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# Judge Bao's Hundred Cases Reconstructed

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If the word "courtcase" (gongan 公案) is applied to all Chinese drama and fiction that ends in a judicial solution, it will be virtually useless for the critic. If it is confined to works in which the judicial solution (of some crime or other social disorder) is of central importance, it effectively distinguishes a type of Yuan and early-Ming Northern drama,¹ a type of early (pre-1450) vernacular story,² and certain kinds of Ming and Qing fiction. The majority of courtcase plays make use of the same judge, Bao Zheng 包拯, who is based upon the Northern Song official of that name. The Judge Bao plays cannot be described as a cycle, but they do share a single broad conception of his mind and character. Since some of the malefactors were politically powerful, it took courage as well as ingenuity on Bao's part to bring them to justice; he is thus the model of a fearless official as well as of an astute detective and wise judge.

From the texts discovered a decade ago in a fifteenth-century tomb, we can see how important the Bao figure was in narrative

<sup>&</sup>lt;sup>1</sup> See George A. Hayden, "The Courtroom Plays of the Yüan and Early Ming Periods," *HJAS*, 34 (1974), 192–220, and Ching-Hsi Perng, *Double Jeopardy: A Critique of Seven Yüan Courtroom Dramas*, Center for Chinese Studies, University of Michigan (1978).

<sup>&</sup>lt;sup>2</sup> See the writer's *The Chinese Short Story, Studies in Dating, Authorship, and Composition* (Cambridge: Harvard Univ. Press, 1973), 171–72. Among other uses in the Song dynasty, the term *gongan* was applied to thematic types of puppet drama and oral narrative.

<sup>\*</sup> They were republished in a facsimile edition under the general title of *Ming Chenghua shuochang cihua congkan* 明成化說唱詞話叢刊 (Shanghai Museum, 1973). For a description of the find, made in 1967, see Zhao Jingshen 趙景深, *WW* (Nov. 1972), pp. 19–22.

also. The tomb contained a play and sixteen chantefables, of which no less than eight involve Bao. Several of them share the same material as the Yuan drama, although their treatment of it may differ. Some of their malefactors are Imperial relatives, and Bao is forced, as a result, into a clash with the Emperor himself. They describe themselves as cihua 詞話, a chantefable form, and are written in sevensyllable verse with intervening short passages of prose. Some of them contain special passages in a ten-syllable line, divided into three, three, and four syllables, a common chantefable feature. One or two of them speak of being put together by a "man of talent," a term which is also found in the text of some early vernacular stories. They exist in illustrated editions published by a single bookshop in the 1470's. The editions, of course, were intended for reading, but presumably they reflect the oral genre to a large extent. They have certain language elements in common, although not all of them are identical in form. The chantefables on Song subjects have a stereotyped opening which traces the Song royal line, a feature which we know from another source to have been characteristic of the cihua.4

The Judge Bao chantefables come closer than the plays to being a cycle. One of them is an account of Bao's emergence, from his birth through his boyhood to his first appointment—a typical enfance. Others list his exploits as if they were a well-known corpus of stories. Some contain a string of adventures. One is subtitled—perhaps because the main title does not contain Bao's name—"A cihua of an Academician Bao courtcase." 5

It is hardly surprising that an enterprising writer, probably in the latter half of the sixteenth century, should have thought of a Judge Bao collection of stories based on the chantefables as well as on other sources. His work, the Hundred Cases of the Longtu Academician Bao 包龍圖百家公案, was the apparent cause of a small publishing boom in courtcase fiction during the two or three decades that span the year 1600. A spate of imitations appeared, often classified according to the crime, each work cribbing shamelessly from its predecessors.6

<sup>&</sup>lt;sup>4</sup> Lang Ying 郎瑛, *Qixiu leigao* 七修類稿 (Peking: Zhonghua shuju, 1959), *juan* 22, p. 330. The *Leigao* was compiled before 1566.

<sup>&</sup>lt;sup>5</sup> The Zhang Wengui 張文貴 chantefable.

<sup>&</sup>lt;sup>6</sup> See Y. W. Ma, "The Textual Tradition of Ming Kung-an Fiction: A Study of the Lung-t'u kung-an," HJAS, 35 (1975), 190-220, for the relevant works and their relationship. The earliest dated edition of a non-Bao collection, the Huang Ming zhusi lianming

The boom died as suddenly as it had started; the courtcase fiction of the middle and late Qing is long, loosely structured, and dominated by heroic adventures—a different type altogether.

During its brief heyday, Ming courtcase fiction underwent some changes of its own. The pioneer work, the Hundred Cases, is written in a fairly vernacular style, and, although it has no prologues, it makes some use of narratorial comment. The later collections move steadily away from the vernacular story in the direction of Classical fiction, which they never quite reach. In general, their language is less vernacular and their narrative less detailed, although they insist on providing legal documents such as charges and sentences. Their scope is also different. They focus on purely legal matters and avoid the legacy of high politics which the drama and the chantefables had left to the Hundred Cases. Feng Menglong 馮夢龍 and others used some of the more complex items from the later collections as sources for their vernacular stories, but the changes they made in them are similar in kind, if not in quantity, to the changes they made in their Classical sources. In this study, I shall confine my reconstruction and analysis to the Hundred Cases, as both the first collection and also the one closest to the vernacular story.

The *Hundred Cases* exists in two editions, both rare, one published in 1594, the other in 1597.7 The 1594 edition was published in Hangchow. Its compilation is attributed to one An Yushi 安遇時 of

qipan gongan zhuan, has a 1598 preface. (The Huang Ming zhusi gongan zhuan is apparently a sequel.)

