

Operational Characteristics of Hearsay-supervision in the Han Dynasty and Its Enlightenment to Anti-corruption at the Grassroots Level

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Abstract

Hearsay-supervision is an important judicial system in the Han Dynasty. Its main function is to rectify wrongdoings. It is also used to select talents and talents, and sometimes it becomes a tool for political struggle. It has a wide range of inspections and strong deterrence. And the administrative cost is relatively low, which caters to the needs of the ruling class. The hearsay-supervision in the Han Dynasty had clear institution, personnel, and procedures, to a certain extent, safeguarded judicial justice, and better protected reporters, which helped to stabilize the ruling order. At present, china's anti-corruption has achieves an overwhelming victory, but the anti-corruption at the grassroots level is still being renovated and repeatedly banned. One of the important reasons in the limited energy of the personnel of the national supervision department and the special nature of rural corruption. It should be absorbed from the hearsay reasonable parts, mobilize various positive factors, and build a completes monitoring network so that corrupt elements and corrupt behaviors have nowhere to hide.

Keywords

Hearsay-supervision; judicial system; grassroots; anti-corruption; enlightenment.

1. Introduction

At the beginning of founding of Western Han Dynasty, the ruler learned the lessons of Qin Dynasty was destroyed, corrected his severe punishment legislation, and respected the principle of "submission of virtue and punishment, combination of Confucianism and law". The purpose of which is to torture provincial law, recuperate people's livelihood, reconcile social conflicts. After Liu Bang entered customs, he had three chapters of the law, the first of turn law reform. Soon, Xiao He made the decree, Han Xin made military law, Zhang Cang made constitution, Shu Suntong carried out large-scale, legislative activities, later the posthumous period, successively including the nine Chapters law, Cao law, Two-years law, Left official law, Passing Food law, etc, have been promulgated, and in its judicial practice, the hearsay system is unique. Hearsay is important monitoring system in ancient china. It was formally established in Han Dynasty. It is also called hearsay playing with wide range, strong deterrence, large social influence, Common code-official code states "unscrupulous bombardment, trail of heavy prisons, and supervision of the military", inclusive following is omnipotent [1]. The origin of hearsay-supervision is very early, it is similar to "nursery rhymes, reputation, defamation, customs, songs, poems, hearsay" [2], such as Dadai Rites which said: "Loyal to those are called slander." Deng Xizi said: "Shun had slanderous tree."

Explanation of Paleozoic the governor attaches great importance to the monitoring method of hearsay, so as to collect the opinions of the officials and the people as reference for the corrective order. The government also has a special official for collecting hearsay, Hanshu said: "In the time of early spring, the gregarious people will disperse, and the pedestrians will

revitalize the wood dormitory. They will walk on road to pick poems, dedicate them to masters, and compare their rhythms to smell the heavens. Therefore, the king knows the world without going out of the house.”[3] Pedestrian is the poet collector. Records of the Historian said: “The king was violent and arrogant, and the people slandered the king...Wang was angry; he defended the witch, and made the prosecutor to kill him. The princes do not pay attention.” Witch is a person monitors and collects the public’s speech.

2. Organization of the Text

2.1. Government Inspectors Is the Main Body of Hearsay-Supervision

The main body of hearsay supervision in the Han Dynasty was government inspectors with special supervision duties, including the prime minister of central department, together formed a strict hearsay monitoring network. In Han Dynasty, hearsay-supervision mainly consisted of two methods: lawsuit and impeach. Mr.Zhang Jinxian said: “There are tow types of lawsuits in the Han Dynasty: one is a government official crime, which is called correction lawsuit, impeach, supervision; another is a lawsuit filed by a victim of a criminal case or a plaintiff in a civil case to the judicial organs, called an obituary. The tow are collectively referred to as an obituary. Whether in criminal case or civil case, no lawsuit fee is charged.”[4] aims to encourage the reporting of crimes, while Shen Jiaben believes that: “Lawsuit and impeach are two thing, lawsuit is under and impeach is up.”[5] Zhang Zhaokai also believes the indictment is similar to modern private prosecution, and the next indictment is similar to modern public prosecution. Lawsuit has oral complaints, written notices and self-complaints. Impeach has impeaching but not register case, etc. The prison law in the Han Dynasty law has a detailed record of this, which is not listed here [6].

