs and relatives of Emperor Renzong's favorite concubine, for a wide variety of offenses.

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[4] For a condemnation of pure officials in the national newspaper targeting intellectuals, see, for example, Liu Yongnian and Shi Peiyi (1966). "Jianjue dangdi fengjian wenyi de wuzhuo: Ping Yuan zaju zhong jige 'Baogong xi' he dui ta de chuibang." *Guangming ribao* May 15, p. 4. For a rehabilitation of the pure officials in the same newspaper twelve years later, see, for example, Li Ping (1978). "Shilun qingguanxi de jiji yiyi." *Guangming ribao* November 14.

[5] The grave of Bao Zheng for many centuries has been one of the sights in Hefei. When the grave was destroyed during the Cultural Revolution, after Bao Zheng and other "pure officials" were stridently condemned, archaeological inquiry revealed that the original grave must have been destroyed rather soon following the original funeral (perhaps during the disturbances of the Jürched conquest?). The current grave of Bao Zheng was built in the 1980s. See Chen Guidi and Chun Tao (2007). *Baogong yigu ji*, Taipei: Jiujing chubanshe.

[6] The most detailed survey of the reign of Renzong in English is M. McGrath (2009). "The Reigns of Jen-tsung (1022–1063) and Ying-tsung (1063–1067)," in *The Cambridge History of China*, Volume 5: *The Sung Dynasty and its Precursors*, D. Twitchett and P. J. Smith (eds.), Cambridge: Cambridge University Press, pp. 279–346. McGrath characterizes the last decade and a half of the reign of Renzong as a period of "inertial administration," which he passes over in a few pages (without mentioning Bao Zheng at all). As the Northern Song court and bureaucracy later would suffer from intense factionalism, and society as a whole would be deeply affected by the implementation of the New Policies, their retraction and reinstatement, one can well imagine how in the popular imagination the second half of Renzong's reign in retrospect could become a period of stability and prosperity. The major disturbance during these years was the short-lived rebellion of Wang Ze in early 1048, which by the sixteenth century was written up as the twenty-chapter *San Sui pingyao zhuan* (The Three Sui Pacify the Sorcerers). In this novel, Bao Zheng anachronistically appears as the prefect of Kaifeng in the years before the outbreak of the rebellion, but in a rather lackluster role.

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In 1056, Bao Zheng was appointed to the position of prefect of the capital prefecture of Kaifeng, a position in which he served for barely over a year. When he took on that position, he changed the procedures of justice — from then on everyone who wanted to lodge a complaint would be able to directly address the prefect himself, thereby bypassing the clerks, who were widely believed to be corrupt and in the pay of powerful local families. Despite his relatively short tenure as capital prefect, this change, in combination with his probity, established his reputation. The years following his tenure as prefect of Kaifeng were filled with controversy, and at times Bao himself did not escape criticism. For instance, when he secured the dismissal of Zhang Fangping (1007–1091) who had been concurrently appointed to three different important positions, he was appointed to these same positions as Zhang's successor, which earned him the rebuke of Ouyang Xiu (1007–1072).[7]

Bao Zheng and his wife had only one son, who also became an official but died at a relatively young age, as did the boy who had been adopted as his heir. The continuation of the family line was ensured by the birth of a son to a maid of the Bao family — the maid was dismissed by Bao Zheng when it was found out she was pregnant, but his daughter-in-law took care of the infant, and presented the boy to his father when he was one year old.[8]

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[7] The basic sources for the life of Bao Zheng are the (heavily damaged) grave inscription by his contemporary and colleague Wu Kui; a brief account of his life by Zeng Gong (1019–1083), entitled "Xiaosu Baogong zhuan"; and his biography in the dynastic history of the Song, the *Songshi*. A more detailed account may be constructed on the basis of his collected writings (reprinted for instance as Yang Guoyi [ed.] [1989]. *Bao Zheng ji biannian jiaobu*, Hefei: Huangshan shushe) and the other rich sources from this period. For modern biographies, see for instance Cheng Rufeng (1994). *Baogong zhuan*, Hefei: Huangshan shushe; Kong Fanmin (1986). *Bao Zheng nianpu*, Hefei: Huangshan shushe; Kong Fanmin (1998). *Bao Zheng yanjiu: Lishi yu yishu xingxiang zhongde Baogong*, Beijing: Zhongguo shehui kexue chubanshe; Qu Chunshan and Li Liangxue (1994). *Baogong zhengzhuan*, Zhengzhou: Zhongzhou guji chubanshe; and Zhang Huasheng and Fu Tengxiao (1985). *Bao Zheng*, Hefei: Anhui jiaoyu chubanshe. The content of some of these monographs is conveniently summarized by Ding Zhaoqin in her *Suwenxue zhongde Baogong*, pp. 40–68. Also see Wang Jiaxin (2007). "Songshi Bao Zheng zhuan shuzheng," in his *Chang'e, Li Shangyin, Bao Zheng tanze*, Taipei: Wenshizhe chubanshe, pp. 129–174. A brief account in English of the life of Bao Zheng is provided by Zhang Furui (1976), in H. Franke (ed.). *Song Biographies*, Wiesbaden: Franz Steiner Verlag, pp. 823–832. A detailed German account of his life is provided by B. Schmoller (1982). *Bao Zheng (999–1062) als Beamter und Staatsmann*, Bochum: Brockmeyer.

[8] The daughter-in-law is greatly praised in the official sources for her devotion to the preservation of the family line, and the story was very influential in the formation of the legend of Judge Bao's birth and youth.

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In the decades following his death, Bao Zheng was remembered for his probity, sternness and incorruptibility, and from early on, he was compared to King Yama, the highest judge in the underworld.[9] Later, the rapacious Jürched officials administering North China following their conquest of that region in 1126 were ironically referred to as "Best o'luck Rescriptor Baos" (*wanfu Bao daizhi*) by the local population.[10] By the thirteenth century, people in North China believed that Bao Zheng had been appointed the presiding judge in the Court of Swift Retribution, one of the seventy-two courts in the infernal bureaucracy judging the dead and headed by the Great Thearch of the Eastern Marchmount (Dongyue dadi), the widely venerated god of Mt. Tai.[11] The streams of fugitives who fled North China following the Jürched conquest will have taken the legend of Judge Bao to the South, and it is quite possible that the professional storytellers of Hangzhou included tales featuring Judge Bao when narrating tales of court cases.[12] Judge Bao is featured in three vernacular tales (*huaben*) which are dated by Patrick Hanan to the "early period" (ca. 1250–ca. 1450) and "middle period" (ca. 1400–ca. 1550) of *huaben* composition,[13] but as at least one of

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[9] Early anecdotes on Bao Zheng have been collected in Ding Chuanjing (1981). *Songren yishi huibian*, Beijing: Zhonghua shuju, pp. 414–416.

[10] This phrase is recorded by Lou Yue in his *Beixing rilu*, an account of his trip to Jin territory in late 1169; see Wang Minxin (ed.) (1981). *Nan Song guoxin yulu sizhong*, Taipei: Wenhai chubanshe, p. 33.

[11] Yuan Haowen (1986). *Xu Yi Jian zhi*, in Yuan Haowen et al., *Xu Yi Jian zhi*; *Huhai xinwen Yi Jian xuzhi*, Chang Zhenguo and Jin Xin (eds.), Beijing: Zhonghua shuju, pp. 2–3, "Bao nü de jia" (A Woman of the Bao Family Succeeds in Being Married Off).

[12] Luo Ye (1940). *Zuiweng tanlu,* Tokyo: Bunkyudo, which is often taken to reflect the repertoire of Southern Song storytellers but which is only preserved in a Yuan-dynasty printing, includes a number of summaries of tales featuring Judge Bao; it also lists the title "San xianshen" (Triple Apparition) but does not specify that this is a Judge Bao case.

