This volume consists of a biography and bibliography of A.F.P. Hulswé, prepared by Ph. de Heer (pp. 1–25), and of twelve articles by twelve scholars on various aspects of Qin and Han “thought and law”, broadly interpreted. I shall comment, sometimes briefly due to my own limited familiarity with the material, on each, seriatim. (NB: The transcription of modern Chinese varies from article to article between Wade-Giles and the so-called pinyin romanization. In my notes here I have maintained whichever of the two the author of the article in question chose to use.)

1. The idea of social classes in Han and pre-Han China, by Derk Bodde (pp. 26–41).

This is a description of what “Confucian and other thinkers” imagined the social structure of early China should have been like, not what it actually may have been (Bodde’s emphases), based on “the usual early Chinese written sources” (p. 26). The traditional late Chou formulation was of a quadripart system consisting of the shih, nung, kung, and shang, translated by Bodde as ‘scholars, farmers, artisans, and merchants’. Bodde adds that early on the shih may not have been a genuine social class at all, and later were often no more than administrative officials of one sort or another (pp. 27–28). The term ‘scholar’ is somewhat misleading as a translation for shih (but much less so than the term ‘knight’, often seen, though thankfully not in this essay).

This four-part scheme was advanced with a great deal of uncertainty, Bodde argues, to replace the older perception of society as divided (naturally) into two groups, “superiors” and “inferiors”, i.e., those who, pace Mencius, ordered others, and those who were ordered by others. Bodde tries to illustrate the uncertainty with which this new social order was adopted by surveying the use of the names of these four social classes in twenty-nine late Chou and early Han texts (23 of the former, 6 of the latter). From this survey he concludes that only “beginning in the second century B.C. did the standard sequence of the shih 士, nung 農, kung 工 and shang 商 become firmly established” (p. 32). Bodde then assigns a point value to each mention of one of the class names in the 23 pre-Han texts he surveyed, 4 points for mention as the highest social class, 3 for the next, and so on with 2 and 1, per mention. His totals are: shih – 69, nung – 63, kung – 41, shang – 41. This means that in the 23 texts he surveyed, the classes of kung and shang overall were seen as equally low in social status, while those of shih and nung were both significantly higher than the kung and shang were, but only slightly differentiated.
between each other, with shih edging out nung for highest social status by a mere 6 points, i.e., a differential of less than 10%. An “ideal” score would have been shih – 76 (this category occurs in only 19 of the 23 pre-Han texts surveyed, hence the highest possible score is 19 x 4), nung – 69, kung – 46, and shang – 23 (= 23 x 3, etc.) The pattern of the Han texts comes close to this “ideal”, leading Bodde to conclude that the sharp drop in social status of the merchant class vis-à-vis the artisan was an early Han phenomenon (p. 33).

Bodde then takes up the question of where this four-part scheme came from. He dismisses the Analects and the Mencius as sources, saying that they still seem to assume the old “upper class/lower class” dichotomy; he also dismisses “Mohism” and “Taoism” as sources (p. 34: “Nor does the four-part classification appear either in Mohism or Taoism”), though what the relation of these two “-isms” is to his “usual early Chinese texts” Bodde does not make clear.

Bodde concludes that the four-way social class structure originated with the Legalists, in particular that it “derives from that particular variety of Legalism represented by the economically-oriented chapters of the Kuan-tzu” (p. 35). This he describes as “softer and more humane” than the harsh Legalism of the Shang chün shu and the Han Fei-tzu (ibid.). He then looks at a few of those Kuan-tzu passages, and suggests that one of the important concerns for their author(s) was the possibility that an imbalance might develop between the nung, kung, and shang classes leading to too little attention being paid to the first and too much to the other two. This concern gave way in the early Han to a specifically anti-mercantile sentiment, which Bodde credits to “traditionally-minded Confucians”, countered by a realistic recognition on the part of Legalistically-minded administrators that the skills and services of both the artisans and the merchants were essential to the successful operation of the economy and of the government (pp. 38–39).

In conclusion Bodde tries to nail down the contrast between a benign four-part social class structure originating with the Legalists and the earlier simple dichotomy between upper and lower classes characteristics of Confucius and Mencius, which he seems to imply was harsher and less just than the quadripart scheme. To this end he traces very briefly the “doctrine of the separation of intellectual from manual work” to Mencius, exemplified in the arguments mounted against the agriculturalist Hsü Hsing 許行 (Meng-tzu 3A.4), and he traces the “idea that the man at the top, the chün-tzu, must be broadly trained in moral and humanistic values and avoid becoming a technical specialist” to Lun yü 2.12, where Confucius says chün-tzu pu ch’i 君子不器. This Bodde translates as “The chün-tzu is not a utensil” (p. 40). It is unlikely, I think, that this line in the Lun-yü is the source for such a general idea, if indeed there is anything other than a pedestrian kind of validity to that general idea anyway, and it is certain that the line, whatever ideas it may have been the source for, does not mean “the chün-tzu is not a utensil”.

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The phrase *pu ch'i* must be verbal; if Confucius had wanted to say "the *chün-tzu* is not a utensil" he would have said *chün-tzu fei ch'i ye* 君子非器也. The correct sense must be "...does not [allow himself to] serve as [or be treated as] a utensil," a verbal sense no different from the verbal sense that the word *ch'i* has in 13.25, in the phrase *ch'i chih* 器之, which in the same paragraph Bodde correctly identifies as "verbal", and translates as "utensils them", i.e., "treats them as utensils".

