

Section 2.8, “Conclusions,” is the most interesting because it touches on several important questions surrounding Chinese law. Two topics are addressed here: the function and range of effectiveness of early Chinese legislation and the continuity of traditional Chinese law based on the Zhangjiashan legal texts. For the first topic, the editors offer ten functions of the extant Qin and Han statutes and ordinances, which were to “serve as both the idealized blueprints for the construction of the engine of the state and the instruction manual for officials to operate its intricate and interrelated mechanisms” (p. 210). About these ten functions of early imperial Chinese law, I want to raise two points. That early Chinese law managed to control ideology and religious practices by centralizing the spirit world, outlawing and suppressing unauthorized local sacrifices, and defining proper, authorized, religious practices for commoners and officials is true. What is missing from this section is the function of daybooks (*rishu*), which represent a belief system of the time and are found primarily in the tombs of scribes, although the Zhangjiashan tomb lacks one. A connection between the usage of daybooks and statecraft and thoughts about whether the standardization of daybooks was a result of centralizing religion would have provided an even richer discussion.

Another question refers to women’s legal status during the Qin and the Han. The editors argued that women had “much more prominent legal status than had been believed” but that status declined shortly after the promulgation of Zhangjiashan law (p. 214). As noted by the editors, women, including wives and daughters, had rights that were comparable or equal to their male family members, but only when the men were absent. Daughters could inherit a father’s rank if no sons were present, widows and unmarried adult females had property rights only until another husband arrived, etc. These conditions do not indicate an elevation in legal status for women, for they were only granted these rights in support of a patrilineal society.

Addressing continuity of traditional Chinese law, the editors thoroughly connected the dots from the Qin statutes from Shuihudi tomb no. 11 and the imperial Qin laws from the Longgang site to the statutes from Zhangjiashan tomb no. 247. They argued that the Han statutes did not simply adopt the Qin statutes and legal process but included revisions in language and introduced different levels of punishment (p. 221). Although the similarities are examined in length and detail, the reader would do well to read earlier sections in volume one, especially sections 2.4, 2.6, and 2.7, which contain profound examples and case studies. Furthermore, the editors claim that the Tang code, nine centuries later, succeeded the general principle of law from both the Qin and the Han but in some cases added further complexity. For example, while the Tang adopted the Qin and Han law on illicit profit, the Tang statute determined the “principal” and “accessories” in a crime as well as whether a theft was by stealth or by force. Furthermore, the Tang statute applied five categories to sentencing homicides according to intent, causation, and method of killing, which have been credited to Tang legislators but could be traced back to Qin and Han laws (pp. 237–39). A list of nineteen items describing the similarities between Han statutes and Tang code confirms the continuity (p. 241).

*Law, State, and Society in Early Imperial China* is definitely a thoroughly researched contribution to the field of early Chinese studies that provides overarching information on early imperial Chinese history and a profound translation for researchers. This book will appeal to those who study traditional law, Qin and Han society, and early imperial administrative history.

DANIEL SUNGBIN SOU  
ORIENTAL INSTITUTE OF THE CZECH ACADEMY OF SCIENCES

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*Ideology of Power and Power of Ideology in Early China*. Edited by YURI PINES, PAUL R. GOLDIN, and MARTIN KERN. Sinica Leidensia, vol. 124. Leiden: BRILL, 2015. Pp. viii + 348. €120, \$152.

The general absence of Chinese political thought in Western philosophical studies and encyclopedias is well attested, and most shameful. *Ideology of Power and Power of Ideology in Early China*, edited by Yuri Pines, Paul Goldin, and Martin Kern, is devoted to its further exploration, and hopeful expanded appreciation. In his introduction, Pines protests what he sees as a “woeful” paucity of attention to the political in research on the early Chinese intellectual tradition: “Of the many thousands of

publications in China, Japan, and the West that explore pre-imperial Chinese philosophy, only a small fraction focuses on the political content of the Masters' texts" (p. 6). This assertion unfortunately trades upon an overly restrictive definition of the political, for, as with many celebrated texts in the Western tradition, political theory almost by necessity involves ethics. Furthermore, most ethical questions in the classical Chinese Masters texts were directed at those involved in governance. Nevertheless, there is still cause to give focused attention to early Chinese political thought, especially when the investigations approach lesser known texts, such as the *Yanzi chunqiu*, or recently excavated manuscripts, such as the Liye finds.