[13] These three *huaben* are *Hetong wenzi ji* (The Contract), *Nao Fanlou duoqing Zhou Shengxian* (The Passionate Zhao Shengxian Creates Havoc at the Fan Tower), and *San xianshen Bao Longtu duan yuan* (Triple Apparition: Dragon-Design Bao Solves a Case of Injustice). *Hetong wenzi ji* was included by Hong Bian in his *Qingping shantang huaben* of ca. 1550. Hanan argues that this *huaben* most likely was based on a *zaju*, and dates it to his "middle period." See P. Hanan (1973). *The Chinese Short Story: Studies in Dating, Authorship, and Composition*, Cambridge MA: Harvard University Press, pp. 135–136. An anonymous *zaju* entitled *Hetong wenzi* on the same theme but with a somewhat more complicated plot has been preserved in Zang Maoxun's *Yuanqu xuan*; it was rewritten as a vernacular tale by Ling Mengchu in his *Chuke Pai'an jingqi* (no. 33: "Zhang Yuanwai yifu minglingzi; Bao Longtu zhizhuan hetongwen"). A *huaben* entitled *Nao Fanlou duoqing Zhou Shengxian*, dated by Hanan to his "early period," was included by Feng Menglong as no. 14 in his 1627 collection *Xingshi hengyan*; he had earlier included *San xianshen Bao Longtu duan yuan*, dated by Hanan also to

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these tales is based on a *zaju* play of the Yuan dynasty (1260–1368), it is very unlikely that these tales were composed as early as the Southern Song dynasty, as is often stated in Chinese scholarship. In these vernacular stories Judge Bao only has a small part near the very end as the wise judge who brings the plot to a fitting conclusion.

Playwrights of the Yuan and early Ming (1368–1644) showed a growing interest in the character of Judge Bao, who increasingly displaced other "pure officials" from the stage and increasingly made their feats his own.[14] Unfortunately, only two of these plays have been preserved in more or less contemporary editions, and in both plays Judge Bao is only briefly featured at the very end.[15] All plays of the Yuan and early Ming in which Judge Bao plays a more substantive role have been preserved in manuscripts and printed editions of the late sixteenth and early seventeenth centuries.[16] Chinese scholarship, in general, treats these texts as reflections of widespread popular

his "early period," as no. 13 in his *Jingshi tongyan*. In the second half of the eighteenth century, this story was developed by the Yangzhou storyteller Pu Lin as *Qingfengzha* (Clear Breeze Lock), and a novel with the same title was also published in 1819.

[14] For an English–language study of Judge Bao in the drama of the Yuan and early Ming, see G. A. Hayden (1978). *Crime and Punishment in Medieval Chinese Drama*, Cambridge MA: Harvard University Press. Hayden identifies twenty-seven *zaju* as courtroom dramas, but only ten of these feature Judge Bao. Also see Perng Ching-Hsi (1978). *Double Jeopardy: A Critique of Seven Yüan Courtroom Dramas*, Ann Arbor: University of Michigan Center for Chinese Studies. For a detailed survey of known titles of Judge Bao plays, starting even before the Yuan, see the three-part article by Huang Bingze (2002). "Baogong xi yuanliu xulu zhi yi," *Ningbo zhiye jishu xueyuan xuebao* 2(2), 41–54; "Baogong xi yuanliu xulu zhi er," *Ningbo zhiye jishu xueyuan xuebao* 2(3) (2002), 40–43; and "Baogong xi yuanliu xulu san," *Ningbo zhiye jishu xueyuan xuebao* 2(4) (2002), 37–42.

[15] These plays are an anonymous *zaju* entitled *Gengzhi Zhang Qian tishaqi* (Straightforward Zhang Qian Kills his Friend's Wife), which has been preserved in a fourteenth-century printing, and an anonymous *xiwen* entitled *Xiao Sun tu* (Little Butcher Sun), which was included in the *Yongle dadian*. In *Gengzhi Zhang Qian tishaqi* the role of Judge Bao is played by the *wai* (extra), so no text is provided for his role.

[16] The first Judge Bao *zaju* to be translated into a Western language was Li Xingdao's *Huilan ji* (The Chalk Circle), no doubt because Judge Bao's judgment in a case of two women who fight over a child shows a remarkable similarity to the biblical King Solomon's judgment in a comparable case. See S. Julien (trans.) (1832). *Hoei-lan-ki, ou l'Histoire du cercle de craie: Drame en prose et en vers*, London: Oriental Translation Fund. Julien's version has since been retranslated and adapted a number of times, most notably by Klabund as *Der Kreidekreis. Spiel in fünf Akten nach dem chinesischen*; and by Bertold Brecht as *Der Kaukasische Kreidekreis*. Also see Zhao Jingshen (1937). "Suoluomen yu Bao Zheng," in his *Xiaoshuo xianhua*, Shanghai: Beixin shuju, pp. 138–152.

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(anti-Mongol) sentiment of the Yuan period, despite the fact that some of these texts may well date from the Ming dynasty[17] and that all of these texts passed through the Ming imperial palace, where they were heavily revised before they were deemed fit for performance in front of the emperor.[18] Most readers only know these plays from their editions in Zang Maoxun's *Yuanqu xuan* (Selection of Yuan-dynasty Songs) of 1616 and 1617 (some of the best-known Judge Bao plays are only preserved in that anthology). Zang Maoxun too is well known for the heavy-handed editing of the texts he included in his collection.[19] As a result, it is very unclear to what extent we can trust these late Ming editions as reliable guides to the image of Judge Bao on the Yuan-dynasty stage. Some scholars have noted that the plot of a number of Judge Bao *zaju* is not reencountered in the late Ming compendia of Judge Bao lore such as *Baijia gong'an* (One Hundred Court Cases) and *Longtu gong'an* (The Court Cases of Dragon-Design), and that even if the story is retained, it does not follow the plot of the play.[20] This becomes less

[17] Cf. Hayden, *Crime and Punishment*, p. 15, "The courtroom plays of northern drama ceased to be written by known playwrights by the early-Ming period, although the plays by anonymous authors may date from this time and after."

[18] On the rewriting of Yuan-dynasty *zaju* at the Ming court see Sun Kaidi (1953). *Yeshiyuan gujin zaju kao*, Shanghai: Shangza chubanshe, pp. 149–153; K. Komatsu (1991). "Naifukei shohon kō," in *Tanaka Kenji hakase sōshu kinen Chūgoku koten gikyoku ronshū*, Tokyo, Kyūko Shoin, pp. 125–150; W. L. Idema (1996). "Why You Never Have Read a Yuan Drama: The Transformation of *Zaju* at the Ming Court," in S. M. Carletti *et al.* (eds.). *Studi in onore di Lionello Lanciotti*, Napoli: Istituto Universitario Orientale, Vol. 2, pp. 765–791. Fan Chenjia (2006), however, in the introduction to his recently published annotated edition of the Judge Bao *zaju* entitled *Yuan zaju Baogongxi pingzhu*, Ji'nan: Qi Lu shushe, pp. 1–19, presents all Judge Bao plays as works of the Yuan dynasty, without drawing any attention to the possibility of later extensive editing.

[19] On Zang Maoxun's heavy-handed editing practices, see for instance Zheng Qian (1972). "Zang Maoxun gaiding Yuan zaju pingyi," in his *Jingwu congbian*. Taiwan Zhonghua shuju, Vol. 1, pp. 408–421; N. Akamatsu (1991). "*Genkyoku sen* ga mezashita mono," in *Tanaka Kenji hakase sōshu kinen Chugoku koten gikyoku ronshu*, Tokyo, Kyūko Shoin, pp. 161–186; S. H. West (1991). "A Study in Appropriation: Zang Maoxun's Injustice to Dou E," *Journal of the American Oriental Society* 101, 282–302; and S. H. West (2003). "Text and Ideology: Ming Editors and Northern Drama," in P. J. Smith and R. von Glahn (eds.). *The Song-Yuan-Ming Transition in Chinese History*, Cambridge MA: Harvard University Press, pp. 329–373.

[20] Throughout the Qing dynasty the most popular work presenting the cases of Judge Bao was *Longtu gong'an* (The Court Cases of Dragon-Design; also known as *Baogong an*) of the very beginning of the seventeenth century. In its earliest editions this work contained 100 cases, but later reprints in the nineteenth century often limited the number of cases (to 72, 62, or 58).