<sup>&</sup>lt;sup>7</sup> The former is preserved in the Hosa Bunko, Nagoya, the latter in the library of the National University, Seoul. The former is virtually complete, the latter a fragment. In this article, I am relying on the 1594 edition, which was published by Zhu Renzhai 朱仁齋 of the Yugeng tang 與畊堂. For a description of both editions, see Wolfgang Bauer, "The Tradition of the 'Criminal Cases of Master Pao' Pao-Kung-An (Lung-t'u kung-an)," Oriens, Nos. 23-24 (1970-71), pp. 439-40. I am grateful to Professor Bauer for providing me with photographs of the 1597 edition. It is a Nanking edition, by the Wanjuan lou 萬卷樓, in six juan instead of ten. The Seoul copy apparently preserves only juan 1 and 5, i.e., stories 1-12 and 59-71, not all of which are complete. There are illustrations for some of the stories, as well as some illustrations for which the stories have not been preserved. The edition lacks both Bao's biography and his "emergence." It does, however, have a preface, with cyclical characters that would apply to 1597. The text of its surviving stories is close to that of the 1594 edition. The main difference is that the later edition has longer epilogue comments, one of which, at the end of story 6, is attributed to the pseudonymous Jinyu jushi 錦輿居士. Many of its introductory poems differ also; their rhymes are noticeably more "correct." None of the opening stories of the 1597 edition is described as "added."

that city, a writer of whom nothing is known. It has illustrations along the top of every page, a common format in popular publishing. Its title is given in a number of forms; before the table of contents, it is One Hundred Courteases Decided by Academician Bao, A Newly Published Simple-language Version In A Capital Edition With Illustrations Added (Xinkan jingben tongsu yanyi zengxiang Bao Longtu baijia gongan 新刊京本通俗演義增像包龍圖判百家公案). The title-page has a shorter designation, to which it prefixes the words quanbu 全補, "completely supplemented," and the first thirty stories also carry the words zengbu 增補, "added," before their titles.

### THE ORIGINAL JUDGE BAO COLLECTION

A glance at the stories, from almost any angle, will suffice to show that the word "added" is significant. The first twenty-nine stories (not the first thirty) prove to be by a different person from the author or authors who wrote the remaining seventy-one. (The evidence will be given later.) I conclude that the editor, perhaps An Yushi, knew what he was doing in describing them as added. Attaching the word to the thirtieth story was a mistake; it may have been made by a copyist who had grown used to the prefix and failed to stop using it in time.

Tests of the remaining stories, 30–100, produce a strange result. There is good evidence for believing that stories 41–71 are by a different author from that of 30–40 and 72–100; that is, there were two authors, one responsible for thirty-one stories and the other for forty, and the work of the former is inserted into the middle of the latter's work. If I may anticipate, the probable explanation is that the twenty-nine stories displaced by the "added" stories were relocated at the end of the book, as stories 72–100. Before the new ones were added, the existing stories were in two consecutive blocks, of forty and thirty-one respectively, each by a different author.

The simplest proof of the difference in authorship is a comparison of items occurring in the same stylistic context. The words for "said" and "thought" introducing direct speech and thought (which in Chinese narrative is treated as if it were speech) show a clear pattern

<sup>&</sup>lt;sup>8</sup> For a description of this method, see The Chinese Short Story, pp. 18-37.

of differences between the two blocks of stories. For example, the word cundao 忖道, "thought," occurs in ten stories, all between 41 and 65; the words nai dao 乃道, "and then said," occur only in stories 41–49, 51–52, 63–64, and 68. An examination of expressions of time yields a similar result; for example, biji 比及, "when," occurs only in 44, 46, 49, 51, 52, 55, 56, 58–62, 65, and 67–70. Other tests, for example, the form taken by the final comment, or the mode of reference to characters, or even the use of technical terms like "arrest" and "arraign," also show clear differences. In each category examined, the work of the author of the added stories proves even more distinctive.

Of the three authors responsible for the *Hundred Cases* as we have it, the author of the twenty-nine added stories was obviously the latest. Let us call him author C. Before him, there were not one, but two, stages of the work, of which we have forty and thirty-one stories,

- <sup>9</sup> These conclusions result from a comparison of all of the thought-introducing formulae. *Cundao* is counted only when not part of a longer expression; it occurs in 41, 43, 46, 48, 49, 55, 58, 60, 63, 65. Compare the formula *si zhi* 思之, which occurs in 30, 33, 36, 40, 76, 91, 97, and, in combination with other words, also in 35, 37, 92, 93, 99. Compare also *siliang* 思量; it occurs in ten stories in the 30–41, 72–100 grouping; in three stories of the 1–29 grouping, and only once (52) in stories 41–71. Neither *cundao* nor *si zhi* occurs at all in 1–29. *Zisi* 自思, however, occurs in 2, 6, 8, 9, 12, 16, 20, 21, 27, 28, 29, and in only two other stories (50, 66).
- <sup>10</sup> The naidao criterion emerged from a comparison of all of the "new" criteria from The Chinese Short Story (see pp. 26–27, 38–40) with the Hundred Cases text as the only criterion which works to distinguish these writers. It may well be the only speech-introducing formula which discriminates amongst their work, but I have not made a comprehensive check.
- <sup>11</sup> The time expression hu ri 忽日, "suddenly, one day," omitting the common yi—between the two words, tends to distinguish; excluding direct speech, it occurs in 42, 50–52, 54, 55, 59–62, 64–67, 69, 70, as well as in the *enfance*, and in 28, 78, and 81, i.e., it occurs most often in the middle grouping.
- 12 The final comment issues a "warning" (jie) in 2, 3, 30, 31, 34, 76, 78, 96–99, but never in the middle grouping. Male characters are referred to as mou after a surname in 47, 55, 56, 60, 61, 63–65, 67–71 only. Married women are referred to with an A- prefixed to their surnames in 30, 33, 36, 37, 39, 76, 77, 88, 89, 96, 98, as well as once in 42. "Arrest" is gouhuan 勾(拗喚 in 30, 31, 35, 36, 39, 78, 88, 91, as well as in 8, 10, 11, and 23, but never in the middle grouping. It is zhuihuan 追換 in 37, 40, 86, 92, 94, 95, 98 and 100, but goude 拗得 in 52, 55–57, 60 and 61. "Constable" is gongpai 公牌 in twenty-one stories between 41 and 71 (49–62, 65–71), and in only three stories outside those chapters (72, 85, 87). Chapters 1–29 make no use of genkan 根樹, "examine judicially," which is found throughout the rest of the collection (thirty-six stories), but have several other distinctive expressions instead.

respectively. Which was the first stage? The obvious answer is that the forty stories were written first, and that they were continued by the author of the thirty-one. There is even a little evidence that shows the latter closer in style to his predecessor in his first stories than in his last.<sup>13</sup> Let us call the author of the forty stories A and the author of the thirty-one B. It seems most likely that An Yushi, the only author whose name we know, was author C.

