

From the Administrative Regulations of the Tang and Song Dynasties to Discuss the Judicial Practice of Confucianism

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Abstract

This article first discusses the hierarchy of Administrative Regulations and Precepts of the Tang and Song Dynasties, analyzing the arrangement of Tang and Song Code and tracing the context for changes in structure and scale. The Administrative Regulations and Precepts in the Tang Code contain 59 articles and can be divided into three categories, dealing with situations when government officials disobeying emperor's order, defying court rules, and personal ethics interfering with public affairs. The Criminal Law of Song Dynasty (*song xing tong*) mainly copied Tang code but added the entry of "section" (*men*), modifying the total number of the articles and rearranging the categories. Among these changes, adding the "authoritative order" and "imperial edicts" implies the economic development and transformation of the society during that time. Moreover, the Administrative Regulations and Precepts in the Song Dynasty Manuscript Compendium (*song huiyao jigao*) included the nationwide economic issues in its foods and commerce historical material section. The complete text of the total ten sections of the Administrative Regulations in the Law Code of the Qingyuan Reign (*Qingyuan tiaofa shilei*) are preserved in good condition to the present day, and a certain amount of articles can also be found in other administration regulations and precepts, especially the existing authoritative orders and order declaration which account for one

fourth to one third of the total portion. This shows the legislation of emperor's order became a tendency to expand.

In addition, the records of commemorative shrine and stele in the Song Dynasty and the changes of government official posts indicate the mutual influence between administration law and practice of Confucianism. According to Confucian officials' legal principle in the Song Dynasty, the regulations of commemorative shrine must be subordinate to the law of commemorative stele. Though building shrine for virtuous government gradually lost its joint function with inspecting achievements system as it did in the Tang Dynasty, the vocabulary used in the records reflected how government officials held responsibility and self-disciplined attitude in the Song Dynasty, and the process of building stele demonstrated local official's principle when enforcing the law and their strategy to adhering to the law. The Confucian equity reinforced the ideal at that time, which means no miscarriage of justice, helping establish the system to separate responsibility of interrogation from adjudication. To insure the order of local court and related works, the doctrine for attendant officials in official admonitions became more and more important, and the new law made by the central court encouraged the petty officials who were in charge of the lawsuit at local government became full-time positions.

This article focuses on both the government officials who pursued Confucianism and the changes of administration regulations and precepts of the Tang and Song Dynasties. By observing the Confucian government officials' principle and judicial practice, it enables us to examine the standard of judgment from actual judicial cases.

Keywords: administration regulation, justice, trial, lawsuit, government official, parental official