Without question, Warring States Masters texts had a hugely seminal influence on various topics, frequently presenting exemplars as case studies or thought experiments to encourage their readership to consider the involved complexities without the sometime simplifications provided by transcendental universalizations so rife in Western philosophical studies. These case studies and the consideration of various pragmatic issues related to political life are the root of praxis, the situating of large problems in their contexts (p. 11). This fine volume delves into various such practicalities, providing examinations of both excavated and received texts on numerous topics relevant to early Chinese rulership: the sage-monarch, the relationship between minister and ruler, religious omens, the interface between ritual and morality, and so on. Because of space, I provide synopses of a limited selection, to offer readers a sense of the volume's compass. On the whole, the essays are of such value that readers should be able to find much to justify its acquisition.

In his article, "Long Live the King! The Ideology of Power between Ritual and Morality in the *Gongyang zhuan* 公羊傳," after briefly introducing the text, Joachim Gentz attempts to date its core to the fourth to third centuries BCE, by comparing its central themes and terms to those from early Han. For instance, there are no rules within the *Gongyang* pertaining to the duty of regional lords to come to court, taxation, or the rise of bureaucratization, as are common to the early Han. It also does not critique Huang-Lao thought, nor does it recommend active military campaigns against the Yi-Di, both features of the early Han Ruist position, to which the *Gongyang* has previously been tied. Its quest for political unity, rather than being necessarily identifiable with the Han, can also be associated with the Warring States period. Gentz asserts the *Gongyang* is close in "content, style, and attitude" to the pre-Han texts from the state of Qi, in which, for example, borders are cultural and the notion of the "barbarian" is rhetorical and plastic. The distinction between "inner" and "outer" in the *Gongyang zhuan* is governed by ritual competences that are meant both to keep the ritual system intact and to obviate "interference with [*sic*] other (cultural) powers that could question it or claim dominance over it" (pp. 81–82). To which other cultural powers Gentz refers is not laid bare, nor is it clear by what standards or means these other cultural powers could contest the Chinese ritual system (however that itself is defined). Indeed, it is puzzling that in just the ostensibly central subjects on which this article focuses, namely ritual and morality, there is less clarity. Striking is Gentz's contrasting of ritual against morality, as if these activities are not often mutually involved. Morality is, Gentz explains, neither "countermodel" to replace ritual nor "identical alternative" that can be adopted where ritual rules do not suffice. Rather, it is "a fundamentally different way of realizing intuitions grounded in the human heart and enacted in virtuous acts" (p. 83). This strict separation of ritual from morality suffuses various attempts to analyze conceptually complex aspects of the *Gongyang*, leaving some parts of the argument less convincing than one would hope. For instance, Gentz repeatedly equates the moral with the personal. At one point, he reasons that "virtue" (*de* 德) is not used in the *Gongyang* "probably because the commentary espouses a political system that is not founded on personal qualities like virtue (*de*) but rather on general rules of power and duty" (p. 102). This, alas, renders *de* a notion not intimately connected to political affairs. In spite of such issues, the article offers a persuasive case for placing the *Gongyang* as originating in the pre-Han cultural context.

In his essay, "Language and the Ideology of Kingship in the 'Canon of Yao'," Martin Kern argues that the "Yao dian" 堯典 (Canon of Yao) chapter of the *Shangshu* 尚書 proffers two separate viewpoints on archaic kingship, in the chapter's Yao and Shun narratives. Kern closely parses the preliminary lines of the Yao narrative, concluding that its beginning words show the text was to have been performed, "directly modeled on the much earlier (late Western Zhou?) speeches generally believed to