Grammar note: the word *ch'i* 器 is a noun, it belongs to the word-class NOUN. This is an intrinsic lexical feature of the word itself. In the two sentences mentioned by Bodde, and cited here, the word *ch'i* is functioning as a predicate. It is still a noun; that fact does not change, regardless of how the word functions in a sentence. The grammar of Classical Chinese of the period roughly from 500 to 200 B.C. included a rule that said "when a noun functions as a predicate it means to 'treat or regard the object as that noun'." This explains *ch'i chih* as 'treat him as a utensil', which Bodde correctly recognized. The second part of the rule is "nouns, when functioning as predicates, are ergative". That means that, when the noun that is functioning as a predicate has no direct object following it, the grammatical subject of the sentence is the patient, i.e., the recipient, of the action. This explains the *chün-tzu pu ch'i*. The word *ch'i* is still a noun, functioning as a predicate (by definition, any word that has, or can take, a negative *pu* 不 is a predicate), and thus still has the meaning 'treat or regard (something) as a utensil'. Since there is no direct object in this sentence, the second part of the rule applies, and we know that the thing that is 'treated or regarded as a utensil', is the grammatical subject, viz., the *chün-tzu*. And the meaning of the whole sentence is simply "the *chün-tzu* is not (or does not allow himself to be) treated as a utensil". (This brief grammatical excursus is based on the work of John S. Cikoski, sketched, e.g., in *Computational Analyses of Asian & African Languages*, 8 (Jan., 1978), pp. 17-152. Cikoski's work on Classical Chinese grammar, some of the best done yet, has regrettably not received the attention it deserves.)

2. Prāṇa = Pneuma = Ch'i?, by U. Libbrecht (pp. 42–62).

The author notes that Needham speaks on more than one occasion of the similarity, or comparability, of Skt. *prāṇa*, Gk. *pneūma*, and Ch. *ch'i* 氣, but that he never demonstrates or proves the implied equation. He (the author) thus sets out to provide the missing demonstration. He examines these three words, and their associated concepts, individually each in its own linguistic and cultural setting, and then judges to what degree each can be equated with the other.

It is a difficult assignment that the author has set himself, and to the extent that undertakings in cultural comparativism are intrinsically and from the outset exercises in accidence and subjectivity, no matter how diligently pursued, it cannot hold out the promise of much in the way of thirst-slaking, hunger-quenching
satisfaction. And indeed the results here seem to bear this out. The author devotes seven and a half pages to his analysis of prāṇa, five to pneūma, and six to ch’i. For each he mixes a few etymological notes together with citations of or references to early textual occurrences, and adds a few comments on dimensions of meaning. The presentation of all of this is sketchy and discursive; for none of the three does the author give a rigorous, well-organized study. Even though he purports to treat the etymology of each, we find, e.g., the “source” of pneūma given as pneFō (with digamma) cited in the discussion of ch’i (p. 55), but not in the discussion of pneūma itself (pp. 50–54). The form pneFō is not in any meaningful sense a source of pneūma, it is simply an intermediate form of the related verb pnē-ō ‘breathe’, which was earlier pneu-ō, where the -eu- because it preceded a vowel became -eF-, subsequently becoming simply -e-; the nominal form pneūma preserves the original -eu-.

In his conclusion Libbrecht avers that in their respective developments prāṇa and ch’i “are so different as to be almost incomparable” (p. 61). I would add pneūma to the list, and delete the word ‘almost’ from the sentence. Libbrecht does claim, finally, that the identity prāṇa = pneūma = ch’i is valid for the “initial, archaic period” only (p. 62). But we do not know, and he does not tell us, whose archaic period, or what distinguishes ‘initial’ from ‘later’, or in what sense at all this is a useful or meaningful equation.

3. Notes on Ch’in and Han law, by J.L. Kroll (pp. 63–78).

Kroll’s specific focus here is the notion of pao 罪 ‘retribution’ or ‘response’, and its relation to the assignment of aristocratic rank for military merit. His opening discussion suggests implicitly the interesting point that the notion of ‘retribution’ (in cases of punishment fitting the crime) or ‘response’ (in cases of the reward fitting the achievement), both designated by the single term pao, are in some sense part and parcel of the ever widening scope of correlative thinking that comes to dominate the Ch’in-Han intellectual and social world (p. 64).

Kroll passes from theory to history when he gives numerous accounts of specific rewards matched against military achievements, and punishments matched against crimes. His main concern is with the former, and he gives an extended discussion of the way in which various of the Ch’in ranks were awarded according to the number of enemy heads a warrior might have garnered. By the same token, rank might be gained by severing a certain number of enemy heads only to be then given up (the rank, not the heads, which were presumably already “given up”) as redemption for a crime committed. Hulsewé has earlier shown that rank in the Han could be taken away from an individual in lieu of other punishment, and that commoners had the opportunity to buy such rank expressly for the purpose of having it taken away to redeem a crime. Now Kroll shows that the same thing was
true of the Ch’in (p. 71). Kroll also shows that rights of rank, even for criminals, are in some instances maintained, including the right of a successor to the reward due a deceased holder of rank (p. 73).