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of a puzzle once we realize that these plays for most of the Ming dynasty were kept in the palace and only became available to a wider audience when these compendia already enjoyed a wide circulation.[21]

Our knowledge of the early development of the legend of Judge Bao was greatly enhanced by the 1967 discovery of a set of "ballad-stories for narrating and singing" (*shuochang cihua*) that had been printed in Beijing by the Yongshuntang during the Chenghua period of the Ming dynasty (1465–1487). These *shuochang cihua* derive their name from the fact that they tell their stories through an alternation of prose, which is intended to

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See W. Bauer (1974). "The Tradition of the 'Criminal Cases of Master Pao' *Pao-kung-an* (*Lung-t'u kung-an*)," *Oriens* 23–24, 433–449; Y. W. Ma (1973). "Themes and Characterization in the *Lung-t'u kung-an*," *T'oung Pao* 59, 179–202; and Y. W. Ma (1975). "The Textual Tradition of Ming *Kung-an* Fiction: A Study of the *Long-t'u kung-an*," *Harvard Journal of Asiatic Studies* 35, 190–220. The only original section of *Longtu gong'an* would appear to be the thirteen stories portraying Judge Bao as a judge in the underworld. The collection derived about forty percent of its material from various collections of court cases of the Ming (changing the name of the judge in each case to Judge Bao), and about another fifty percent from the late sixteenth century *Baijia gong'an* (full title *Xinkan jingben tongsu yanyi zengxiang Bao longtu pan Baijia gong'an* in the 1594 edition) by An Yushi. This latter work also presents 100 cases, but in the manner of a 100-chapter novel. It is known from rare copies of a 1594 and a 1597 edition preserved in Japan and Korea and was inaccessible to scholars for most of the twentieth century. See P. Hanan (1980). "*Judge Bao's Hundred Cases* Reconstructed," *Harvard Journal of Asiatic Studies* 40(2), 301–323. *Baijia gong'an* nowadays is readily available in photographic reprint and modern typeset versions. Hanan discerns three authors at work in *Baijia gong'an*, of which the earliest one relied heavily on the ballad-story texts translated in this volume showing Judge Bao in conflict with the emperor. "Although the later anthologists of Ming courtcase fiction retained these stories, they did not add to their number, but turned their attention instead to the criminal acts of private citizens" (p. 313). Whereas the criminals in the stories of Hanan's Author A are often motivated by greed, the criminals in the stories by his Author B are more often motivated by lust. It is these stories that especially appealed to the compiler of *Longtu gong'an* (Hanan deems the stories by Author C to be of inferior quality). Abe, *Hōkō densetsu*, pp. 215–242 identifies a source of *Baijia gong'an* overlooked by Hanan, and questions Hanan's hypothesis of triple authorship, suggesting that the collection was put together in batches of ten stories. For a recent monograph on this novel, see Yang Xurong (2005). *Baijia gong'an yanjiu*, Shanghai: Shanghai guji chubanshe. For a German selection of twenty stories from *Baijia gong'an* and *Longtu gong'an*, see W. Bauer (1992). *Die Leiche im Strom. Die seltsame kriminalfälle des Meisters Bao*, Freiburg: Herder. The several available general surveys of *gong'an* fiction tend to limit their coverage strictly to prose narrative and ignore developments in drama and early prosimetric literature.

[21] Personally I am quite willing to entertain the notion that some anonymous Judge Bao *zaju* were written for performance at court and were never performed outside the court.

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be spoken, and (seven-syllable rhyming) verse, which is intended to be chanted (a few texts also contain one or more sections in ten-syllable verse).[22] While scholars were aware that ballad-stories were widely performed in Yuan and early Ming times, no actual texts from this period were known until the 1967 discovery and its subsequent publication in 1973. The texts were found in a Ming official's grave outside Shanghai, when that grave was destroyed by his modern descendants who wanted to preclude the Liberation Army from occupying their land by turning it into a pigsty. Once these texts had been sold to the Shanghai Zhongguo Shudian (the state-run second-hand bookshop) in 1972, their unique value was quickly discovered, and the complete set was restored and printed in facsimile by the Shanghai Museum in 1973.[23] This edition was reissued in the PRC in 1979, and also in Taiwan,[24] while a typeset edition was prepared by the well-known

[22] This continuous alternation of prose and verse is found in many narrative texts intended for performance (and the literary works imitating that format), from the ninth- and tenth-century *bianwen* discovered at Dunhuang down to many genres that are still practiced today. All of these many genres may therefore be equally characterized as a kind of *chantefable*. In order to distinguish *cihua* from other comparable genres I prefer to use the clumsy and perhaps overly literal translation "ballad-story." A more precise translation would be "a story with passages in seven-syllable verse," as *ci* in this compound refers to the seven-syllable line that was (and is) the preferred medium for narrative verse in China's oral performative traditions. For a general survey of the development of Chinese prosimetric literature, see W. L. Idema (forthcoming). "Prosimetric and Verse Narrative," in K.-I. Sun-Chang and S. Owen (eds.). *Cambridge History of Chinese Literature*, Cambridge: Cambridge University Press.

[23] *Ming Chenghua shuochang cihua congkan*, Shanghai: Shanghai bowuguan, 1973; reprint 1979. For a convenient summary of the content of each of the ballad-stories and other treatments of the same stories, see Tan Zhengbi and Tan Xun (1985). *Pingtan tongkao*, Beijing: Zhongguo quyi chubanshe, pp. 347–381. The Judge Bao ballad-stories were separately reprinted as *Baogong an cihua bazhong Shi lang fuma zhuan* in *Guben xiaoshuo congkan* Ser. 22, Vol. 4, Beijing: Zhonghua shuju, 1991.

A fifteenth-century printing of the well-known *chuanqi* play *Baitu ji* was discovered at the same time and also reprinted in the *Ming Chenghua shuochang cihua congkan*. A critical edition of this play was published as *Ming Chenghua bian Liu Zhiyuan huanxiang Baitu ji*, Yangzhou: Jiangsu guangling guji keyinsuo, 1980.

[24] *Ming Chenghua shuochang cihua congkan*, Taipei: Dingwen shuju, 1979. This edition is different from the Mainland publication in including on pp. 209–288, following *Xue Rengui kuahai zheng Liao gushi* (The Story of Xue Rengui Crossing the Sea and Subjugating Korea), a reprint of *Xue Rengui zheng Liao shilüe* (A Brief Account of Xue Rengui's Subjugation of Korea) from the *Yongle dadian* as edited by Zhao Wanli and originally published by Gudian wenxue chubanshe (Shanghai, 1957).

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vernacular fiction specialist Zhu Yixuan and published in 1997.[25] No less than eight of the sixteen *shuochang cihua* deal with Judge Bao, but up till today, scholarship on the *shuochang cihua* has mostly focused on other stories,[26] and a closer look at the ballad-stories on Judge Bao in their own right is long overdue.[27]

To the extent that surveys of the development of the Judge Bao legend deal with these materials, they often insert a discussion of these texts between a discussion of the *zaju* plays on Judge Bao, deemed to date from the Yuan, and the *chuanqi* plays and court-case fiction of the sixteenth century and beyond, suggesting a strict chronological development.[28] Some scholars even go so far as to characterize the *cihua* texts as rewritings of *zaju*.[29] This may well be misleading. Even if these ballad-stories may only have been printed in the second part of the fifteenth century, many or all of

[25] Zhu Yixuan (ed.) (1997). *Ming Chenghua shuochang cihua congkan*, Zhengzhou: Zhongzhou guji chubanshe; Zhu Wanshu, *Baogong gushi yuanliu kaoshu* (pp. 235–250) provides a critical edition of *Early Bao*.

[26] The most comprehensive study on *shuochang cihua* in English is A. McLaren (1998). *Chinese Popular Culture and Ming Chantefables*, Leiden: E. J. Brill. She discusses the Judge Bao texts primarily in her chapter on "Orthodoxy and Popular Interpretations: Stock Materials in the Chantefables," pp. 154–191. In studies of the *shuochang cihua* most attention is devoted to the four texts that together recount the heroic life of Hua Guan Suo, because this figure is featured in some early editions of the *Sanguo yanyi* (Romance of the Three Kingdoms). These texts have been translated into English, by G. O. King (1989), as *The Story of Hua Guan Suo*, Tempe: Center for Asian Studies, Arizona State University; also see T. Inoue *et al.* (1989). *Ka Kan Saku den no kenkyū*, Tokyo: Kyūko shoin. W. L. Idema (1999) has written about the *Yingge xing xiaoyi zhuan* (The Tale of the Filial Parrot) in "Guanyin's Parrot: A Chinese Animal Tale and its International Context," in A. Cadonna (ed.). *India, Tibet, China: Genesis and Aspects of Traditional Narrative*, Firenze: Leo S. Olschki Editore, pp. 103–150, and about the *Xue Rengui kua hai zheng Liao gushi* (W. L. Idema [2007]. "Fighting in Korea: Two Early Narratives of the Story of Xue Rengui," in R. E. Breuker [ed.]. *Korea in the Middle: Korean Studies and Area Studies*, Leiden: CNWS, pp. 341–358).