Two stages does not necessarily mean two separate editions; A and B might have collaborated on an edition. There is some difference among the particular words before which A and B leave honorific gaps in their text, but it is conceivable that the difference reflects their own practice as writers, rather than the practice of different copyists. <sup>14</sup> I do not know any way of resolving this question. If B was responsible for a new edition, he was certainly much more self-effacing than C, who chose to place his own stories first.

What was the size of the work at the second stage? Seventy-one is an unlikely, although not impossible, number. <sup>15</sup> Were nine or twenty-nine stories missing from the end of the book? If there were not a hundred cases, what was the original title of the book? These, too, are questions that cannot yet be answered.

I have asserted that the original stories 1–29 were displaced and put at the end of the book, after story 71, in the final two *juan*, but have so far given no evidence. One indication is a reference in story 30 to "story 28," apologizing for a mistake in order. The story referred to as No. 28 is clearly No. 77 in our text. (A woman is executed for murder who, in story 30, is still alive.) Another indication is that the last twenty-nine stories have been jumbled up. Story 72 is connected by its opening statement, not to story 71, but to story 85.

<sup>13</sup> E.g., the use of the prefix A- in 42. (41 was adapted from the novel Ping yao zhuan 平妖傳.)

<sup>&</sup>lt;sup>14</sup> E.g., 41–71 leave no gaps before *Chao*, "Court." Gaps are left in 33, 34, 78, 81–83, 92, 95, as well as in 23 and 25.

<sup>16</sup> The first edition of the Hai Rui gongan 海瑞公案, with a 1606 preface, has 71 chapters (Peking Library). An earlier edition of the Hundred Cases probably included the words Jingben 京本, "Capital edition," in its title; see the editor's comment to chap. 50. Ming editions, particularly of fictionalized history, were often called capital editions, as a matter of prestige. The earliest such dated edition I have noticed in Sun Kaidi's 孫楷第 catalogue of Chinese vernacular fiction was published in 1588; see Zhongguo tongsu xiaoshuo shumu, rev. ed. (Peking: Zuojia chubanshe, 1957), p. 28.

But 79-85 form a tight sequence, as do 72-75, so the original order was 79-85, followed by 72-75. Together, they comprise a set of linked adventures in chronological order. Story 86 describes Bao's arrival in his first post, and should go before 79. Of the remaining stories, 76 and 77 are linked together, while 87-100, comprising juan 10, are uniform and are frequently linked. Story 78 is the only story I have not mentioned. Additional proof of this general argument is given by one of the extant fifteenth-century chantefables, Selling Rice at Chenzhou 陳州糶米, which is the direct source of stories 83, 84, 85, 72, and 73, in that order. A different chantefable, Emperor Renzong Recognizes His Mother 仁宗認母, is the source of stories 74 and 75. Number 86 is likely to have been the first story of the collection, for it follows directly from the story of Bao's emergence.

The original order was probably as follows, using the stories' present numbers: 86, 79–85, 72–75, 87–100, 76–78. This would permit the obvious opening stories to stand together at the beginning of the book, in two groups of five (86, 79–82 and 83–85, 72–73), and would also permit story 77 to have been No. 28 in the original. Why did author C jumble the twenty-nine stories in relegating them to the back of the book? If it was not simple carelessness, it may have been because he wished to destroy the impression that these stories were the book's real opening.

The present work has two pieces of introductory narrative: a formal biography of Bao, and the enfance I have mentioned. The latter is directly derived from one of the fifteenth-century chantefables, entitled The Story of Academician Bao's Emergence 包特制出身傳. It describes itself as a prologue or "head" (tounao) to the collection. It refers once to a conflict with the biography, and is therefore unlikely to have preceded it. On stylistic grounds, it is impossible to say which of the three authors adapted the enfance, but if it was any one of them, it is likely to have been A, whose own stories are designed to pick up Bao's career at precisely the point where the enfance leaves off

Although all three men appear to have been journeymen writers in the service of popular publishing houses, not literati amateurs like Feng Menglong and Ling Mengchu, their writing is not merely distinguishable, but distinct. Each of them chose his own material from a variety of works—chantefables, vernacular fiction, plays,

Classical tales—but impressed himself upon it by his choice and his treatment. Only by regarding it as the work of three very different writers, can we appreciate the *Hundred Cases* at its true worth. Two writers, A and B, will appear better than if we were forced to generalize about the collection as a whole. One writer, C, will appear a good deal worse.

#### THE FORTY STORIES OF AUTHOR A

They begin with two sets of five stories each, most of which are linked to each other. At the end of each set of five, there is a statement inviting the reader to go on to the next chapter. The second set is drawn entirely from one chantefable, Selling Rice at Chenzhou. Some of the ten stories are extremely short—in one case, as short as half a page—but they gain meaning from the stories around them, their purpose being at least as much to illustrate Bao's character as to depict social injustice. They deal, explicitly or implicitly, with Bao's principles of government, by which the origins of civil and even natural disorder are traced to the ruler's failure to order his own palace—an old Confucian notion. Bao's principles are inflexible, as applied to the Palace, to the abuse of official power at all levels, even to himself and his family. His concern is for the peaceful life of the ordinary man. These ten chapters tell us more about Bao's ideas than we learn from the other thirty chapters combined. Obviously, their function was to introduce him.

The first story (86 in the present arrangement) shows us Bao as he arrives in his first post as magistrate. As he takes his seat in the yamen, a dumb man is brought in carrying a club. Bao's aides explain that he makes an appearance before each new magistrate and gets a thrashing for his trouble. Bao reasons that the man would hardly risk a thrashing for no purpose, and, since he cannot communicate with the man, he smears him with pig's blood, locks him in a cangue and parades him through the streets, at the same time sending out his men to pick up gossip. Sure enough, one of them hears a man deploring the injustice the victim has suffered: his brother is a rich farmer who has driven him out without his share of the family property. Bao then asks the brother about the dumb man, but the brother denies any relationship, asserting that the fellow is

merely someone who "used to look after the pigs." Bao dismisses him and the brother "goes happily away." Bao's next step is to encourage the dumb man to beat his brother, which he does—severely. When the brother brings a charge, Bao explains that only if the assailant were a relative could the offence be regarded as a heinous one. Having tricked the brother into admitting the relationship, Bao now springs his surprise, and insists that he share the property equally.