The unit of currency for the buying of rank was the same as the unit of achievement for the awarding of rank, viz., the severed head of an enemy. But not all severed heads, nor all ranks, were equal. Kroll, quoting Koga Noboru, writes (p. 74): “A T’un-chang 巳長 ... commanded 50 men. A [pai]-chiang [百] 將 commanded 100 men... From the 1st to the 4th grade of chüeh 肥 (aristocratic rank) one grade was given for every enemy head captured. At the 5th grade one became T’un-chang and above the post of T’un-chang one received one grade of chüeh for every 33 heads captured by one hundred of one’s men.” Thus heads had different exchange value for rank depending on the rank of the person in possession of the heads, and whether he captured them himself, or acquired them “second hand” through the cephalotomic labors of his troops. Kroll shows that contemporary texts sometimes contained conversion rules of the sort “one head corresponds to three heads”, or “one head corresponds to two heads”, or, as in the extreme case cited above, “one head corresponds to 33 heads”, depending on the circumstances. This suggests that we might want to talk about ‘real heads’ vs. ‘heads as units of currency’, which we might call ‘unit heads’, or Heads (with a capital H). Heads were also in certain cases invested with a cash value, usually 1000 cash each, which might be given to someone who had heads to trade, but not enough to buy a rank conversion.

Kroll concludes by pointing out that the notion of pao as ‘recompense’ or ‘retribution’ seems to have varied in applicability according to rank. Only for the first four ranks was there a one-to-one isomorphism between severed heads and orders of rank. “On a higher level the proportion of one order of rank for one severed head of an enemy was realized only conventionally, by resorting to rules for conversion, according to which a number of real heads (or prisoners) was taken for one symbolic head... The existence of such rules... seems to testify that orders of rank were regarded as ‘responses’ following military exploits according to kind and that the principle of correspondence was strictly observed” (p. 78).

4. Quelques notes de Wang Fuzhi sur le droit des Han, by Jacques Gernet (pp. 79–88).

That part of Wang Fuzhi’s 王夫之 (1619–1692) Du tong jian lun 讀通鑑論 (“Reading notes on the Zi zhi tong jian 資治通鑑”) that deals with the Han includes six notes on Han law. Gernet surveys and summarizes these six notes and their Han contexts, and shows how their substance reveals not only Wang’s views of this aspect of the Han state, but also his personal social concerns and legal leanings as they pertain to his seventeenth century mileu.
Wang favors “lois sévères, mais simples et uniformes dans leur énoncé, de façon à impressioner tous ceux qui seraient tentés de les violer et à éviter constations et ergotages,” and he advocates at the same time “une grande souplesse dans leur application, l’administration devant s’attacher à nommer des magistrats humains qui sachent tenir compte des circonstances de chaque délit” (p. 79). He claims that when the laws are too numerous, or too lax it invites abuse and endless judicial debates.

With respect to capital punishment, Wang’s view was that because the causes of homicide vary widely from case to case, there might be a tendency to allow the punishment to be fitted in severity to the specific circumstances of the murder in question. But this would, in Wang’s opinion, weaken the effectiveness of the law as a deterrent to crime, and would provide easy opportunity for the bearing of false witness and the suborning of judges. The rule must be that if you take a life, you pay with a life; to allow otherwise, Wang writes, would result in a society where (in Gernet’s colorful wording) “les gens s’étriperait sans aucun scrupule” (p. 80). Elsewhere Wang avers that having strict laws and reasonable judges is preferable to having lax laws and intractable judges (p. 81).

In his overall discussion of Wang Fuzhi’s notes on Han law Gernet touches on two other very interesting points. The first has to do with the principle of punishing only the guilty individual for a crime, rather than extending the punishment to members of the guilty person’s family. Wang upholds this principle except in the case of the misappropriation of public funds. Wang sets out what Gernet calls the “aspects psychologiques” of a kind of “blind passion” for enriching one’s kin out of the public coffers, and recognizes that in such cases it makes sense to extend the punishment to the descendants of the guilty party by barring them, as well as the guilty individual himself, from holding any further public offices. This was, according to Wang’s thesis, the only effective means to curb this kind of crime (p. 86).

The last specific point that Gernet raises has to do with the Han practice, based ostensibly on an ideal of social order attributed to the ancients, of gearing punishments to the appropriate season of the year, in particular, of carrying out executions and mutilations only in the winter, the season of death and decay, and never in the spring, the season of rebirth, renewal, and life. Gernet points out that Hulsewé has also discussed this point, and has shown that whatever might have been the case in pre-Han times, without a doubt the Han judicial and penal system adhered to this stricture faithfully (Remnants of Han Law, vol. 1, Leiden: E.J. Brill, 1955, pp. 103–109).

Gernet concludes this section by noting that “Il est remarquable que Wang Fuzhi, qui condamne comme superstitieux le système de correspondances en vogue à l’époque des Qin et des Han – le Yueling ne peut être pour lui un ouvrage de
l'antiquité —, reste cependant fidèle à l'idée traditionelle d'après laquelle l'action humaine doit s'accorder aux rythmes de la nature" (p. 88). He then ends the entire piece by observing that Wang Fuzhi's notes on Han law are interesting not only for what they reveal about the legal thinking of one of the most important seventeenth century intellectual figures in China, but they are also of immense value for what they reveal about the changes in the Han legal practice between the beginning of the dynasty and the reign of Wu di, a change from a relatively liberal system of social justice to a singularly more severe one.