[27] The only two articles exclusively devoted to a discussion of the Judge Bao *cihua* are Yang Zhihua (1993). "Yan wei shuochang, jiwang kailai. Ming Chenghua kan Baogong gushi shuochang cihua bazhong shuping," *Henan daxue xuebao* 33(2), pp. 75–80, and Zhang Dengwen (1986). "Lianxuti gong'an lei jiangchang wenxue de xianqu — Ming Chenghua ben 'Bao Longtu gong'an cihua' chutan," *Dongyue luncong* 5, pp. 71–74. P. Hanan "*Judge Bao's Hundred Cases* Reconstructed" pays considerable attention to these *cihua* as sources for the *Baijia gong'an*.

[28] See for instance Zhu Wanshu, *Baogong gushi yuanliu kaoshu*, pp. 63–78.

[29] Abe, *Hōkō densetsu* (p. 10) flatly states that the ballad-stores on Judge Bao were written during the Chenghua period.

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them may well have been composed at an earlier date, as has been pointed out by a number of scholars, for instance Zhao Jingshen in one of the earliest articles on the newly discovered texts.[30] Whereas Zhao Jingshen suggests the "Yuan and early Ming" as the general period of composition of the ballad-stories, Tu Xiuhong argues in favor of the slightly earlier period of the late Southern Song and early Yuan dynasties (ca. 1200 to ca. 1300).[31] One obvious reason to assume a date of composition earlier than the date of printing is that the rhymes suggest that some *cihua* texts actually were composed in the Wu-dialect area of Suzhou and surroundings,[32] and the texts must have acquired some popularity there before they were printed in the northern capital. While a precise dating of the composition of the individual *shuochang cihua* eludes us, it seems safe to treat them as works of the preceding two centuries, roughly the same period that was identified by Patrick Hanan as the early period for the composition of *huaben* and that also saw the flourishing of dramatic genres such as *zaju* and *xiwen*.[33] This is a period when officials rode on horseback, not in a sedan chair, and when the most widely venerated deity was the Great Thearch of the Eastern Marchmount. As products of the period from the mid-thirteenth to the mid-fifteenth century, these ballad-stories are a world apart from the literature produced during the last century of the Ming dynasty, such as

[30] Zhao Jingshen (1972). "Tan Ming Chenghua kanben 'shuochang cihua'," *Wenwu*, November issue, 19–22. More detailed general discussions of the ballad-stories are provided by Zhou Qifu (1982). "Tan Ming Chenghua kanben 'shuochang cihua'," *Wenxue yichan* 2, 120–127, and Li Shiren (1986). "'Cihua' xinzheng," *Wenxue yichan* 1, 72–78.

[31] Tu Xiuhong (1997). "Baogong xi yu Baogong xiaoshuo de guanxi," Part 1, *Fujian shifan daxue xuebao* 2, 77–78. Unfortunately, most of her arguments are rather circumstantial. She makes the sensible suggestion, however, that it is much more probable that the *zaju* were adapted from the ballad-stories than the other way around. Liangyan Ge in an unpublished paper, "Narrative Affinities between *Shuihu zhuan* and the Judge Bao *cihua* Cluster: In Search of a Common Storehouse of Convention," p. 10, also compares the relation between *cihua* and *zaju* and reaches the following conclusion: "Without completely barring the possibility of mutual influence, one may consider Judge Bao *cihua* and Judge Bao *zaju* as separate and parallel lines of development following an earlier stage of the popular Judge Bao tradition."

[32] Furuya Akihiro in *Ka Kan Saku den no kenkyu*, pp. 326–346. *Weird Black Pot* is very precise in its description of geographical details for the journey from Shaoxing to Zhenjiang, but is very poorly informed about other parts of China.

[33] Hayden, *Crime and Punishment* (p. 16) stresses the changes in the Judge Bao legend from the late Ming period onwards: "The late-Ming period, although producing popular literature on Pao in some quantity, seems to have been ignorant of previous contributions to the legend. It indeed might be said to form a separate, although related, tradition."

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Baijia gong'an and *Longtu gong'an* or the *chuanqi* plays on Judge Bao. The tendency one may observe in some Chinese studies to treat all these works together as products of the Ming dynasty (as if the Ming dynasty were a unified period in cultural terms!) can only obscure the major differences between the various works and genres and diminish our appreciation of the specifics of the *shuochang cihua*.

All ballad-stories were printed in large, easily readable characters, and were richly decorated with full-page or half-page woodblock illustrations. While the quality of the printing and the illustrations cannot compare with that of the 1498 edition of the *Romance of the Western Wing* (*Xixiang ji*), we would be well advised not to jump to the conclusion that we are dealing with popular literature, primarily catering to a barely literate audience.[34] While the texts might be recited and chanted for a listening audience (including women), they were probably primarily printed for reading, and the only positive evidence we have for ownership and readership is the fact that our texts were discovered in a low-ranking official's grave. In general, the texts have been preserved quite well, but occasionally one finds missing characters, missing lines, or even missing pages. The ballad-stories' highly formulaic language,[35] however, makes it possible to reconstruct many of the missing passages with a high degree of probability. In addition, it is not only the text that has suffered occasional damage, but the illustrations as well.

The eight Judge Bao texts here may be divided into two groups on the basis of length and other features. On the one hand, we have four relatively short texts. The first three are closely interrelated. *The Tale of the Early Career of Rescriptor Bao* (*Bao daizhi chushen zhuan*; hereafter *Early Bao*) tells the story of the birth and youth of the later Judge Bao. As an infant, Bao is so ugly that he is rejected by his own father and brought up by his elder brother's wife.[36] The story proceeds to describe his success in the examinations and his first appointment, and then fast-forwards to his appointment as prefect

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[34] The quality of the printing of the *shuochang cihua* is much better than that of the *Baitu ji* which was discovered at the same time.

[35] D. T. Roy (1981). "The Fifteenth-century *Shuo-ch'ang tz'u-hua* as an Example of Written Formulaic Composition," *Chinoperl Papers* 10, 97–128. Also see McLaren, *Chinese Popular Culture*, pp. 154–166.

[36] This legend obviously derives from the widely published feat of Bao Zheng's daughter-in-law in saving Bao Zheng's son who was born to a maid. Also see Xu Zhongmin, *Baogong gushi*, pp. 224–236.

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of Kaifeng following his term of service in Chenzhou. *Judge Bao Selling Rice in Chenzhou* (*Bao daizhi Chenzhou tiaomi ji*; hereafter *Selling Rice in Chenzhou*) tells the story of Judge Bao's mission to Chenzhou after he has been reinstated in office in order to relieve the misery of the local population which is suffering from a famine.[37] *The Tale of the Humane Ancestor Recognizing his Mother* (*Renzong renmu zhuan*; hereafter *Recognizing his Mother*) tells how Judge Bao on his return from Chenzhou to the capital meets with a beggar-woman who tells him she is the birth-mother of Emperor Renzong, and how he ensures upon his arrival at court that the truth is revealed and she is given her rightful position.[38] These three stories also may well be the earliest texts of the eight Judge Bao *cihua*. While these stories reflect a well-developed legend which may have taken some generations to develop, they also appear to reflect certain exclusive features

[37] Bao Zheng's collected works contain one memorial related to a famine in Chenzhou in 1043, but Song-dynasty sources do not contain information on a trip by him to the famine-stricken area (the sources do record that he was dispatched to other problem spots). It is, however, interesting to note that the final decades of the reign of Renzong witnessed a significant development of the ever-normal granary system. Later, local sources from Chenzhou, explaining the continued veneration Judge Bao enjoyed there, claim he visited the region and executed an imperial relative by marriage surnamed Cao, but *Selling Rice in Chenzhou* does not mention any Cao among the evil-doers. The local legend probably reflects the popularity of *The Emperor's Brothers-in-law Cao* and its rewritings in the Ming and Qing.

On the members of the imperial family in Song times, see J. W. Chaffee (1999). *Branches of Heaven: A History of the Imperial Clan of Song China*, Cambridge MA: Harvard University Asia Center. Until the end of the reign of Renzong, the descendants of Taizu, Taizong and their brother lived secluded in imperially provided housing, supported by large stipends, and Chaffee concludes: "This policy of seclusion goes a long way towards explaining the virtual invisibility of clansmen in the political, social, intellectual, and cultural worlds of K'ai-feng. … imperial clansmen had little if any impact on their elite contemporaries" (p. 61). But he also quotes the early grand councilor Song Qi (917–996) as writing: "All those in the imperial clan generally have drowned in wealth and honor, are recklessly proud and boastful, and do not know propriety and righteousness" (p. 63). Even as the financial burden of maintaining the members of the imperial clan in style greatly increased, Emperor Renzong remained extremely indulgent towards his kin.