After establishing his acuity in this first story, Bao proceeds to show his intransigence by ordering the summary execution of a confessed and convicted murderer. The act scandalizes his aides, since the sentence should have been referred to his superior, the prefect. When the prefect sends a messenger to demand an explanation, Bao snubs him, and finally gives him a beating. At this, the prefect complains to his superior, the governor-general. This worthy refuses to accept Bao's explanation that the execution was intended as a deterrent, and tortures him cruelly, but then relents and lets him go. After consulting with his aides (who presumably know the man's reputation) Bao has his men seize the general's baggage train. It is full of treasures extorted from the populace, and Bao immediately accuses the general in a memorial to the Emperor, despite his pleas. Bao presents his case personally to the Emperor, and the general is cashiered.

The Emperor appoints Bao to the Court position of Advisor, and also appoints Bao's son, who is only fifteen, to a magistracy. We come now to an instance intended to show that Bao's standards apply to himself as much as to others. After a tour of office, his son returns to the capital, and the father, on looking through his baggage notice the parallel with the case of the general—sees that his son has more money than he could possibly have saved from his salary. He promptly requests that the Emperor dismiss his son, and when the Emperor is inclined to give him another chance, he insists. Furthermore, as the boy's father, he takes a share of the blame, and requests a demotion to a provincial position. But he is on bad terms with the Court officials and they hide from the Emperor his achievements in the post. When Bao hears a rumor that he is about to be accused, he resigns and goes to live in anonymous retirement, cultivating his character in a Buddhist monastery in the capital. This is the end of the first set of five stories, which have demonstrated Bao's character

and his principles. In a statement at the end of the chapter, the reader is asked to read on if he wants to learn how Bao returned to public service.

Bao is singled out as the only administrator tough enough to clean up the scandal surrounding government relief operations in Chenzhou. Bao's mission to Chenzhou is the subject of a famous Yuan zaju play, on which the chantefable source of this set of stories is presumably based.<sup>16</sup> The corrupt administrator whom Bao executes in the play is raised in the chantefable to a member of the Imperial family. Bao is recommended to the Emperor by a minister, Wang Cheng, who proves to be a steady supporter of his. When the Emperor is told where Bao is, and why he resigned his post, he says he will send an order summoning him. Better not, says Wang, because he has a stubborn nature and might simply go into hiding. Instead, Wang seeks him out at the temple and persuades him to serve. Wang suggests that extraordinary powers will be necessary to cope with the prince who is administering the relief measures, and he arranges a signal by which he will indicate to Bao when he thinks the Emperor has made sufficient concessions. Bao ends up with special powers of summary execution.

His first act—an exemplary one—takes place as he leaves the palace. He sees an Imperial Concubine riding in the Empress's carriage and orders his men to tear the canopy off, answering the Emperor's charge with the argument that she had no right to accept the Empress's ritual privileges even if they were offered to her. Is the Emperor going to "lend" his throne to the princes? Disorder in Court leads to disaster elsewhere, even in nature, as shown by the recent imbalance of flood and drought. He cannot possibly go to Chenzhou if conditions at Court are not put right first. In his judgement, the Imperial Concubine should be fined one hundred ounces of gold. The Emperor is persuaded to accept the Confucian reasoning, and Bao leaves, having made his point.

Bao insists on travelling incognito to Chenzhou, riding a mule with just one companion. I will not go into the three or four cases, some of them petty, which Bao is witness to, all of which involve the

<sup>&</sup>lt;sup>16</sup> The play is translated in George A. Hayden, *Crime and Punishment in Medieval Chinese Drama*, *Three Judge Pao Plays* (Cambridge: Harvard Univ. Press, 1978).

abuse of social power. At times he provokes trouble, is put in jail, or hung up and beaten, at which point his identity is discovered by someone, and he is hurriedly released and apologized to. Too late. Bao has registered the injustices, and takes an unrelenting revenge. The point of these stories is in the turning of the tables and in Bao's grim sense of humor.

Arriving at Chenzhou in disguise, Bao bypasses the officials awaiting his arrival. He samples the grain from the government granary, high in price and poor in quality, and blows it in the officials' faces. He is seized and hung up, then released by someone who recognizes him, and proceeds to do the same thing at the government wine monopoly. He lands in jail, where the perturbed officials finally discover him. Ascending his tribunal, he lectures the prince and the other officials responsible, and sentences them to death.

This tenth chapter concludes, we are told, the several episodes concerned with Bao's mission to Chenzhou. They have demonstrated his humanity, his sympathy for the socially oppressed, and also his implacable concern for justice.

It is on his way back to the capital that Bao comes upon the case which causes him to challenge the Emperor himself. He discovers that the Emperor's mother is an impostor, and that the real mother is living in penury and filth in a remote village. There is a basis for the story in the Song History; an early-Ming play once existed with the title Emperor Renzong Recognizes His Mother; 17 and there is a fifteenthcentury chantefable with the same title which served as the source of this story, which is spread over chapters 74 and 75 of the present edition. It is magnificent material for fiction, worthy of the highest art. One can only imagine what Luo Guanzhong, author of the San guo, would have done with it! I wish I could say that our author had risen to that height. Like many of his best stories, this one is well conceived and workmanlike, but lacking in attention to detail or in verbal distinction. But it is a notable story, for all that. When the ranksmelling old woman, nearly blind, clamors to see Bao, his aides are reluctant to let her in. Bao, on the contrary, is gentle and kind. She will not even tell him her grievance until she has satisfied herself, by

<sup>17</sup> See Fu Xihua 傳惜華, Mingdai zaju quanmu 明代雜劇全目 (Peking: Zuojia, 1958), p. 35. For the historical nucleus, see Song shi, juan 242 (Li Chenfei 李宸妃).

feeling his head, that it is indeed he and not some impostor. Then she slaps him twice. Bao's aides blanch, but Bao does not even reprove her. Alone with him, she tells a harrowing tale. She had been a Taoist nun whom the Emperor Zhenzong took a fancy to and brought into the palace as a concubine. She bore him a son, but at the very time another concubine was bearing him a daughter. The babies were switched, she was locked in the palace prison, and anyone who protested the injustice was strangled. Finally, the Emperor named her son Crown Prince, and declared a general amnesty. She took the chance to leave the Palace and come to this village where she has been eking out a living ever since. She wants Bao to get the Emperor Renzong to recognize her as his true mother.

Bao's audience with the Emperor is a scene of high drama. He first gains the Emperor's promise to forgive him for anything he may say. After satisfying himself by the Emperor's birthmarks that he is indeed the old woman's son, he accuses him point-blank of being a "robber chief." Why, otherwise, would he ignore his real mother? The Empress Liu is his real mother, says the Emperor. Bao denies it.