The Western Han government had official who collected hearsay, called customs. For example, the emperor Xuan of the Han Dynasty sent twelve people “to travel around the world, ask the widows, look at the customs, check the gains and losses of officials”, as an important basis for assessing effectiveness of local governance and promotion of officials. At the same time, if there are clues to crimes committed by criminal, they will be investigated through the rumor-playing procedure. The Eastern Han Dynasty attaches great importance to hearsay-supervision. According to the record in Han Guanyi: “Imperial censor listens to the officials, the suffering of the people, one by one, for the sake of lifting rumor, and those who are raising rumors. In the hall, what is the main proprietor’s word for the county? What good people claim is that the bad are silently named.” East Han government emphasis on hearsay-supervision comes from Liu Xiu attention to the corruption of officials and the living conditions of the bottom groups, “At the beginning, Liu Xiu grew up in the folk, and was quite hypocritical, and it was difficult for the people to see it, and the people were sick. It has been settled in the world, and it is quite for business. Seek people’s attention, watch the rumors. So they can be slack inside and outside, people can forgive.”[7] Liu Xiu started from the bottom of the society and was able to soberly realize that the governance of the officials is good for people and the rule is strong. The importance, therefore vigorously strengthen the judicial institution-building, pay attention to voice of the people and officialdom.

There is also a special way of the letter report in the Han Dynasty law, which refers to the direct prosecution to the central judicial organ or even emperor without going through the local judicial organs. Corrective crimes must be told in accordance with judicial review level, and no one can be sued. In the Han Dynasty, there were not a few prisoners who were convicted for leprosy. However, why did some people succumb to book at the risk of jail? It is also the inaction or indiscretion of the local judicial organs. letter report is generally a party with serious grievances. Because local judicial organs can not enforce law impartially, the grievances can not

be appealed, they have to risk surrendering to sue, as Hanshu: "The penalty is not in the penalty, the wrongdoers are negligent, and the protagonist tells them endlessly."

2.2. Main Procedure of "Hearsay-Supervision"

In the Han Dynasty, the handling of hearsay-supervision case has to go through four procedures: sense, defense, information, and discussion. After the judiciary accepted hearsay, it officially opened the case and summoned or arrested the suspect. The judicial organs of the Han Dynasty are combination of justice and administration, and are divided into four levels from the bottom: the first level is in county, which is the county order; the second level is in county and vassal states, which is the county guard and State Minister; the third level is in the center and is the court captain; the highest and final jurisdiction is in the hands of the emperor. "The first procedure of trial is called pleading, which mainly explains the relevant legal requirements to the parties and participants in the proceedings, including the legal consequences of obituaries and perjury. As recorded in Juyan Hanjian A case of "kou'en owes money but does not pay back: Before coward was questioned by the coward, evidence of property was not true, and he stolen more than five hundred dollars." It means if false testimony is intentionally provided and the value of the stolen goods is more than 500 yuan, the testimony will not be corrected within three days after the testimony is confirmed. In order to ensure the authenticity of the copying confession, three days later the parties, witnesses and other relevant personnel will be reviewed saying. Historical Records: "After three days of re-examination, whether the knowledge is the same as the previous one is also." The purpose of biography is to give examinee the opportunity to correct the confession and avoid false and false cases. The third procedure is interrogate, interrogate refers to the summary of the trial process and the facts by the judicial organs. The trial official will summarize, and confirm the facts of the case to parties. It is called reading. After reading is completed, it enters fourth procedure theory, the judgment. Judicial organs decide whether they constitute the crime or commit crime based on the criminal facts person being tried and according to relevant law and regulations. The sentence of the crime and the punishment to be punished. After judgment, the result of the trial must be reported to the higher authority for approval.

