

The Derivation of *Judicial Cases of Spring and Autumn Annuals* Judged by Dong Zhongshu's Critical Issues

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Abstract

The Han scholar, Dong Zhongshu 董仲舒, adopted the Confucian classics to judge judicial cases and thus has very exceptional position in Chinese ideological and legal system history. Even lots of scholars have studied his ideological thoughts; however, the sources that make up of the *Judicial Cases of Spring and Autumn Annuals* 春秋決獄 have not been properly explored. This article provides the evidence that Dong has full knowledge of Confucian classics and legal codes of Han dynasty. When retired, he was over seventy and could get the pension from the Han dynasty. In addition, the contents contained in the *Judicial Cases of Spring and Autumn Annual* should be derived from routine meetings in the imperial court, special conventions summoned by the emperor, the administration experience as marquis' prime minister, the consultations of unsettled cases, and the teaching practices. After analyzing the wordings of the six cases available at present, the contents should be the illustration of real cases instead of fictitious ones.

Keywords: Han scholars, Dong Zhongshu 董仲舒, *Judicial Cases of Spring and Autumn Annuals* 春秋決獄, Judging cases by the Confucian classics 經義決獄, Tianren sance 天人三策