The Emperor, furious, was on the point of ordering Bao to the execution-ground to be decapitated.

"If I am unjustly put to death," said Bao, "I shall be able to lodge an accusation against you."

"In what court will you accuse me? There's no one above me in the world."

"I shall accuse you before God (Shangdi)," replied Bao, "on the grounds of your unfilial acts. Of course there is a court to accuse you in!" 18

The story culminates in another magnificent scene in which Guo Huai, who engineered the switching of the babies, is broken down. Bao has him tied up at night in the garden of one of the people he had strangled many years before, and Bao and the Emperor act out a scene in Hell which Guo believes to be real, the Emperor playing Yama and Bao one of his judges. When told he can have another six years of life if he tells the truth, Guo confesses. There follows a reunion scene between mother and son. The false mother, at Bao's suggestion, is granted the favor of strangulation in her own quarters.

It is significant that the stories which challenge the Emperor or the people around the Emperor are all derived from chantefables, and

<sup>&</sup>lt;sup>18</sup> Chap. 74, p. 6b.

are hence presumably related to oral literature. Similar elements in the Shui hu zhuan may well be traceable to the same kind of origin. A certain bold irreverence toward authority was a common feature of the oral literature as early as the Poetry Classic. Occasional ordinances during the Yuan and early Ming which attempt to ban chantefables and apply restrictions to the drama, were, in part, a reaction to this irreverence. 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.

It appears that at this point, the end of his twelfth chapter, author A gave up his attempt—an attempt inspired by the chantefables—to arrange his stories around a life of Judge Bao. The arrangement now becomes haphazard; stories begin "when Judge Bao was prefect of Kaifeng," or even turn back to stages of his career that have already been dealt with. If my tentative ordering is correct, the thirteenth story (87 in the present arrangement) reverts to a period in which Bao was prefect of Dingzhou. It is based, directly or indirectly, on the Northern play, The Ghost of the Pot (Pener gui 盆兒鬼), of which Bao is the hero.20 It gives the gist of the plot and retains only a little of the play's comedy. The fifteenth story (89 in the present arrangement), has a larger measure of comedy. The story that follows is the ox story told of Bao in the Song History. Then follows another story patterned on a Northern drama theme; it is concerned less with detection than with Bao's courage in outfacing a powerful villain. The next two chapters, 93-94 in the present arrangement, together form an elaborate romantic tragedy. To judge from the author's practice, it must have had a source, perhaps in some lost vernacular story. It is about a clandestine love affair between a brilliant and beautiful couple, whose families cannot agree on marriage. The youth is married to another, and the girl's first news of the marriage is the sight of the wedding preparations next door. She falls into a coma and dies, at the precise end of the first chapter.

In the second chapter, she returns to life, much as in the early

<sup>19</sup> See Wang Xiaochuan 王礕傳, Yuan Ming Qing sandai jinhui xiaoshuo xiqu shiliao 元明清三代禁毀小說戲曲史料 (Peking: Zuojia, 1958), pp. 3-5, 11-13.

<sup>&</sup>lt;sup>20</sup> Translated by Hayden in *Crime and Punishment*. The *Chenzhou tiao mi chantefable* lists this among Bao's adventures.

vernacular story of Zhou Shengxian.<sup>21</sup> A servant, in love with the girl, pries open the coffin and lies with her, thus restoring her to life. Unable to return home, and under a debt of gratitude to the servant, she offers to be his wife. One night their house catches fire, and she escapes from the flames only to find herself wandering about the streets, lost. All of a sudden, she is before her parents' house. She knocks and asks for help, but the servants fear she is a ghost and will not open the door. She then turns to her lover's house across the road, but he also fears she is a malignant ghost and swings a sword at her in the darkness, killing her. He is charged with murder, at which point Judge Bao makes his entrance. Bao has a small role and it is likely that the story has been adapted for him. For all its borrowing, it is still a magnificent work. It has a vague resemblance to the Zhou Shengxian story; in addition to the manner of the girl's revival, there is her living with the man who revived her, her escape during a fire, her lover's inadvertently killing her in the belief she is a malignant ghost, his jailing and eventual release. I am not suggesting that this story was derived from the other, just that the two are obscurely related.

One interesting feature of the story is its prose description of love-making, in an elevated style. It is called a *ci* lyric, but it is not; nor is it a set piece. It is exceptional in this author, who is rather prudish in his themes as well as in his language. The passage seems to be a tribute to the nature of romance.

A different Bao emerges in the next story, a Bao with magical powers who can cause an eclipse to occur. (There is no attempt to make his powers consistent.) It is followed by a story based on karma, in which a man who is forever complaining about his fate manages to induce Bao to look into the matter. As he often does, Bao assigns a subordinate an impossible task—in this case, to go to Hell and arrest the judge responsible for the man's destiny. The judge duly appears and explains that the man is suffering from the karmic effects of a murder he committed in a previous life. Bao discovers that the charge of murder is true and—rather unfairly, it seems—executes the man for it. There is a less serious tone about these stories, in contrast to

<sup>21</sup> I.e., Nao Fanlou duoqing Zhou Shengxian 鬧獎樓多情周勝仙 in the Xingshi hengyan (compiled by Feng Menglong).

the opening ones. This is the Bao of folklore and legend, to whom injustices announce themselves through dreams, by whirlwinds, by the behavior of animals and birds. No doubt the stories reflect a different kind of source.

Story 99 is based on a play in which Bao has a miniscule role, and story 78 is also apparently based on a play.22 The two best stories are Numbers 76 and 77, which are probably chapters 27 and 28 of the original work. In the first of them, Bao suspects that a woman mourning her husband is less than sincere and sends a constable, Chen Shang, to examine the husband's body for wounds. It has no wounds, and Chen so reports to Bao. Bao is furious, accuses him of taking bribes, and sets him a deadline for the solution of the case. Chen is in despair, until his wife comes up with an answer. Has he looked in the corpse's nose? A nail can pierce the brain and yet escape notice. In fact, Chen discovers two nails driven in under the man's hair. This is the end of chapter 76. While everyone is praising the wisdom of Chen's wife, Bao summons her and asks her some pointed questions. Has she been married before? How did her first husband die? With a little supernatural help, the first husband's corpse is located; it contains the telltale nail. This is in the best tradition of grisly crime, ingenuity, suspense.