In order to ensure justice, after the defendant has been convicted and sentenced, he can also request a review and call it begging. Jin Shu said: sinner in the Han Dynasty was sentenced to two years of age or more, begging by his family was allowed, that is, It is said who have been sentenced for more than two years are eligible for begging, must be raised within three months after the sentence. Who are more than three months can't beg. The special system refers to way in which above book is used to clarify the injustice to the higher judicial organ or even the emperor. After obtaining permission, higher-level judicial organ or the emperor may resend the superior judicial authority or emperor may resend verification and revoke the original verdict. For example, the Ti Ying rescued his father was successful case. Later Han also records that Feng Huan, a prince of state assassination, was framed and wanted to commit suicide, and his son persuaded his father to receive the lawsuit by himself and eventually he was rehabilitated. The begging system objectively reduced the occurrence of unjust false and wrong cases. The above procedure are generally applicable to larger civil and criminal cases, ordinary civil disputes and civil cases are tried by grass-roots organizations such as townships and ting. But the judicial authority of the county and above is at county level and above. For example, a case in Juyan Hanjian records: County officer Li Jun accused the villager Kou'en of owing money, and the county court transferred complaint to the defendant's location. The village council tried the case. After hearing the case, the village council judged JiaQuHou was improperly charged, and then reported the trial to the county court. JiaQuHou appealed to the county ward, ward ordered to continue the investigation the case was cleared. The coward then interrogated

Kou'en, reported the trial to the county, and the county deputy and the acting county magistrate made a judgment.

2.3. Main Functions of "Hearsay-Supervision"

Hearsay-supervision played an important role in judicial practice of the Han Dynasty. For example, the famous cool officials such as Ning Cheng and Zhang Tang during the period of Hanwu Emperor were keen on hearsay-supervision, and eventually became victim of hearsay in particular, Ning Cheng, the history book said he was "good-natured and a small official, become a man, and run like a wet salary", sometimes there are folk songs of "would rather see sucking tiger, Worthless Ning Cheng", "clan heroes are all scared", so that relatives are more ruined Ning Cheng's fault, and they are worthy of crime. For example, during the period of Heng Emperor, "the famine in Jizhou and thief flocked up, Fan Bang was used as clear ambassador, and the case was investigated. Look at the wind to clear the seal and go". Later the supreme government official in charge of military affairs orders three prefectures belong to rumor, Fan Bang played the governor, more than twenty people. The deterrent power of hearsay is evident. Hearsay has the function of selecting talents and aptitudes in addition to wrongdoing. Yuyang viceregal Zhang Kan rested and educated the people, sometimes "Sang Wu branch, what ears are ambivalent. Zhang Jun is political ballad of Music is unbearable". When Zhang Kan died, the emperor deeply mourned and praised him. During the period of Han Ling Emperor. Jiaozhou governor Jia Cong simply selected good officials and reformed, Song of the alley said: "father came late, made me first; it is peace tranquility today, officials do not dare to eat." He had a deep understanding to hearsay-supervision. It was said when he later went to Jizhou governor, staff wanted him to put down the curtain of the official car in order to show majesty. He said: "Governor should be farsighted and listen to the beauty and evil. Why put down the door curtain to self closing?" He think that rolling up the curtain of car can shorten the distance with the officials and the people, which is convenient for the hearsay.

In addition, hearsay-supervision is often used by who with ulterior motives to become tool for political struggle. The most representative case in Han Dynasty was the witchery case during the Wu Emperor. Han Wu Emperor was sick in old age, superstitious ghosts and gods, and to grow long Immortal and long-term illness in Ganquan Palace, separated from the queen, children and ministers by a deeper so that there is an opportunity for the nightmare. The itch Case occurred in 90th, and lasted for three years, including the queen. Wei Zifu, Prince Liu Ji, Princess Zhuyi, Princess Yangshi, Changping Hou Weiyi, Prime Minister Gongsun He and Liu Quyi and other imperial relatives, and tens of thousands of innocent ordinary soldiers died in a fate, and the streets of Chang an were bloody and appalling. Every killing was caused by emperor Han Wu' s hearing of obituaries, rumors, and slang. Most of the investigations and trials were framed and stolen, and torture was total violation of justice and the original intention of hearsay supervision is an extreme negative case of the operation of hearsay supervision. In addition, Peng Yue during Han and Gao ancestors, Zhou Bo, the prime minister during the Han dynasty, Zhou Yafu prime minister during Jing dynasty, and Feng during the Han dynasty. The murders of the queen queen and the Emperor king Liu Yun were all cases of unjust, false and wrongful use of hearsay.