[38] According to the *Songshi*, Renzong was raised by Empress Liu, who acted as a regent during the final years of Emperor Zhenzong and the early years of Renzong. Renzong only became aware of the identity of his birth-mother following the death of Empress Liu, when his birth-mother had already passed away. Renzong was extremely distraught when he was informed of the true state of affairs and went to great length to honor his birth-mother. As there was never a reunion of mother and son, Bao Zheng did not bring it about. An anonymous *zaju* on this affair entitled *Bao zhuanghe* (Carrying the Cosmetics Box) and included in *Yuanqu xuan* has no role for Judge Bao. In later centuries this tale would

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of Song society. The fourth short text, *Dragon-Design Bao Sentences the White Weretiger* (*Bao Longtu duan baihujing zhuan*; hereafter *The White Weretiger*) is actually not categorized as a *cihua* on its title page but as a verse narrative (*ciwen*),[39] which means that it is fully narrated in verse. It shows a Judge Bao who is not only able to persevere against his own father, and to impose his will on criminal imperial relatives in the provinces and traitors inside the palace, but whose authority extends even to the other world and the animal kingdom, as he captures and subdues a wily female weretiger.[40]

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continue to collect gruesome details and would eventually provide the subject matter for the opening chapters of the nineteenth-century novel *Sanxia wuyi*. The earliest modern study on the development of this particular legend is Hu Shi (1980). "*Sanxia wuyi* xu," reprinted in his *Zhongguo zhanghui xiaoshuo kaozheng*, Shanghai: Shanghai shudian, pp. 393–435, esp. pp. 402–418. For a more detailed account of the many adaptations of this grisly tale, see Sun Kaidi, "*Baogong an* yu *Baogong an* gushi," pp. 103–125.

The novel *Sanxia wuyi* was based on the *Longtu erlu* (A Record by Ear of the Tale of Dragon-Design), which had been compiled on the basis of the prosimetrical narratives on the adventures of Judge Bao and his underlings by the mid-nineteenth century Beijing performer Shi Yukun and his followers. See S. Blader (1977). "A Critical Study of *San-hsia wu-yi* and its Relationship to the *Lung-t'u kung-an* Songbook," PhD Dissertation, University of Pennsylvania. The *Sanxia wuyi* would later be edited by the famous philologist Yu Yue (1821–1907) as *Qixia wuyi* (Seven Heroes and Five Gallants). For translations, see Shi Yukun and Yu Yue (1997). *The Seven Heroes and Five Gallants*, trans. Song Shouquan, Beijing: Panda Books; and Shih Yü-k'un (1998). *Tales of Magistrate Bao and his Valiant Lieutenants: Selections from* San-hsia wu-i, trans. S. Blader, Hong Kong: Chinese University Press.

At about the same time as the preserved ballad-stories were printed, the Chenghua emperor learned in 1475 that one of his concubines had borne him a son five years earlier, but that he had not been informed of this fact because of the jealousy of his favorite, Concubine Wan. The mother of the child died one month later, and foul play was widely suspected. See McLaren, *Chinese Popular Culture*, p. 175.

[39] This genre is already encountered under this name among the Dunhuang manuscripts.

[40] This tale of a shape-shifting animal with great magical powers that preys on young men in order to rob them of their vital essence is somewhat of an anomaly among the ballad-stories on Judge Bao, but the motif, which has a long history in Chinese lore, recurs much more frequently in *Baijia gong'an* and *Longtu gong'an* (which, however, do not include this specific tale). On Chinese tiger lore, see the following articles by C. E. Hammond (1991). "An Excursion into Tiger Lore," *Asia Major* Third Series 4(1), 87–100; "Sacred Metamorphosis: The Weretiger and the Shaman," *Acta Orientalia* 46 Fasc. 2–3 (1992–1993), 235–255; "The Demonization of the Other: Women and Minorities as Weretigers," *Journal of Chinese Religions* 23 (1995), 59–80; and "The Righteous Tiger and the Grateful Lion," *Monumenta Serica* 44 (1996), 191–211.

For a general discussion of the theme of the love between a student and a shape-shifting animal in Judge Bao stories, see Abe, *Hōkō densetsu*, pp. 198–214, which focuses on the tale of a goldfish that takes on the shape of a young man's fiancée. The most versatile shape-shifters Judge Bao

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While of limited length, *The White Weretiger* is thematically linked to the second set of texts, as it starts with the departure from home of a student who wants to participate in the examinations at the capital, a motif we reencounter in three of the four remaining texts.[41] These four remaining texts are roughly twice as long as the texts we discussed above, and two of them are formally divided into two "scrolls" (*juan*). Three of them feature a student who leaves home to travel to the capital Kaifeng, and all four of them focus on a cruel murder case. In *Rescriptor Bao Decides the Case of the Weird Black Pot* (*Bao daizhi duan wai wupen zhuan*; hereafter *The Weird Black Pot*),[42] the case is complicated by the absence of a corpse, but in the three other cases the main complication consists of the powerful connections of the murderer — in *The Tale of Zhang Wengui* (*Zhang Wengui zhuan*; hereafter *Zhang Wengui*) the murderer enjoys the protection of the empress-dowager whose life he has saved with the student's treasures,[43] in *The Tale of the Case of Dragon-Design Bao Sentencing the Emperor's Brothers-in-law Cao* (*Bao Longtu duan Cao guojiu zhuan*; hereafter *The Emperor's Brothers-in-law Cao*) the murderer is one of the emperor's brothers-in-law,[44] and in *The Story of How Shi Guanshou's Wife Liu Dusai on the Night of the Fifteenth, on Superior Prime, Watched the Lanterns* (*Shi Guanshou qi Liu Dusai shangyuan shiwu ye kandeng zhuan*; hereafter *Liu Dusai*) yet another murderer is the emperor's own younger brother.[45] The last two titles share the plot element of the kidnapping

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would encounter in his career, however, were a set of five rats, which would create havoc in Kaifeng by taking on the appearance of high officials, of the empress and even of the emperor! This tale is included in *Baijia gong'an* and *Longtu gong'an*, but it is also encountered elsewhere and was circulated as an independent novel in the late Ming. See A. Lévy (1971). "Le motif d'Amphitryon en Chine: 'Les cinq rats jouent mauvais tours à la capitale orientale'," in his *Études sur le conte et le roman chinois*, Paris: École Française d'Extrême Orient, pp. 115–146.

[41] See McLaren, *Chinese Popular Culture*, pp. 156–157 for a detailed discussion of this stock motif. Curiously enough, the students who set out for the capital to sit for the examinations seem to do so without ever having passed any examination at a lower level.

[42] See Sun Kaidi, "*Baogong an* yu *Baogong an* gushi," pp. 95–103 for a discussion of a number of other adaptations of these materials.

[43] For a discussion of the theme of a student who is given great treasures for which he is later murdered, see Abe, *Hōkō densetsu*, pp. 175–197.

[44] If we can trust our historical sources, the younger brothers of Empress Cao actually served the court with distinction. See Yang Xurong, *Baijia gong'an yanjiu*, p. 57, and McGrath, "The Reigns of Jen-tsung (1022–1063) and Ying-tsung (1063–1067)." For a discussion of a number of other adaptations of this tale, see Sun Kaidi, "*Baogong an* yu *Baogong an* gushi," pp. 126–150.

[45] Chinese scholars have failed to identify any specific source for this story.

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of a married woman by an imperial relative, but Liu Dusai's husband Shi Guanshou is a rich weaver, not a traveling student.[46] These longer ballad-stories may well date from somewhat later than the shorter tales. The number of cases said to have been solved by Judge Bao increases from thirty-six to seventy-two to one hundred and eight;[47] *Liu Dusai* would appear to reflect in its description of the duties of craftsmen the institutions of the early Ming; and while *The Emperor's Brothers-in-law Cao* in many ways seems to echo and parody *Selling Rice in Chenzhou*, *Liu Dusai* may well have been written in an attempt to outdo both *The Emperor's Brothers-in-law Cao* and *Zhang Wengui* in the enormity of the crime, the status of the criminal, and the ingenuity of Lord Bao in bringing the criminal to justice.