The remaining stories by author A, from 30 through 40 in the present arrangement, are with one exception, 36, much the same as these last stories. They are relatively simple and turn on some single, ingenious point. In story 30, Bao again puts pressure on Chen, who gets the solution from his wife. (A note points out the anachronism.) The story describes the technique of getting a corpse to speak—a look-alike must lie beside her and serve as a medium. Other stories show Bao threatening to thrash local deities if they do not do their duty, or using his powers to save a nest of young magpies. Story 34 is an analogue of Bao's mission to Chenzhou. Though remote from the crusading Bao of the early chapters, these stories fill out aspects of his character.

<sup>22</sup> Story 99 may have some connection to the early Southern play, *Taiping qian* 太平錢; see the fragments of the play collected in Qian Nanyang 錢南揚, *Song Yuan xiwen jiyi* 宋元獻文輯佚 (Shanghai: Gudian, 1956), pp. 51–53. The names differ, however. Story 78 is related to the *Lin Zhaode* 林招得; see Qian Nanyang, pp. 87–88. This latter stuffmaterial is also listed among Bao's adventures in the *Chenzhou tiao mi*.

I have left story 36 to last because it is closer to the kind of fiction favored by author B. Its crime is described with enough detail of the characters' motivation to make it interesting. It contains an act of official injustice—an itinerant Buddhist monk is forced to confess to a crime of which he is innocent. And it has a characteristic Bao stratagem, which he has used in the case of the dumb brother; he makes it appear that the monk has been executed for murder and sends out his men to listen to gossip. Finally Bao deceives the murderer into returning the stolen money, on the grounds that one man has already paid for the crime with his life and that he will be safe from the charge of murder. Together with stories 76 and 77, this is the best criminal detective story so far.

Author A's writing is far from what came to be regarded as standard courtcase fiction. Only twelve chapters from his work were chosen for the Longtu gongan 龍圖公案 (Longtu's Courtcases), 23 the most popular anthology of Judge Bao fiction, a smaller number than from the obviously inferior work of author C. The structure of his stories, as I will show later, is also different from that of author B's stories. Even his social meaning 24 differs from what we think of as typical. For example, Buddhist monks and nuns play no role as villains in his stories. In author B's work, there are one or two Buddhist villains, more in author C's stories, and many more in later collections, including Longtu's Courtcases. (It is perhaps significant that when Bao goes into a retreat, it is a Buddhist temple to which he goes.) This author also finds a place for comedy, of a whimsical kind in the cases of the magpies and the eclipse, of a broader, slapstick variety when he is dependent on a play.

#### THE THIRTY-ONE STORIES OF AUTHOR B

The second author begins with an extract from the novel *Ping yao zhuan*<sup>25</sup>—the chapters in which Bao appears. He does not falsify the

<sup>&</sup>lt;sup>28</sup> On the content of the *Longtu gongan*, see Y. W. Ma, "Themes and Characterization in the *Lung-t'u kung-an*," TP, 59 (1973), 179–202. Bauer's article (see n. 7 above) compares the content of the *Hundred Cases* as a whole with that of the *Longtu gongan*.

<sup>&</sup>lt;sup>24</sup> The term "social meaning" refers to the attitude of the implied author toward social groups, classes, institutions.

<sup>25</sup> See The Chinese Short Story, p. 64.

chapters, and leaves Bao as baffled as in the novel. A final sentence tells us that the Pellet Priest was later involved in an unsuccessful rebellion, thus summarizing in a few words the remainder of the novel. It is an unpromising opening. The next two stories are similar to those of author A, although in different ways; the second of them shows Bao's justice extending to the animal kingdom. Stories 46 and 47 show Bao on yet another Imperial mission to ensure that disaster relief is properly distributed. Stories 48 and 49, which are based on one of the *chantefables* about Bao, are again concerned with his punishment of highhanded and criminal members of the Imperial family.<sup>26</sup> But from this point on, the stories of author B diverge more and more from those of his predecessor.

Several of his stories are chronologically linked; 43 refers to the conclusion of 42, 46 to 45, 47 to 46. But more are implicitly grouped for structural or thematic similarity. Four stories, 65–68, include the reversal of a false conviction, and their similarity is even reflected in their titles; 52 and 53 are in counterpoint;<sup>27</sup> 59 and 60 have much in common.

His stories are more complex than A's. They often focus on most or all of the several points a courtcase story can stress, namely, the background of the crime, the crime itself, its discovery, the identification of the criminal, his capture and confession, his sentencing and punishment. Neither A nor B gives much attention to sentencing and punishment, unlike all later authors in the genre, but they differ in the extent to which they cover the other points. Author A will stress only one or two, and treat the rest in summary fashion. For example, he will often begin with the discovery of the crime, rather than the crime itself. By my count, he has eight such stories, 28 while the second author has only three (45, 46, and 47), all presumably among the first he wrote. There are at least ten stories in which author A leaves the reader in the dark about the identity of the criminal, as against only one in author B's work. 29 On the other hand, the complex plot which includes a false conviction is found in fourteen B stories and

<sup>&</sup>lt;sup>26</sup> The Bao Longtu duan guoqin gongan zhuan.

<sup>&</sup>lt;sup>27</sup> Story 52 is of bad wife and good friend, story 53 of good wife and bad friend.

<sup>&</sup>lt;sup>28</sup> Nos. 30, 31, 76, 77, 86, 89, 91, 96.

<sup>&</sup>lt;sup>29</sup> Nos. 30–33, 74, 76, 88, 91, 96, 97, plus some borderline cases. The B story is No. 68.

only three A stories.30

Courtcase stories make little use of narratorial comment; they have no prologues, and their epilogues, if they provide them at all, are very brief. (I do not count the separate, and separately labelled, "discussions" [lun \text{\text{\text{\text{lun}}}}]. Author B is at least a partial exception to this rule, with his couplets, short statements, and proverbial wisdom. Author A is far more restrained, except in chapters 87–100, where he uses a number of "poems in evidence." A is more inclined in his epilogues to stress the inevitability of punishment by the Heavenly Principle; in fact, he has a common formula for the purpose. B is more likely to stress Bao's brilliance than the inevitability of punishment, and as a result, his stories have less exemplary force; a courtcase story that depends on the unique ability of the judge for its solution is hardly a warning to malefactors. Of course, the courtcase story is concerned, in general, with absolute justice, whatever the agent. Author B is more likely to show the positive actions of the Heavenly Principle, that is, to show rewards for good deeds. It is in his stories that we find kindness to animals,31 and charity, especially to Buddhist priests, bringing concrete rewards. In his ideal romances, this author regularly brings his innocent young victims back to life. He also has some stories of moral heroism; betrothed girls refuse to change their commitment, and a woman faced with rape kills herself.