form the historical core of the *Shangshu*" (p. 124). With such a parsing, the following text becomes "an extended and remarkably well-ordered speech," consisting of four units of different length, with regular rhyme and meter, in the archaic style of the "Daya" section of the *Shijing*, "a claim for tradition, spoken in the idiom of tradition" (pp. 125–26). In the narrative, Yao "aligns human activity with the mechanics of the cosmic clockwork," the work of government being effected through his appointed delegates, the emperor Yao himself not intervening, besides making these assignments (p. 131). The succeeding Shun narrative portrays Shun in contrast to Yao, as a ruler not so much defined by his personal charisma, as Yao is, as by the perfection of the administrative system, of which Shun is the apex. Nevertheless, Kern notes, Shun is "far more activist than his predecessor . . . in his initial quest for cosmic order and his sovereignty over it, Shun does not delegate; he acts" (p. 136). From the inclusion of these two portraits in the "Yao dian," Kern concludes that one may take the Shun narrative as responsive to Yao's, "replacing the ideal of archaic rule . . . with the new ideal of a cosmic ruler who commands a well-functioning state" (p. 149). The features of Shun's governmental system are, Kern insightfully hypothesizes, possibly a reflection of "the political ideology in service of the Qin and early Han imperial court" (p. 148). Yao and Shun, and the text of the "Yao dian" *in toto*, were symbols of two styles of government that, when comparisons in the number of references to these two narratives in different periods are tallied, can be themselves reflections of the kind of system being generally promoted. In sum, Yao and Shun can be shown to be the mythic avatars of various early imperial rulers (pp. 149–50).

Thematically contrastive to the above essays is Roel Sterckx's investigation of peasant and merchant classes, in his "Ideologies of the Peasant and Merchant in Warring States China." Sterckx contends that, in contrast to the stereotype of early Chinese governments favoring agriculture over the mercantile economy, any favoring of agriculture did not necessarily lead to anti-mercantilism. As Sterckx maintains, "even the notion that agriculture should be defended at the expense of trade and manufacture was not accepted as a given by all Warring States thinkers" (p. 214). After examining Warring States discussions of the farming economy, and how Shang Yang's agricultural reforms in Qin have been misunderstood, Sterckx then dwells on the personal features highlighted by texts such as the *Shangjunshu* that make farmers desirable as subjects: farming fosters "diligence" and an "unquestioning mind," and "is also linked to a propensity for domesticity, registration, and socioeconomic fixity," the latter attributes not generally associable with merchants. The farmers' stereotypical simplicity and trust in authority are also heralded by later texts such as the *Xunzi* and *Lüshi chunqiu*. Thus, in many Warring States Masters texts, "agriculturalism was as much a political philosophy as an economic doctrine" (p. 227). But this philosophy was not inevitably antagonistic to mercantilism. In the *Mengzi*, wealth gained beyond farming is praised, "so long as the wealth is shared" (p. 228). While the *Shangjunshu* openly reviles merchants, placing them in an antagonistic relationship to farmers, Sterckx states that this level of hostility may not have been the common position. The *Xunzi* does not demean mercantilism, and the *Hanfeizi* spends few words on the relationship between farmers and merchants. Even the lengthiest exposition on the early Chinese political economy, that of the *Guanzi*, "contains an (imperfect) synthesis between core agriculturalist ideas . . . and . . . an acknowledgement that sophisticated market mechanisms are inevitable and need proper handling" (p. 235). In the Qin dynasty, there again is no evidence that farming was to be emphasized at the expense of trade and crafts. Neither in the *Shiji* nor in the Liye documents can statements that forward the "root" over the "branch" be explicitly equated with promoting farming over commerce or artisanal work. For Sterckx, in both Warring States and Qin times, farming and trade were treated as more complementary than inimical to each other. Thus, the problem of the merchant, at base, is the behavior and values he represents, not the activity he pursues.

As a final assessment, as with all edited volumes, with the mix of analytical viewpoints and argumentative agendas, the essays will necessarily not be equally appealing. But in the aggregate, there is much to be garnered about early Chinese political though here, far beyond the easy treatment of common questions. I thus sincerely recommend the volume for specialists and students of early China.

GARRET OLBERDING  
UNIVERSITY OF OKLAHOMA