Each of these ballad-stories tells its tale in simple prose and functional verse. While the author(s) relied heavily on formulaic lines in these *cihua*, he/they is/are also capable of quite striking lines, and they leave little to be desired in their plotting. Each text clearly has its own atmosphere. *Early Bao* combines myth and trickster tale; *Selling Rice in Chenzhou* is a social exposé, while *Recognizing his Mother* has gothic elements in its description of the weird behavior of the beggar-woman, its evocation of sordid palace intrigue, and its performance of an underworld interrogation of a fiendish eunuch by the emperor and Judge Bao in disguise. *The White Weretiger* introduces the element of the uncanny; the first half of *Zhang Wengui* resembles a fairy tale; and *The Weird Black Pot* is the ultimate murder mystery. *The Emperor's Brothers-in-law Cao* develops the characterizations of its major antagonists: if the youngest Cao brother is an undiluted villain, his elder brother is a more cautious bureaucrat, and the snobbishness of their mother is countered by the vindictiveness of Judge Bao.[48] The social criticism of the highest nobility

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[46] See McLaren, *Chinese Popular Culture*, pp. 164–166 for a brief discussion of "Two Topoi: The Beautiful Woman and the Dangers of the City."

[47] In *The White Weretiger* and *The Weird Black Pot* Judge Bao is credited with solving thirty-six difficult cases, but in *Zhang Wengui* with solving 108 problematical cases.

[48] Anne McLaren (1996). "Women's Voices and Textuality: Chastity and Abduction in Chinese *Nüshu* Writing," *Modern China* 22(4), 382–416 has compared the *cihua* version of this tale to a version preserved in the women's script of Jiangyong, Hunan (and translated into English by me in my *Heroines of Jiangyong: Traditional Narrative Ballads in the Women's Script*, Seattle: University of Washington Press, 2008, pp. 98–118). She stresses that in the latter version the female victim has a much more active role than in the *cihua* version. It may also be pointed out that in this version in women's script it is the father of Empress Cao who is the villain, not her brother. However, the same Cao guojiu (Imperial In-law Cao) is also one of the Eight Immortals. The *cihua* version solves this problem: the youngest brother is executed, but the elder brother becomes a hermit and joins the Eight Immortals as Cao guojiu.

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is continued in *Liu Dusai* in the characterization of the emperor's younger brother, who despises Judge Bao for his protection of the common people.

Even the brief introduction to the subject matter of the ballad-stories presented above should suffice to show how different they are in content from the *zaju* plays. The only case in which the *cihua* (*The Weird Black Pot*) and the *zaju* (the anonymous *Pen'er gui* [The Ghost in the Pot]) stay relatively close in their treatment of a crime (apart from the formal differences imposed by genre)[49] is the case of the missing murder victim. When evil potters murder a rich traveler, they pulverize the corpse and mix it with the clay they use in making their pots. The crime comes to light when the ugliest pot starts to complain to its new owner, who then takes the pot to Judge Bao, who eventually through guile and torture forces a confession out of the evil potters.[50] But it is perhaps no accident that the victim is a student on his way to the examinations in the ballad-story, but a traveling merchant in the play.[51] The Ming palace censors may not have liked the suggestion that it could be dangerous to travel to the capital to sit for the examinations.[52] The differences become far more conspicuous when we compare the treatment of Judge Bao distributing rice in Chenzhou. In the ballad-story *Selling Rice in Chenzhou*, the distribution of government rice to the starving population of Chenzhou is bungled by corrupt imperial relatives. When an angry crowd of Chenzhou citizens appears before the imperial palace, Emperor Renzong is at first incredulous, but eventually he

[49] A number of Judge Bao *zaju* stand out for their comic treatment. In many courtroom plays, the final judgment is preceded by an episode in which a corrupt or foolish judge bungles the case. See Perng Ching-Hsi, *Double Jeopardy*. Such reversals of judgment are not encountered in the ballad-stories on Judge Bao, with the exception of *Recognizing his Mother*. In a number of Judge Bao plays, it is Judge Bao himself who plays the part of the befuddled judge. See Hayden, *Crime and Punishment*, p. 8. These stage versions of the fumbling Judge Bao may well have contributed to his portrayal in *San Sui pingyao zhuan*, one of our earliest preserved vernacular novels, which deals with the rebellion of Wang Ze.

[50] For an English translation of this play, see Hayden, *Crime and Punishment*, pp. 79–124. This play is best liked for its second act in which the ghost in the pot scares its new owner, who uses him as a chamber pot, and its third act in which the old man takes the pot with him to court but the ghost is scared off by the door gods and initially does not dare enter the yamen.

[51] For a detailed comparison of the ballad-story version and the *zaju* adaptation, see McLaren, *Chinese Popular Culture*, pp. 181–183.

[52] Students are hardly if ever the victims of crimes in courtroom plays. In these plays the victim is "usually a peasant, servant, or small tradesman." Hayden, *Crime and Punishment*, p. 5.

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is persuaded to recall Judge Bao to court and to give him full authority to deal with the situation. In order to emphasize that the local problems stem from the inability of the emperor to run his own household properly, the ballad-story includes an episode of Judge Bao imposing a hefty fine on the emperor's favorite concubine when he encounters her on the streets of Kaifeng while traveling with the full set of honor guards, a prerogative of the empress.[53] When Judge Bao travels to Chenzhou disguised as an ordinary student, he discovers a society in which local bullies ride roughshod over their fellow villagers, local magistrates allow their sons to abuse the local population, and imperial relatives line their own pockets with the money they extort from starving farmers and townspeople. In the anonymous *zaju*, also entitled *Selling Rice in Chenzhou* (*Chenzhou tiaomi*), no emperor makes an appearance, and the source of the crime is not the imperial palace, but a single official, who has his son and son-in-law appointed to the lucrative job of distributing government grain.[54] In this way, this play exemplifies a general characteristic of the preserved Judge Bao *zaju*: the criminal is a local and individual nuisance, and the problem they (he) present(s) is quickly and efficiently dealt with by Judge Bao as the representative of the central government.

Unfortunately, we have no examples with which we can compare a Judge Bao *zaju* in a Yuan-dynasty printing with a late Ming manuscript or a late Ming print. But we have numerous other plays for which such comparisons are possible. Judging from the changes one can observe in these plays the preserved Judge Bao *zaju* show all the hallmarks of extensive revision at the hands of the imperial censors, who wished to stress the final authority in all matters of the central government and wanted to downplay the seriousness of social problems portrayed in plays intended for performance before the emperor. Even when existing Judge Bao *zaju* such as *Lu Zhailang* and

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[53] The *Songshi* informs us that concubine Zhang (1024–1054) once had obtained the permission of Empress Cao (a granddaughter of the statesman Cao Bin [931–999]) to make a trip outside the palace with her honor guard and regalia, but was dissuaded from doing so by Emperor Renzong. See Yang Xurong, *Baijia gong'an yanjiu*, pp. 91–92 (note 10).

[54] For an English translation of this play, see Hayden, *Crime and Punishment*, pp. 29–78. This plays features a rarely seen elderly Judge Bao who is only too eager to retire but is persuaded to go on one last mission. The play is best liked for its third act in which Judge Bao travels to Chenzhou in the disguise of a down-on-his-luck peasant and ends up as the mule-driver of the prostitute who is patronized by the two villains of the piece. In the *cihua* the corresponding episode is much less developed. For a detailed comparison of the play and the ballad-story, see McLaren, *Chinese Popular Culture*, pp. 179–181.

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Butterfly Dream (*Hudie meng*) (both usually ascribed to Guan Hanqing but better treated as anonymous works) feature a villain who boasts of his connections in high places,[55] such connections are never specified and the patron never interferes in the action, in contrast to the ballad-stories in which powerful eunuchs, high ministers, empress-dowagers and the empress herself do not hesitate to interfere on behalf of their protégés — only to be forcefully put in their place by Judge Bao.[56]

Whenever a *cihua* version and a *zaju* adaptation of the same story are found, it is the *cihua* version that was continued in later retellings and rewritings. However, whereas in the *cihua* corpus the conflict between Judge Bao and the emperor and his family is a major theme in the majority of the texts, that theme is drowned out in the later compendia by their multitudinous accounts of lurid crimes. While in *Liu Dusai* the emperor's younger brother decries Judge Bao as a champion of the common people of Kaifeng, one can well imagine that the figure of a Judge Bao who insists that the laws and institutions of the dynasty apply as much to the emperor and his family as to his subjects may not only have appealed to ordinary citizens, but also to members of the bureaucracy. After all, good students had learned early on from Confucius that "women and small men are hard to deal with," and what the Sage had in mind must have been the ruler's womenfolk, male relatives, and other assorted hangers-on. With their heavy emphasis on a rule of law that excludes no one from its application, these *cihua* may well be of special relevance even to contemporary times.[57]

[55] English translations of these two plays are provided in Yang Xianyi and G. Yang (trans.) (1979). *Selected Plays of Guan Hanqing*, Beijing: Foreign Languages Press, as "The Wife-Snatcher" (pp. 38–66) and "The Butterfly Dream" (pp. 67–91).