There is even some difference in the kind of crime dealt with. The crimes of author A are most often motivated by greed, those of author B by lust.<sup>32</sup> Their murderers are much the same; travelling merchants and butchers (the latter because of the Buddhist proscription against taking life?) are favorite villains. In general, the social range of the courtcase story is wider than that of the early and middle vernacular story, and it deals with country as well as town life.

While both authors take their material where they can find it, author B seems to have had a preference for the mythical; *The Rat Spirits* (58), *The Goldfish Spirit* (44), and the story of the great flood, with its hometown Noah's ark (59), are all his. Both seem to have

<sup>&</sup>lt;sup>30</sup> Nos. 48-50, 54, 57, 59, 61, 65-71 in the B stories, Nos. 36, 74, 78 in the A stories.

<sup>81</sup> E.g., 59, 60.

<sup>&</sup>lt;sup>32</sup> In A, there are four stories in which a jealous wife murders a concubine or a stepchild; in B, there are none. In B, there are ten murders for sexual reasons, only six for gain.

used chantefables and plays,33 but author B also used vernacular fiction and the Classical tale.34 He even adapted some idealistic romances to accommodate Bao's solution (54, 57). Of his mythical stories, the best is The Rat Spirits, or, to give it its full title, The Five Rats Throw the Eastern Capital into Turmoil, a story whose comedy resembles that of the Bao chapters of the Ping yao zhuan, 35 It concerns the defiance of authority and the upsetting of civil order. It is the comedy of mischief as much as of menace. No doubt it had a source in some other work; a note in the text even refers to another version. The five rat spirits, who can turn themselves into the doubles of anyone or anything they choose, successfully bedevil a family, a local court, a higher court, the Emperor, and the Emperor's mother. As each rat gets into trouble, it summons the brother rat immediately senior, until all five rats are deployed in various guises. A complete stalemate results, because at each level there are two figures of authority issuing contrary orders. Special measures are called for, and Bao makes a spirit journey to the Jade Emperor, obtains the Jade-faced Cat from its Buddhist guardian, and brings it back tucked in his sleeve. A tower is erected in the capital for the judgement, and the pairs of competing doubles appear before Judge Bao. At the critical moment, Bao releases the cat, and, "with golden rays flashing

<sup>&</sup>lt;sup>38</sup> Nos. 62, 68, 78 and 99 are apparently on the same subject-matter as plays, but plays may not have been the direct sources.

<sup>\*\*</sup>Stories 54 and 57 appear to be based on Classical tales; see \*Pan Yongzhong 潘用中 and \*Zhang Youqian 張幼謙, respectively, in the \*Qing shi leilue\* 情史類略 (see the early-Qing edition by the Jiezi yuan 芥子園, juan 3). I assume that author B must have based himself on tales that were later copied into the \*Qing shi\*. A note on 57 says the story is similar to an item in the \*Ji wen\* 紀聞, if my reading of the last (miswritten) character is correct, but it is not to be found in the accessible \*Ji wen\*. The material of 57 was also the subject of a play; see Qian Nanyang, pp. 266–68. No. 41 was adapted from the Bao chapters in the \*Ping yao zhuan\*, and Nos. 51 and 56 appear to be versions of existing vernacular stories. (See \*The Chinese Short Story\*, p. 64, n. 79.) Two of the three existing courtcase stories from the early period of the vernacular story were not used by any of our authors and cannot have been accessible at the time. (These remarks on derivation are not intended to be comprehensive.)

<sup>&</sup>lt;sup>85</sup> A note in the text refers to another version. The *Longtu gongan* version of this story has been translated by George A. Hayden; see "The Jade-faced Cat" in Y. W. Ma and Joseph S. M. Lau, ed., *Traditional Chinese Stories* (New York: Columbia Univ. Press, 1978), pp. 456–62. On the same stuff-material in some other works, see André Lévy, *Etudes sur le conte et le roman chinois* (Paris: Ecole Française d'Extrême-Orient, 1971), pp. 117–18.

from its eyes," it sets off after the impostors.

Like the rats, the goldfish spirit of story 44 is no lowly demon which causes a little trouble before it is put down by a Taoist magician. It is a being from a higher world which runs amok in ours, and help from the highest level is needed to subdue it. As in *The Five Rats*, such intervention has to come from Buddhism, in this case from Guanyin. Illusion is again the source of the comedy; the goldfish spirit turns itself into a double of the daughter of the house and elopes with the girl's young tutor. The case of the two identical girls comes before Judge Bao, who cannot solve it despite use of the special mirror which enables him to see through the disguises affected by demons. A black pall of smoke arises and obscures everything, and when it has cleared, both girls have vanished! Bao has to appeal to higher authority and Guanyin finally subdues the spirit. Bao acts as go-between in the marriage of the tutor to the real daughter, as the story turns into a romance.

Author B's stories of Bao's challenge to the Palace are as notable as author A's, and some at least are drawn from the chantefables. But since I have already described some of A's, let me turn instead to the ordinary crime stories which are the staple of author B's work, as of all courtcase collections. The weakness as fiction of the typical courtcase story is due to the thinness of its characterization, but B's characters often have an extra dimension that makes them interesting such as snobbery or inflexibility. The background of the crime is only briefly described but enough detail is given to provoke the reader's interest. The initial misjudgement necessitates more information about the victim and his enemy, often a disgruntled servant. Other injustices are produced by circumstances; an innocent man stumbles on the murder and leaves a trail of blood all the way home. Neighbors are treated with cynicism; they are ready to believe even the wildest accusations. Officials, except for Bao, are either prejudiced, or corrupt, or incompetent. It is a more cynical view of society than author A's.

Some patterns are repeated, no doubt because of their convenience. There is the ill-advised journey which ends in tragedy, for example, a woman's visit to the city to see the Lantern Festival, or a married woman's journey home to see a sick mother against her husband's wishes, or a merchant's trip that is not really necessary and to which

his wife is opposed. It is not that these are seen as examples of folly, although characters frequently regret their decisions. They are a necessary part of the plot, and also an obscure warning to the reader of dangers to follow.