5. Aspects rituels de la popularisation du Confucianisme sous les Han, by Léon Vandermeersch (pp. 89–107).

Vandermeersch's thesis is that where the doctrines preached by Confucius himself were addressed to a very limited audience of aristocratic elite, whose duty as Confucius saw it was to uphold the feudal monarchy of the Zhou at all costs, the doctrines of Confucianism in imperial times took on a much greater scope by virtue of being directed now to the entire population, with a goal of maintaining those principles and following those practices that guaranteed social order. Especially important in this new structure was the role played by ritual, described by Vandermeersch as lying at the heart of social institutions, and interacting with the people at the broadest social strata.

Vandermeersch exemplifies this thesis with an examination of three rituals: yang lao 養老 'sollicitude pour les vieillards', xiaang shi 鄉射 'fête du tir à l'arc' (Vandermeersch writes xiaang for 鄉 in this case to indicate the third tone word xiang 'festival, feast' [= 鄉] and to distinguish it from first tone xiang 鄉 'village', which he explains as designating the "collectivité villageoise locales", and which he translates in general as 'localité'), and yin jiu 飲酒 'assemblées conviviales' (p. 89, and fn. 1).

In their pre-Han form, Vandermeersch maintains, these three rituals can be easily seen to reflect the aristocratic level of society of that time. What he then explores in great detail is how they came to be adopted by and adapted to the non-aristocratic, i.e., the "popular", level of society in the Han. He has chosen these three rituals in particular for his scrutiny because they are entirely and benignly social; that is, they are not in any way a part of the ritual code that was re-shaped from its pre-Han form and invoked to underpin political authority and legitimacy. They therefore remained shrouded in obscurity and largely ignored until the time of Wang Mang, when they reappeared in the context of the archaizing tendencies of the "Old Text" partisans.

Vandermeersch shows, with extensive citations from the primary texts, mostly the Han shu and the Hou Han shu, how these three rituals were accommodated to the popular realm in the Eastern Han period. This accommodation has as its
expressed goals the institution of the notions of ren 仁 and yi 義 as features of the cult of Confucius being promoted among the people.

In connection with the growth of the cult of Confucius during the Latter Han Vandermeersch includes in his study descriptions of how the Hou Han emperors ennobled Confucius's (ostensible) descendants as a means to establish a cult, honored Confucius himself, his manes, and sometimes the spirits of his disciples as well, all things that in pre-Han times would not have been possible given the non-noble status of the figures involved. Finally, Vandermeersch shows that up to a certain point Confucius could be revered only through sacrifices and ceremonies directed towards his tomb, but that with the institutionalizing of the cult of Confucius, and of the rituals associated with that, veneration and piety toward Confucius could be expressed in expanded ways by ever greater segments of the society. This in its turn has a significant impact on the nature of society of the Eastern Han and of succeeding dynasties.

"À l'époque des Han, les pratiques funéraires marginales admises au nom de l'affliction du coeur xinsang 心喪, échappant à la codification rituel régulier, ont donné à la forme des rites l'élasticité indispensable à la popularisation du confucianisme. Les Han n'ont pas seulement reconstitué, décypté et consolidé les bases scripturaires du confucianisme. Après avoir élevé celui-ci au niveau de l'idéologie de l'Etat, ils ont vigoureusement oeuvré à sa popularisation, qui a fait des progrès considérables sous les Han postérieurs. Que le confucianisme se soit popularisé ne signifie évidemment pas que la société chinoise soit devenue égalitaire. Au cœur du confucianisme, le ritualisme accentue au contraire l'importance de toutes les hiérarchies sociales... les mécanismes rituels brassent désormais des couches de population beaucoup plus larges. Et ils fonctionnent d'une façon relativement indépendante du pouvoir économique, ... dans la nouvelle classe dominante Han, a pu s'introduire un nombre assez significatif de lettrés qui ne doivent pas leur position à la richesse ou la puissance de leurs appuis personnels, mais à leur attachement aux valeurs confucianistes,..." (p. 107).


The K'ung ts'ung tsu 孔叢子 was ostensibly written in the third century B.C. by a certain K'ung Fu 孔鉄, an eighth generation descendant of Confucius, but Kramers shows that to be a fictional attribution. The text was compiled, he claims, probably in the third century A.D., as was the related work K'ung-tzu chia yü 孔子家語, and is organized chronologically according to generations of the K'ung clan descending from Confucius. The work begins with four sections (p'ien 篇 1–4) concerned with Confucius himself, and ends with four that center on K'ung Fu (p'ien 18–21), the supposed author/compiler of the text.
Kramers gives a short summary of the contents of most of the sections, showing how various members of the K’ung clan figure in each. The *K’ung ts’ung tsu*, like the *K’ung-tzu chia yü*, is linked up with Wang Su 王肅 (d. 256), and seems to have figured in Wang’s attacks on the then predominant Cheng Hsüan school. Kramers concludes that the work overall was designed to enhance the reputation of the K’ung clan and was one of a number of texts that were “manipulated to stress the importance of preserving the family heritage of classical studies, especially as regards the interpretation of the *Shu ching* and the transmission of its Old Text Version” (p. 117), a text allegedly edited by K’ung An-kuo 孔安國, and thus another of the part of the K’ung family textual patrimony.