2.4. The Evolution of "Hearsay-Supervision"

Feudal rulers of all ages have attached great importance hearsay. During Jin Dynasty, they were officially named hearsay and adopted by future generations. During the Western Wei Dynasty, the censor Wang Xian hearsay censor Shi Rong and generals Bao Laoshou had violated the law and commit crime, arrest and interrogation them, it is the same as the hearsay. During the reign of Emperor Xiaozhu of Northern Wei Dynasty, Gao Dao said: "I saw the ambassador going out, learned the news, and although have caught criminals, it is without profanity." [8] During Tang Dynasty, the past, censor has no examples of lyrics. There is complaint out of the door, censor has

bomber, that is, his name is omitted, all are hearsay. There are fewer people in censor disease, and they are handed out. Reliance, complaint officer are rather stagnant. In the fourteenth year of Kaiyuan, the censor of the subject was settled, and everyone knew the day after that, he reported the name of the person. He has been obedient to the meaning of ancient customs. It was not changed. In the Song Dynasty, hearsay-supervision was more free, "neither asking about where it came from, nor having to blame it. Censor regard complaint as its duty, they shut up if has not hearsay. Today they search for sources, hence someone will be punished, and censor will no longer hear about it, and they may lose their channel of gain hearsay" [9]. In the Ming dynasty and Qing dynasty, in view of the fact that hearsay-supervision had become a tool for party struggle, It was once banned, but in fact it was forbidden and hidden, and many major cases occurred, such as the case of Ding You year examination in 4th year of Shunzhi, and the case of Yu Hongtu privately sell Xiucan in the 11th of Yongzheng. the case of Jiang Zhou invading in 22nd year of Qianlong, and the case of Li Shiyao corruption in the 45th years, and the case of Yu Yijian corruption in the 47th years, ect. All are well-known case in history.

3. Summary

Since founding of the People's Republic of China, the party and the state have always great importance to the problem of corruption, and have continued to make efforts to strengthen personal ideological education, improve legal system, and increase punishment, which has strongly deterred corrupt elements and corrupt behavior. Since the 18th CPC National Congress, a large number of corrupt elements have been dealt with seriously by the party discipline and state law, the social integrity has been carried forward, party and government practices have been renewed. But it is undeniable at the grassroots level many party members and cadres have not stopped or intensified, rural rejuvenation strategy currently being implemented is excellent opportunity for corruption corrupt element. According to statistics from relevant departments, 2018 Sichuan Province carried out supervision on corruption and style in the field of poverty alleviation, investigated and dealt with 7,188 of outstanding problems in the field of poverty alleviation, including embezzlement, misappropriation, predatory plunder, and punished 5922 people. In special management of management issues, 14,732 violations of discipline and laws infringed on the vital interests of the people in key areas such as people's livelihood funds, land acquisition and demolition, education and medical care, and low maintenance of the elderly were investigated and punished, 11,796 people were punished; 756 cases were filed involving black corruption, corruption and protection umbrellas, 502 people were punished, and 97 people were transferred to judiciary.

The data is shocking. We believe that these will never be the whole of corruption, and that there are large number of lucky people hiding in the dark and not showing up. The party and the state have long understood the phenomenon of grassroots corruption at its Harmfulness: as early as the new rural construction period, scholars and local cadres have proposed "cleaning up rural finances, resolving rural debts, and severely punishing corrupt elements." At the 6th plenary session, General Secretary Xi Jinping pointed out: "Compared to the tiger, the masses have a more real feeling of fly greedy buzzing and flying 'near in front of their eyes... It may also become a large scourge." The report of the 19th National Congress of the Communist Party of China emphasized that "the political ecology of the party must be completely purified, all kinds of malpractices should be resolutely corrected, and corruption should be punished with zero tolerance". December 31, 2018, The Central Rural Working Conference first proposed new formulations and expressions such as "seriously investigating and punishing anti-corruption that infringes on the interests of farmers." This shows that the party and the country's focus on micro-corruption is turning to anti-corruption at the grassroots level. So how can we win this anti-corruption and protracted war? We believe that hearsay-supervision is one the tool. We

should discover and make use of the reasonable part of hearsay-supervision, which is used by us and ancient times. The corruption at the grassroots level, especially in rural areas, has its own unique characteristics, such as little impact, acquaintance-society is distinctive obviously, due to human and family relationships, masses generally show a high degree of tolerance for them, and the effectiveness of power supervision is not obvious. In view of this situation, the supervision department must adhere to the mass line, fully mobilize the masses, absorb the wisdom of the masses, and inspire the enthusiasm of the masses, constantly innovating information collection methods, constructing a nationwide, all-process and whole-process monitoring network, pointing directly to specific issues, specific people, and specific issues in the field of corruption, so that the grassroots anti-corruption has nowhere to hide.

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