Many of them show great ingenuity on Bao's part. Story 68 has Bao interpreting a riddle given him by a fortune-teller—fortune-tellers are implicitly trusted in these stories—and then lecturing his aides on the process by which he arrived at the answer. Story 50 so impressed the author of the *Jin Ping Mei* that he included it in his novel, in adapted form.<sup>36</sup> It has some of the characteristic features of the second author: the devout, charitable man, the resentful servant, and the imprudent journey, in this case advised against by a Buddhist priest. The discussion attributes the fact that the victim's corpse receives burial to the good life he has led. The conspiracy scene between servant and boatmen is more amply narrated than one would expect in a courtcase story.

There are other examples of the good man whose goodness wins reward, for example story 59, of the flood, and story 60, in which turtles hold the victim up and prevent him from drowning. And there is one instance of karmic rebirth, in story 63, in which a murdered acolyte is reborn as the son of his murderer and naturally develops an obsessive desire to kill his father. When the father is sentenced, the son changes his character completely and wants to become a priest, an ambition Bao helps him to achieve. Story 61 tells of a thief hiding under the marriage bed and then, when caught, claiming that he was the bride's medical consultant, so much intimate knowledge does he have of her. It is a remarkable story, not so much for its comedy, as for the fact that it does not exploit the opportunity for ribaldry.

Author B makes use of the romance, as I have mentioned, much more than his predecessor. Author A came closest to the romance in stories 93–94 and 99, both of which turn out tragically; they differ from the typical romance, in which idealistic love is allowed ultimately to triumph. In B's work, there is one tragic story, 69, but several others, such as 54, 57, and 62, which end like romantic comedies, in marriage and success. All of them are from known sources,

<sup>&</sup>lt;sup>86</sup> See the writer's "Sources of the Chin P'ing Mei," AM, n. s., 10.1 (1963), 40-43.

62 from the famous Yuan Northern play Liu xie ji 留鞋記, or some related text, the others evidently from Classical tales. Author B has stuck very close to the text of his sources, with just a little loosening of the Classical, adding some narrator's expressions for the passage of time and the like, until the point at which Bao comes upon the scene. Story 54 then adds a miscarriage of justice, which causes Bao to intervene against a high official. (The jailer has refused to carry out orders to kill the victim, acting from the basic humanity commonly exhibited by ordinary folk in these stories.) Story 57's source already had an enlightened judge who persuaded the two families to let the young lovers marry. Author B complicates the issue by making the girl die from her attempted suicide. The case goes to court and there is a miscarriage of justice brought about by a corrupt official. The ghost of the girl appears to Bao in a dream and tells all, and he clears up the case. He also obtains a pill from a Taoist adept and restores the girl to life. These last stories are distinct from the rest. They contain poems exchanged between the lovers, and they lack narratorial comment as well as author B's characteristics of style.

#### THE TWENTY-NINE STORIES OF AUTHOR C

The third author's stories, distinctive in terms of their style, subject matter, and values, will strike many false notes for the reader familiar with the Bao of the Northern drama or the other parts of the Hundred Cases. One is astonished at the gall of this writer in breaking up the order which had existed in the collection and in placing his stories at its head. His five demon stories (2, 3, 7, 13, 29) invite little suspense. The demon-girls are sympathetic and appear to make model wives, and it is only after Bao exposes them that we learn (from Bao!) that they could, in the long run, have proven harmful. This is inept writing. And the author continually dabbles in poetry. No tawdry adultery is complete without an exchange of poems. At its best the fiction is tame, for example in the feeble reworking of the theme of the Southern play Pipa ji. Instead of fictional skill, the author relies on sensational items such as the unnatural liaisons of sex-starved widows with domestic animals (2, 17). How sad to see

<sup>&</sup>lt;sup>87</sup> No. 26.

the great Bao of the drama reduced to exposing some lonely widow's sordid little secret!

There is a broad shift of milieu to that of the literatus and the student; no less than ten stories deal centrally with such figures.<sup>38</sup> It is clear that the life of the student is the ideal against which the life of the merchant is found wanting. Bao, of course, is made to support this ideal, a great reversal of the values of the earlier stories, in which his concern was, above all, for the ordinary people. Along with the emphasis on the student goes a stuffy sententiousness from all of the good characters, some of it expressed in poetry.

The stories were apparently written in their present order. Bao is referred to only as Bao Gong until story 12, after which his personal name is also used. There is some repetition of themes: story 17 repeats story 2, story 14 repeats story 1, etc. Several are remakes of early vernacular stories.<sup>39</sup> Others appear to be adaptations from Classical fiction, with Bao inserted.

Longtu's Courteases, published probably in the early seventeenth century, contains among its hundred items fifty-one from the Hundred Cases. (By combining three pairs, the Longtu compiler has made them into forty-eight stories.) The rest of the book has been put together largely from other courtcase collections; the compiler has simply switched the judge's name to Bao. Minor changes are made in the Hundred Cases stories; poems of comment, epilogue comment, and discussions (lun) are excised. Author B is heavily favored over authors A and C. It is easy to see why. He wrote stories with stronger, more eventful plots than the other two.<sup>40</sup> The many stories which author A devoted to the revelation of Bao's character are almost entirely ignored, as are the indifferent demon stories and romances of author C.

<sup>&</sup>lt;sup>38</sup> Nos. 4, 5, 7, 10, 22–26. In two stories, 8 and 17, the victims have unwisely chosen to abandon their studies and become merchants.

<sup>&</sup>lt;sup>89</sup> Nos. 20, 27, and 29 are remakes of vernacular stories (Hung 2M, 4 and 8, respectively, in the terminology used in *The Chinese Short Story*). No. 28, with its rare set piece, may have been adapted from a lost story. In fact, all the long, relatively complex stories in which Bao has only a minor role would seem to be adaptations, of one sort or another: 5, 23–29. (No. 5 is a romantic comedy.)

<sup>&</sup>lt;sup>40</sup> The B stories omitted are: 41, adapted from the *Ping yao zhuan* chapters, which has no resolution; 43, a whimsical piece about frogs in the yamen pond; 51, a monster story; 54, 57 and 62, in which heroes and heroines are brought back to life; and 70, in which the alleged victim is discovered alive.