7. To praise the Han: the Eastern Capital *fu* of Pan Ku and his contemporaries, by David R. Knechtges (pp. 118–139).

Pan Ku’s “Eastern Capital *fu*” (*Tung tu fu* 東都賦) is the second half of his larger work known as the “*Fu on the Two Capitals*” (*Liang tu fu* 兩都賦), the first piece in the *Wen hsüan*. The two *fu* are written as an exchange between a ‘guest’ and a ‘host’ debating the relative merits of the Western and Eastern capitals of the Han, i.e., Ch’ang-an and Lo-yang respectively. The spokesman for Lo-yang, presumably representing Pan Ku’s own voice, begins with an account full of lavish praise for Kuang-wu ti, the founder of the Eastern capital. Knechtges translates much of the text, and shows how Pan Ku’s description of Kuang-wu ti is couched in language very much reminiscent of contemporary descriptions, e.g., in the *Hsi tz’u* 西漢詣辭 and in Hsü Shen’s 許慎 preface to the *Shuo wen chieh tsu* 說文解字, of the legendary creators of civilization itself, figures like Fu Hsi 伏犧 and Shen Nung 神農 (p. 123).

Pan Ku sees Kuang-wu ti as more than the mere restorer of political stability and integrity; he portrays him and the new capital at Lo-yang, as the instruments of a ritual, almost spiritual, restoration of the House of Han. He describes how, for example, after Kuang-wu ti had ordered the construction of the tripartite ritual complex consisting of the Ming-t’ang 明堂 (Bright Hall), the Pi-yung 彼雍 (Circular Moat) and the Ling-t’ai 靈臺 (Divine Tower) outside the southern gate of Lo-yang in A.D. 56, Ming ti performed the associated ritual ceremonies in this complex. Knechtges suggests that “to Pan Ku and other ritual-minded Confucians the construction of these buildings was the crowning achievement of the early Eastern Han” (p. 126).

Ultimately, Pan Ku’s purpose is “to demonstrate that the Eastern Han was superior to the Western Han because of its adherence to Confucian ritual... [He] relates how all activities, even the imperial hunt, are carried out according to the rites” (p. 129).

Knechtges follows his carefully annotated discussion of Pan Ku’s *Tung tu fu*
with a few comments on three of Pan Ku’s contemporaries, Fu Yi 傅毅 (ca. 47–92), Ts’ui Yin 崔骃 (ca. 30 – ca. 90), and Li Yu 李尤 (44–126), noting that all of them wrote pieces that reflected the same concern with ritual probity seen in Pan Ku’s work. In all of these cases the focus was on praise for the proper observance of ceremonies, in particular as took place in the “Three Concordia” (Knechtges’ translation for san yung 三雍, i.e., the complex of Ming-t’ang, Pi-yung and Ling-t’ai taken together) in the early years of the Eastern Han. “As portrayed in their writings, the Eastern Capital became an embodiment of ritual propriety, which to them was consistent with the ideals set forth in the Confucian classics” (p. 139). These fu writings, Knechtges argues, “express a confidence in the social and political order that one does not find in the succeeding middle and later Han period...” (p. 139).

8. The juedi games: a re-enactment of the battle between Chiyou and Xianyuan?, by Michael Loewe (pp. 140–157).

In this essay Loewe advances the very interesting proposal that the performance known as juedi, variously written as 殲抵, 角抵, 角抵, or 觀抵, known from Qin-Han time texts, is actually a kind of ritual re-enactment of the mythic battle between Chiyou 蚩尤 and Xuanxuan 軒轅 (= Huang di; Loewe uses the alternate reading ‘Xianyuan’ throughout).

To support the likelihood of his proposal Loewe summarizes a number of Han and post-Han texts that describe the battle, and that suggest a link, either explicitly or implicitly, with such a performance. Most suggestive of these is the Shuyi ji 述異記, dated by Loewe to the mid or late Tang, which describes first the Qin-Han tradition of a battle between Chiyou and Xuanxuan, and then a contemporary performance (i.e., presumably of the time of the Shuyi ji) in the area of Jizhou 冀州 in which people wearing bulls’ horns on their heads butt into one another in twos and threes. This the Shuyi ji calls ‘The Act of Chiyou’ (蚩尤戧), and says that it is probably a revival of the Han performance.

Loewe makes the further suggestion that the myth of the battle between Chiyou and Xuanxuan itself may owe its origin “to a fundamental conflict that may have obstructed on the Chinese mind; i.e., that between a fear of drought... and a dread of... floods” (p. 146). He speculates even further in the same vein: “Possibly there are signs of an antagonism between the evolution of agriculture and that of metallurgy, and there may be suggestions that dynastic considerations became attached to the myth, in the form of a contest between rival monarchs” (ibid.).

Apart from presenting textual evidence for the proposal that the juedi games recapitulate a mythic battle, Loewe does not develop these further suggestions beyond the mere stating of their possibility. To do so would entail distinguishing between the way diverse cult rites and performances of unrelated origins endu-
red as features of local popular cultural practices and the way that they became assimilated to an overarching, culturally extensive, and artificially homogeneous mythic schema, what Karlgrén called, with respect to their reflection in primary texts, the systematizing of separate early mythic traditions. Loewe’s paper sets out a very attractive and provocative beginning for such an endeavor.

