Court Case Ballads: Popular Ideals of Justice in Late Qing and Republican China

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Drum ballad texts (guci) evoke one of the most popular of performance genres, the drum ballad, in north China in the late Qing and Republican period (1800–1937). These texts not only drew on oral literature but also served as vehicles for the dissemination of popular stories throughout north China. Many drum ballad texts recount stories of incorruptible judges who help the powerless gain justice. Drum ballads reached audiences ranging from the nobility to men and women of low social status. Study of this body of narratives opens up new perspectives on Chinese culture by examining the attitudes toward justice in these widely-read texts.

Precisely because they are a kind of popular literature, drum ballads provide an interesting complement to historians’ usual sources for the study of Chinese legal culture. Studies of legal history have revealed much about non-elite practices in the Qing. By mining case records, scholars like Matthew Sommer and Thomas Buoye observed striking differences between prescription and practice among lower socio-economic groups. Still, these case records were written by officials for officials, and thus reflect their interpretation. Drum ballads have received little scholarly attention but provide another perspective, because the ballads’ ties to the oral tradition and easy-to-read rhymed format meant they could be read by less educated audiences.

The legend of a wise judge inspired by the historical official Liu Yong (1719–1805) provides fertile ground to explore ideals of justice in popular culture. Drum ballads on Judge Liu generated at least nineteen woodblock editions in

1 Thomas Buoye, Manslaughter, Markets, and Moral Economy (Cambridge: Cambridge University Press, 2000); Matthew Sommer, Sex, Law and Society in Late Imperial China (Stanford: Stanford University Press, 2000).
3 The legends of Liu Yong frequently refer to him as “Liu Gong.” I am translating the informal title “Liu Gong” as Judge Liu because it evokes a longstanding tradition of “wise judge” stories, among which the legend of Judge Bao (Bao Gong) is the most famous. Historically, the
the mid- to late Qing, and twenty lithographic editions from 1908–1931. These court case stories are little studied, but were hugely popular in their day. They allow us to look at the 'same' story across a range of forms within North China.

Drum ballads on Judge Liu circulated in manuscript, woodblock, and eventually lithographic editions. While many of the texts are not dated, it is likely that the manuscript in the Chewangfu collection is the earliest, with internal evidence suggesting a date between 1797 and 1804. Cases in the manuscript include murder, adultery, rape, property disputes, heterodox teachings, and rebellion. Most of the woodblock editions of drum ballads on Judge Liu are not dated, but internal evidence shows one text can be no earlier than Daoguang (1821), and another can be no earlier than Tongzhi (1862). Those that are dated are from 1881 and 1894. The corpus of woodblock and lithographic editions of the Judge Liu drum ballads consists almost entirely of a linked trilogy of case stories: *Bailing ji (The Story of the White Silk Plaint)*, *Xuanfeng an (The Case of the Whirlwind)*, and *Na Guotai (Nabbing Guotai)*, also known as *Jinan fu (The Prefecture of Jinan)* or *Xia Jinan (Going to Jinan)*. The Case of the Whirlwind, which falls in the middle of the trilogy, is a case of murder and adultery. The other two stories center on a boy who takes his case to Beijing in a quest to avenge his father's death after a high-level official abuses power (The Story of the White Silk Plaint), and Judge Liu's campaign to oust the abusive official.

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4 This range of dates is suggested since the text refers to Liu Yong as being alive, and it refers to the Qianlong emperor as the former emperor (taishang huangye). See the preface to Yan Qi 燕琦, ed. *Liu Gong an: Chewangfu quben* 刘公案: 车王府曲本 [Cases of Judge Liu: The Songbook from the Chewangfu Collection] (Beijing: Renmin wenxue chubanshe, 1990): 1.

5 The drum ballad texts make extensive use of homophonic substitution, shorthand characters, and simplified characters. Where I suspect homophonic or orthographic substitution, I give the "correct" character in brackets.

6 In the ballad, the boy's father was a local elite, the richest man in Shandong and a Provincial Graduate (juren). However, wealth plays no role in the boy's quest, and he does not draw upon any particular networks of influence. Instead he goes alone to Beijing to have his case heard. Thus he seems to represent the ordinary man, and is even more vulnerable by virtue of being a child. While Nancy Park mentions that commoners could and did bring cases against officials, in the Qianlong era only three commoners brought charges against a Governor or Governor-General. Although two of those cases resulted in punishment of the official, in all three cases the commoner was punished. Nancy Park, "Corruption and Its Recompense: Bribes, Bureaucracy, and the Law in Late Imperial China," Ph.D. dissertation, Harvard University, 1993, 188–93. Capital appeals were frequent, but in reality a youth was not permitted to present a capital appeal. See Jonathan Ocko, "I'll Take It All the Way to