[56] The *zaju* which comes closest to the *cihua* in this respect is actually *Chenzhou tiaomi*, in which we first observe the corrupt official Liu Yanei securing the commission to sell rice in Chenzhou for his son and son-in-law, and later observe him as he tries to save them from punishment by appealing to his colleagues — while they are willing to help him out, the wily Judge Bao still has the two villains executed.

McLaren, *Chinese Popular Culture*, following the conclusions of Y. W. Ma, states that "Bao is much more wary of outright confrontation with the emperor" (p. 174) in the *zaju* than in the *cihua*, but does not provide an explanation for the phenomenon.

[57] A number of recent studies mine the Judge Bao tradition for the contemporary project of the institution of "rule of law" in the PRC.

Judge Bao is often invoked in post-Cultural Revolution fiction from the PRC dealing with the struggle against crime and corruption. See J. C. Kinkley (2000). *Chinese Justice, The Fiction*, Stanford: Stanford University Press, esp. pp. 55–88.

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All of the ballad-stories on Judge Bao are set during the long reign of the fourth ruler of the Song dynasty, Emperor Renzong. Each story starts with a set piece in praise of the peace and prosperity of his reign, the superior quality of his officials, and the supernatural signs of Heaven's grace.[58] But there is a problem. Just as the knights of the Round Table can only prove their mettle if there are threatening monsters to be killed and damsels in distress to be rescued, Judge Bao can only display his qualities if there are crimes to be solved and villains to be punished. We do not have to worry, as it soon turns out that the peace and prosperity of the reign of Renzong is only a thin veneer. At the very moment the emperor intends to celebrate his achievements with his court officials in *Selling Rice in Chenzhou*, starving subjects clamor for his attention at the gate of the palace. It turns out that the emperor's virtue does little to curb the lust and greed of his subjects, even within his own family.[59] Robbers prey on travelers and imperial relatives kidnap pretty women. Nor do these criminals shirk from murder and they will commit their crimes in the imperial capital itself.

For a crime case, we need a criminal act, a villain, a victim, and a judge. Of the eight *cihua* texts, only the one on the youth of Judge Bao is not focused on crime. The text on Judge Bao's visit to Chenzhou features a whole range of transgressions — a favorite imperial concubine usurps the honors befitting the empress; a local bully privately ties up suspected thieves; a local magistrate allows his son to ride roughshod over the local population while hunting and kidnapping the daughter of a commoner; other local bullies charge artificially high prices for tea and double ferry fees; local officials charge too much for alcohol; and the special commissioners in charge of the sale of government rice to a starving population at fixed low prices double the prices to benefit themselves. *Recognizing his Mother* recounts how Judge Bao on his way back to the capital from Chenzhou is approached by a beggar-woman who claims to be the birth-mother of Emperor Renzong. According to her story, her baby had been stolen by concubine Liu, who had raised the infant as her own and tried to have her killed. Upon his return to court, Judge Bao confronts the emperor, who

[58] See McLaren, *Chinese Popular Culture*, pp. 166–170, "Singing of the Virtuous Emperor."

[59] Apart from the five ballad-stories that focus on the crimes of imperial relatives, the ballad-stories mention two other stories in which Judge Bao sentences an imperial relative. The introduction of *Recognizing his Mother* mentions Judge Bao's condemnation of the imperial relative Zeng, and in *The Emperor's Brothers-in-law Cao* we encounter a reference to his condemnation of "the emperor's in-law Tao."

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believes the now empress-dowager Liu to be his mother, and eventually succeeds in extracting a confession from her accomplice, the eunuch Guo Huai.

In each of the other cases, the primary crime is a murder most foul. In *The White Weretiger* the seductive monster kills a Daoist priest who disclosed her true nature to a student who met her on his road to the capital; in *The Weird Black Pot*, potters kill a student who is traveling to the capital in order to rob him of his money and goods; in *Zhang Wengui*, yet another student is killed when he arrives at the capital by the innkeeper who covets the three magical objects this student has received from the daughter of the robber king who had captured him — the innkeeper goes on to use these objects to save the life of the emperor's mother and achieve a high position; in *The Emperor's Brothers-in-law Cao*, one of the younger brothers of Empress Cao kills the husband and son of a beautiful woman who has followed her husband to the capital; and in *Liu Dusai*, the emperor's own younger brother not only kills the husband of the beautiful wife he has kidnapped but also more than one hundred members of his household. These murders most foul cry out to Heaven. Whereas *Selling Rice in Chenzhou* and *Recognizing his Mother* contain hardly any supernatural elements, these last five stories do. Judge Bao is alerted to the crime by some kind of supernatural action, and may be informed of the true nature of the event through other supernatural means.[60] What remains to be done is for Judge Bao to arrest the criminal, prove the facts of the case, extract a confession, and ensure that the culprit is punished.

In view of the supernatural nature of the culprit or the high connections of the villains, these cases require a very special judge. *Early Bao* sets out to explain the exceptional background and the peculiar characteristics of Judge Bao. Judge Bao is often said to be an incarnation of the Astral God of Civil Arts (*Wenqu xing*), sent down to earth together with the Astral God of Military Arts (*Wuqu xing*), to assist Renzong, who is said to be the reincarnation of a heavenly deity (the Barefoot Immortal).[61] At other times,

[60] Abe, *Hōkō densetsu*, pp. 26–42; 79–102.

[61] The incarnation of the Astral God of Military Arts is often said to be Di Qing (1008–1057). Di Qing, who distinguished himself in the wars against the Xixia kingdom in the northwest and the suppression of the rebellion of Nong Zhigao in the extreme south, had become a character on the stage by Yuan-dynasty times, and in the Qing dynasty would become the hero of three novels: *Wanhua lou* (Tower of Myriad Flowers), *Wuhu pingxi* (The Five Tigers Pacify the West) and *Wuhu pingnan* (The Five Tigers Pacify the South). Judge Bao has a major role in these, especially

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Judge Bao is said to be an incarnation of the White Tiger Star, and as such is paired with the emperor, who is of course a dragon. In contrast to the historical Bao Zheng who was born as the son of an official, our Judge Bao is said to have been born as the third son of a farmer, who spent a large part of his younger days herding cows and cutting wheat. Despite his father's wealth, this lowly origin continues to haunt Judge Bao throughout his life. In *The Emperor's Brothers-in-law Cao*, their mother curses Judge Bao by elaborating on his lowly background,[62] and in *Liu Dusai*, Judge Bao fears that one of his actions may be interpreted as a sign of his rural background.[63]

Judge Bao is not only described as a farm boy, but also as extremely ugly, so ugly indeed that his father refuses to accept the child — the infant only survives because the wife of his eldest brother takes care of him. Not only does she feed him, she later sends him to school. When he eventually goes to the capital to sit for the examinations, he is, thanks to divine intervention, taken care of by a top-class courtesan who, like him, hails from Luzhou.[64] When he returns home upon passing the examinations, he manifests himself very much as a trickster. Judge Bao's ugliness reminds one of Zhong Kui, who, according to legend, committed suicide when Emperor Xuanzong (reg. 713–756) refused to grant him his degree after he had passed the examinations because he was so ugly, and from that day on became a ghostly demon-queller.[65] While some texts state that Judge Bao judges the living during the day and the dead at night, the ballad-stories do not describe such

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in *Wanhua lou*. In some texts, Yang Wenguang, a scion of the Yang family, is identified as the incarnation of the Astral God of Military Arts. For the early novels on the generals of the Yang family, see W. L. Idema (2006). "Something Rotten in the State of Song: The Frustrated Loyalty of the Generals of the Yang Family," *Journal of Song-Yuan Studies* 36, 57–77.

[62] This passage reminds one strongly of the way in which Ji Bu effectively curses Liu Bang by spelling out his rural background in the *Zhuo Ji Bu zhuanwen* (The Text of the Tale of the Capture of Ji Bu), a ninth or tenth century *ciwen* discovered at Dunhuang.

[63] See McLaren, *Chinese Popular Culture*, pp. 171–172.