9. Han Buddhism and the Western region, by E. Zürcher (pp. 158–182).

Zürcher draws on the great wealth of archaeological and inscriptive evidence that has become available over the last twenty or so years from Central Asia and Chinese Turkestan to refine his earlier study of Han Buddhism in some very important ways. He now refers to Han Buddhism as a “composite phenomenon”, and identifies what he calls “three well-defined sectors” (p. 159), by which he means three distinct forms that Buddhism took in Han China. These he describes as (1) “a hybrid cult centered upon the court and the imperial family”, or “hybrid court Buddhism”, for short, (2) “the first nucleus of ‘canonical’ monastic Buddhism”, which he calls the “Church of Luoyang” for short, and (3) “the diffuse and unsystematic adoption of Buddhist elements into indigenous beliefs and cults” (p. 159).

Hybrid court Buddhism Zürcher describes as based on an imperial “center of authority”. The first hard evidence for the presence of Buddhism in China is an imperial edict of A.D. 65 praising Liu Ying 劉英, the king of Chu, for his adherence to the practices of the cults of Huang-Lao and of the Buddha. Based on this, and on several other pieces of evidence, including clear Buddhist references in Zhang Heng’s 張衡 Xijing fu 西京賦, Zürcher is able to show that this form of early Buddhism was exclusively an imperial court phenomenon, and was closely intertwined with the indigenous Huang-Lao cult, hence his term “hybrid court Buddhism”.

The “Church of Luoyang”, in contrast with hybrid court Buddhism, was a genuinely monastic, canonical (i.e., based on the scriptural tradition) form of Buddhism that first appeared in China in Luoyang with the arrival of the well-known Parthian missionary and translator An Shigao 安世高 in A.D. 148. Zürcher describes this as an “embryo of metropolitan, ‘ecclesiastical’ Buddhism” (p. 163), now known only through surviving translations, commentaries, and colophons from this community. (These are the materials that Zürcher studied for their late Han vernacular features in his well-known article of 1977 in the Journal of the Chinese Language Teacher’s Association, v. 12, pp. 177–203.) Zürcher notes that the foreign missionaries mentioned in these documents all come from “India”, i.e., Gandhāra, Kashmir, and the Kushan empire in the western part of Central Asia; none of them comes from the area of present-day Xinjiang.

The third form that early Chinese Buddhism takes is less sharply defined than the first two, precisely because it consists in the “diffuse and unsystematic adop-
tion" of isolated and diverse Buddhist elements into the indigenous local cults. The result was widespread absorption of Buddhist themes largely detached from their original doctrinal and cultural context, and grafted on to a pre-existing religious lore. For later periods this kind of diffuse borrowing can be seen from written sources, Zürcher says, but for this early period the only evidence is archaeological, e.g., (i) identifiably Buddhist wall-paintings in Inner Mongolia from the second half of the second century, (ii) two standing figures with halo and a seated Buddha with uṣṇiṣa top-knot and with the right hand forming the abhaya-mudrā on the sides of an octagonal pillar in Shandong, and (iii) a seated Buddha with the same abhaya-mudrā carved on a lintel in an Eastern Han tomb in Sichuan. All of these, as well as other clearly Buddhist figures in other areas of Sichuan, Shandong, and Jiangsu, date from as early as the second or third centuries A.D.

Zürcher draws three general conclusions to this part of the article. First, the objects that have been absorbed into local cult practices cover a very extensive geographical area, from the eastern coast to Sichuan in the west and to Inner Mongolia in the northwest. Second, many of these Buddhist images have the form of tomb decorations and sepulchral objects, and this early association with death and the afterlife is surprising, especially as such a funerary role is not attested in any written sources. Third, to the extent that these images have an identifiable iconographic source, that source is the early second century "Indo-Greek" style of Buddhist art of the Gandhāra region. There is no evidence of any stylistic or artistic modifications or influences stemming from any intermediate "zone of transmission" (p. 167).

In the second part of this article Zürcher discusses the general question of the spread of Buddhism into China in view of these three different forms that the archaeological record shows it to have taken. The conventional, common sense, view has been that Buddhism reached China as the result of a gradual expansion from northern India in the Kushan period, spreading east of the Pamirs and along the two branches of the trade route, oasis by oasis, west to east. Zürcher quotes John Brough: "the advance of the Doctrine was, on the whole, a gradual process of infiltration: ... a position of some sort in Central Asia had already been established, from which secondary tentacles could then reach out into China" (p. 168).

This "common sense" understanding turns out not to fit the archaeological or historical facts. All three forms of Chinese Buddhism that Zürcher has described for the first two centuries A.D. are well attested at least a hundred years earlier than the earliest traces of Buddhism along the Central Asian trade routes. Zürcher explains this by recognizing that Buddhism is fundamentally an urban religion, associated with and very much dependent on prosperous agrarian regions and large cities.

The nucleus of religious life, and the institutional base, of monastic Buddhism
has always been the saṅgha, that is, the community of "professional" monks and nuns (p. 169). This group is essentially "parasitic" on the surrounding populous; the monks and nuns live off of the gifts of the laity of the surrounding area. As the Buddhist community grows, its numbers increase beyond those that can be supported by the surplus production available from the surrounding populous, and hence monks tend to "move out and on", establishing new communities in suitable areas, viz., other rich agricultural areas or large market towns and cities. This Zürcher describes as a process that "is repeated countless times. It is mechanical, continuous, and unguided, and it constitutes the most basic driving force behind the expansion of Buddhism as a monastic system" (pp. 169–170). Typically this process of expansion is accelerated by high-level patronage from a wealthy lay elite, including the imperial court.

Zürcher points out that the two great early expansions of Buddhism coincide with periods of large-scale political unification and court patronage. The first was the spread of Buddhism throughout the Indian subcontinent and into the northwestern regions of Gandhāra, Kashmir and eastern Afghanistan in the third century B.C., coincident with the Maurya empire and the patronage of Aśoka. The second was the one that concerns Zürcher here, the expansion of Buddhism eastward into China in the first and second centuries A.D. This coincided with the Kushan empire, and the rule of Kaniska. As Buddhism spread north from northwest India into the Ferghana valley and the middle and lower reaches of the Amu-darya, it found all of the economic and urban conditions necessary for it to take root, and indeed the archaeological record shows traces of Buddhist monasteries there from the beginning of the second century A.D. At the same time in the Tarim basin and through Chinese Turkestan these conditions did not obtain, and Buddhism could not become established.

There is no question that the Buddhist missionaries, An Shigao and others, entered China through this "Serindian" route. But the Buddhist doctrine they carried found no fertile ground until it reached the economically viable and agriculturally prosperous heart of China, where it took the three distinct forms described above. "[I]n the first two centuries of our era, Serindia still was virtually untouched by monastic Buddhism. In Han China, Buddhism was spread by missionaries coming from the far west: Indoscythians, Sogdians, Parthians and Indians. Missionaries from the oasis kingdoms of present-day Xinjiang only start to appear in Chinese sources in the second half of the third century – which chronologically agrees with the date of the earliest remains found at Khotan, Miya, Mirān and Loulan" (p. 176).

Zürcher concludes this exceptional piece of scholarship by surveying population data from the Han shu and Hou Han shu accounts of the Western Region (Xiyu zhuan 西域傳, Han shu 96 A and B, Hou Han shu 88), showing "an almost
explosive increase of the population in the oasis states” over the period from the first century B.C. to the middle of the second century A.D. (p. 177). (The date of 59 A.D. given on p. 176 as the year when the Chinese Protector-General was established in Wu-lei should be 59 B.C.) This population explosion, Zürcher contends, must have been the result of the introduction of improved agricultural techniques, viz., advanced water storage and irrigation procedures that would have accompanied the Chinese tuntian ‘military agricultural’ colonies that were established in increasing numbers along the Chinese limes and later into strategic parts of Central Asia. This led eventually to increased population, increased trade, and ultimately to the kind of agrarian and urban prosperity that could support settled Buddhist churches, but not until well after the first appearance of Buddhism in China proper.

Zürcher concludes: “The introduction of Buddhism was by no means the last stage in a gradual process of diffusion; it was part of the one huge wave of expansion that simultaneously carried Buddhism to the Ferghana valley and the North China plain... for almost two centuries Serindia appears to have played the role of a neutral transit zone... The founding fathers of the Church of Luoyang were not Kucheans or Khotanese, but monks from the far western periphery. In other words: Han Buddhism was... not the result of contact expansion, but of ‘long-distance transmission’” (p. 181).

10. The founding of the Han dynasty in early drama: the autocratic suppression of popular debunking, by W.L. Idema (pp. 183–207).

Idema observes at the outset that as popular as the fall of the Han and the division of the state into three parts is in Chinese vernacular literature, it has not always been so. To judge from the number of literary works preserved intact or known from title, the saga of the founding of the Han, and the civil war between Xiang Yu and Liu Bang, was far more popular from the Tang to the Ming than the Three Kingdoms theme. Idema spends a large number of pages (pp. 184–198) identifying literary works that are centered on the founding of the Han, outlining stories, and surveying their generic place in the evolving literary tradition, both popular and elite, from the Tang down to the Ming.

After this review, which he calls “long and tiresome” (p. 198; it is long, but not ‘tiresome’), Idema draws two inferences, which he then expands on. First, “the saga of the founding of the Han was by far the most popular story-cycle on the Yüan stage”, and second, “the characterization in these plays of their imperial protagonists must have been extremely negative” (p. 198).

“Once we realize this,” Idema continues, “the Ming dynasty prohibition of the presentation on stage of any emperor becomes much easier to understand. Zhu Yuanzhang’s lowly origins, his paranoid persecution of his former comrade-in-
arms, and the strong character of empress Ma, must have combined to make the parallel to Liu Bang and empress Lü too obvious for comfort.” (ibid.) Idema allows as to how the Ming prohibition against performing plays involving impersonations of emperors and empresses must find its motivation in this theme, and that the prohibition was apparently singularly effective inasmuch as none of these plays appears to have been adopted into the Ming court repertoire (p. 199).

Given the intrinsic popularity of the Xiang Yu/Liu Bang theme, the alternative to maintaining proscribed plays was to produce new plays, written to take imperial sensitivities into account. It seems almost as if we could define a kind of new genre, or at least a quasi-genre, called ‘replacement plays’, that would consist of plays written to reproduce well-known earlier plays, but now carefully crafted so as to be “ideologically sound” (Idema’s phrase, p. 200) in their dramatizations of the same materials.