[64] The courtesan ended up in her profession because she had been kidnapped on the night of the Lantern Festival. This motif will be reencountered in *Liu Dusai*, where the heroine is separated from her servants in the crowd on the same occasion. Cf. McLaren, *Chinese Popular Culture*, pp. 168–170. In her "Revels of a Gaudy Night," *Chinese Literature Essays Articles Reviews* 4(2), 213–231, an analysis of the role of the Lantern Festival in the sixteenth-century novel *Jin Ping Mei*, V. Cass writes, "The Primal Night holiday is a nightmarish scene of eroticism and death fantasies in which human society loses its order and is seen as swarms of life and surges of energy. Creation is seen as chaotic and indiscriminate" (p. 215). On pp. 220–227 she proceeds to discuss the imagery of the lantern, spring and crowds.

[65] Cf. Abe, *Hōkō densetsu*, pp. 3–25; Yang Xurong, *Baijia gong'an yanjiu*, pp. 239–240.

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behavior. However, Judge Bao may orchestrate a night performance of an underworld judgment in order to scare an exceptionally stubborn villain, such as the eunuch Guo Huai, into a confession.[66] He may also on occasion order the local city god to do his bidding and his prayers to the gods for support are always answered. Judge Bao's trickster nature will serve him well in his later career, during which he will lie and connive, feign and dissemble for the cause of justice.[67]

Guile and trickery, exceptional ugliness, high offices and extreme moral standards, however, are not enough to operate effectively in the complex bureaucracy of imperial China. Judge Bao needs both the full confidence of the emperor and the backing of the highest officials. Judge Bao has the backing of the emperor, as is demonstrated by a wide variety of objects that are bestowed on him as a sign of his authority.[68] However, the emperor, though described as virtuous, is also a rather weak-spined man when confronted by women, such as his mother, his mother-in-law, his empress and his favorite concubine. Judge Bao's institutional basis is provided by his guarantors (eight when he is appointed prefect of Kaifeng in *Early Bao*, and ten when he is dispatched to Chenzhou in *Selling Rice in Chenzhou*), who represent the highest civil authorities, military officers, and members of the imperial nobility. It was not an empty gesture to act as guarantor for a junior colleague in the bureaucracy — the historical Bao Zheng was demoted at least once for the malfeasance of one of the officials for whom he served as a guarantor.[69] The strongest supporter of Judge Bao at the legendary court of the Humane Ancestor is the Chancellor "Black Wang from Qingzhou." This fictional character must have been based on the historical Wang Zeng (978–1038). Wang Zeng lost his parents at a young age and was raised by an uncle. He became a national celebrity in 1002 when he passed both the metropolitan and palace examinations at the top of the list, and went on to achieve the highest offices under Zhenzong and Renzong, earning wide respect for his honesty and probity.[70] Among the guarantors of

[66] In *Recognizing his Mother*. Cf. McLaren, *Chinese Popular Culture*, pp. 115–116.

[67] McLaren, *Chinese Popular Culture*, pp. 116–117; Abe, *Hōkō densetsu*, pp. 63–78.

[68] Yang Xurong, *Baijia gong'an yanjiu*, pp. 250–251.

[69] See B. Schmoller, *Bao Zheng*, pp. 235–250, "Die strafrechtliche Mitverantwortlichkeit des empfhelenden Beamten für das Versagen seines Protégés" (The legal co-responsibility of the recommending official for the failure of a recommended official).

[70] For a brief biography of Wang Zeng (in German), see H. Franke, *Song Biographies* 3, pp. 1159–1161. For early anecdotes on Wang Zeng, see Ding Chuanjing, *Songren yishi huibian*, pp. 260–262. The historical Bao Zheng was recommended for his first position at court (in 1043) by Wang Gongchen (1012–1085).

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Judge Bao we also encounter a character who may be called either the Sixth Prince or the Eighth Prince. This character is based on Zhao Yuanyan (987–1044), the eighth and longest surviving son of Emperor Taizong, and a very prominent presence at court throughout his life.[71] Judge Bao's antagonists, of course, may try to bolster their positions by collecting powerful guarantors too.

In these ballad-stories, the law is described as fixed and clear. No law code is ever quoted, as the crimes are so blatant that no such formalities are needed. Nowhere is there the suggestion that the law might be changed (by the emperor or his bureaucrats) or that its interpretation could change in any way. The notion of the law is not limited, however, to criminal acts, but seems to include all fixed norms and rules that have been in existence since the beginning of the dynasty — Judge Bao fines the empress for leaving her palace without good cause. As such, the laws and rules apply equally to all members of the polity, even the emperor himself. While that may be so, it does not mean that punishments are the same for all. High officials as well as commoners (including the emperor's brothers-in-law and his younger brother) may be condemned to death, by strangulation, beheading, and even by a thousand cuts, but the emperor and his wife are excluded from such extreme punishments. They are only fined hefty sums by Judge Bao when he finds them in transgression of the rules (these fines are distributed to the troops as bonuses).

In these ballad-stories, there is little notion of due process. There is no idea that the accused is supposed to be innocent until tried and found guilty by a jury of his peers. No lawyers are present to defend the suspects, and the suspects can be locked up for any period of time. As soon as Judge Bao is convinced of a villain's guilt (and of course his probity ensures that his conviction is always well-founded), he will use all the tricks in his book to prove that person's guilt and extract a confession. As criminals are only all too aware that no case can be concluded without a confession, they often refuse to confess even when their guilt has been established beyond any doubt. In order to extract a confession Judge Bao may resort to scare tactics and extreme torture, in the courtroom and in prison. The common tendency of the villains to refuse to confess to their crimes provides ample opportunity to progress from caning to the application of the finger press and worse

[71] On Zhao Yuanyan, see J. W. Chaffee, *Branches of Heaven*: *A History of the Imperial Clan of Song China*, p. 45.

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punishments.[72] These descriptions of the bastinado and forms of torture are so conspicuous that one is tempted to provide the anonymous author of these texts with the sobriquet the "Master of Judicial Torture."

For Judge Bao the primary issue often is not how to extract a confession, but how to attract the villain to his yamen, and to separate the powerful villain from his armed guards. In order to achieve his ends he will not only feign to be ill and dying, but even fake his own death. He will also use his own wife Lady Li as an accomplice in his occasionally quite elaborate schemes. Once he has laid his hands on the villain, his authority inside his own yamen would appear to be practically limitless. High officials, and even the empress, who come to his office to plead the cases of their protégés are brusquely told to get lost, and thereupon quickly leave.

As the villains in these ballad-stories are so stubborn or well-connected, Judge Bao plays a major role in each of these stories. He is the major character from the very beginning in the three shorter *cihua*, and while he is absent in the first half of the five other texts, he takes the central role once the crime has been brought to his attention. In this way, the ballad-stories are quite different not only from the contemporary *huaben* and *zaju*, but also from the cases in *Baijia gong'an* and *Longtu gong'an*, in which Judge Bao more often than not only makes a brief appearance at the very end of the tale — not to mention from the late nineteenth-century *Sanxia wuyi* (Three Heroes and Five Gallants), in which Judge Bao's underlings take central stage after the opening chapters.

The ballad-stories on Judge Bao provide us with the most complete and unexpurgated reflection of the legend of Judge Bao in the earliest phase of its development in written literature (1250–1450). While it is quite possible that some *huaben* and *zaju* were composed earlier than some or all of the ballad-stories, these texts have only been preserved in much later printings, and the *zaju* especially appear to have been subjected to extensive revision. This revision turned Judge Bao into an instrument of central state power, dealing with local and individual instances of corruption and crime. In the ballad-stories, however, Judge Bao's main antagonists are members of the

[72] Yang Xurong, *Baijia gong'an yanjiu*, pp. 251–254 notes the exceptional harshness of Judge Bao in the ballad-stories and lists the various forms of torture applied (many of which are not found in the codes and statutes). The description of court procedures in the ballad-stories provides a stark contrast to the legal procedures described by T. Brook, J. Bourgon and G. Blue (2008). *Death by a Thousand Cuts*, Cambridge MA: Harvard University Press, pp. 37–50.

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imperial family who abuse their privileged positions in order to give free rein to their lust and greed. As a result, Judge Bao cannot be the *deus ex machina* who appears at the very end of the story to dispense justice and restore order, but has to be a major character in each of the ballad-stories. Dealing with outrageous crimes, he is both an exemplar of moral rectitude and a low-born trickster, who at times even seems vindictive enough to enjoy the opportunity to inflict pain on the high and mighty who have strayed from the straight and narrow. As the elder brother of Empress Cao warns his mother, "He loves to sentence the emperor's kin and relatives."

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