In his concluding section (pp. 205–207) Idema suggests that while the prohibition was probably successful in the early Ming, particularly in the capital, its effect may have diminished as one moved away from the center of political authority, and that by the late Ming it seems to have lapsed overall. Finally, Idema recognizes that over the long run the theme of the fall of the Han and the three-way power struggle between Wei, Wu, and Shu-Han “may well have provided greater opportunities for narrative development than the saga of the founding of the Han because of [its] greater complexity” (p. 206).


The stodgy, arcane and apolitical flavor of eighteenth century *Han-hsüeh* has often been contrasted with the “heroic” intellectual and political activism of the seventeenth century. Basing herself on this contrast, Zurndorfer argues that as Chinese scholars abandoned the political world, taking refuge in, e.g., “the exegetis of ancient aphorisms, and the exhaustive search into the semantics of technical terms” (quoting [in translation] Liang Ch’i-ch’ao, pp. 208–209), they ended up endorsing, even if only implicitly and involuntarily, the moral codes promulgated by the increasingly “puritan” early Ch’ing court.

Zurndorfer’s primary concern within this framework is the social attitude toward female chastity, especially that aspect of the traditional ideal of a chaste woman that precludes her remarrying after the death of her husband. She says that “it is well known that by the 18th century female chastity had ‘become a religion’: social pressures on widows to remain chaste or even to commit suicide out of loyalty to their deceased partners reached a crescendo” (p. 212).
What we might ask, do the recondite textual and lexicological labors of the practitioners of *Han-hsüeh*, identified by Zurndorfer as only one of several scholastic movements that came to utilize *k’ao-cheng* 考證 ‘evidential research’ methods (p. 216), have to do with male attitudes toward female morals in the Confucian society at large? Zurndorfer’s answer is that “in the case of vocabulary pertaining to ‘female matters’, the careful scrutiny of philological investigation only helped encourage the cult of female chastity” (p. 213).

Ku Yen-wu (1613–1682), although not of the moribund eighteenth century, already set the tone, according to Zurndorfer, by writing over twenty essays either directly or indirectly concerned with women’s proper behavior within society, e.g., in mourning rites, or with lexical items that touched on similar matters, e.g., proper terms of address toward women, or words for modes of female conduct that allowed him *inter alia* to express his opinions about women and social morals (pp. 219–220). She follows this with notes on Chi Yun 紀昀 (1723–1805), Wang Chung 汪中 (1745–1794), Chao I 趙翼 (1727–1814), and Ch’ien Ta-hsin 錢大昕 (1728–1804), and the ways each of them either conformed to or departed from the strict moral code of the court with respect to women’s issues, in particular to female chastity, and how this is revealed in their respective *Han-hsüeh* studies (pp. 221–224).

In conclusion Zurndorfer states that these “leading *Han-hsüeh* thinkers ... were in no way attempting to undermine the moral and ethical values of Confucian ideology. In fact, their philological investigations could only support the most conservative proponents of neo-Confucian orthodoxy, including those advocates of Ch’eng I’s dictum on widow chastity. The preciseness of their research ‘scientifically’ confirmed the nature (and danger) of women in the most elevated echelons of Chinese government. ... By viewing the ‘moral turpitude’ of the past, these scholars were, in the process, ‘defining’ themselves as guides of the correct order... with themselves, and not their Manchu overseers, as the guardians of that orthodoxy. If this was the case... it would not be the first time that the ‘issue’ of women was used by men to hold and/or achieve power” (p. 224).

12. Self-defense, by M.J. Meijer (pp. 225–244).

Beginning with a passage from the *Zhouli* 周禮, identified only by its location in Biot’s translation (which Meijer alters according to a suggestion given him by Hulsewé), the author gives a succinct survey of those portions of the Chinese legal codes that deal with the issue of self-defense, the circumstances under which it is considered justified, the extent of punishments applicable to people who kill under the claim of self-defense but are nevertheless liable to some reduced form of punishment, etc. Meijer gives brief descriptions of the relevant portions of the Tang code and its commentaries, the Song code, which he says (p. 229) is identical.
with that of the Tang, including the commentary, the Yuan codes, and Ming and Qing codes.

The author points out that in the 1585 revision of the Ming code a large number of “Provisions concerning the Imposition of Punishment”, called Wen zing tiaoli 間刑條例 (li for short) were inserted. Up to this time these li ‘provisions’ had been considered secondary rules, and could only be invoked in conjunction with citing the primary statute (lù律), but Meijer implies that with their insertion into the code in 1585 their force as law was strengthened.

The Qing code, dating from 1646, after having undergone many additions, was finally revised in 1907 by the famous legal scholar Shen Jiaben 沈家本 (1840–1913). Meijer points out that as inconsistent as the Qing code is, given the haphazard way it evolved over 250 years, it still is valuable for the picture it reveals of the development of legal thinking throughout the dynasty (p. 231). Meijer follows up his comments on the increasing stature of the li ‘provisions’ in connection with arguments in regard to self-defense by outlining when such provisions were inserted into the Qing code, where they were first inserted, where they were shifted, and how that affected their impact as law. The author includes long passages in translation, including an appendix of three li from the 1873 edition of the code pertaining to self-defense (pp. 243–244).

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