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Writing Chinese Laws: The Form and Function of Legal Statutes Found in the Qin Shuihudi Corpus.
By ERNEST CALDWELL. Routledge Studies in Asian Law. New York: ROUTLEDGE, 2018. Pp. x + 202. \$149.24 (cloth); \$24.98 (e-book).

The book under review is a revised version of the author's PhD dissertation "Writing Chinese Laws: The Form and Function of Statutes in Qin Legal Culture" (Univ. of Chicago, 2014). Drawing on methods from sociolegal studies and legal linguistics, the author takes a form and function approach to the study of legal manuscripts from early imperial China. He argues that the form of extant Qin statutes—including codicological, paleographical, and textual features—is informed by their supposed function, as reconstructed from various sources on Qin legal thought. The book consists of two main parts, the former (chapters two and three) is mainly devoted to the *function* of written law in pre-imperial China more generally and in the kingdom of Qin specifically, the latter (chapters four and five) to the material and textual *form* of Qin legal statutes as represented by the manuscripts from Shuihudi tomb 11.

Drawing on several passages from the received *Zuo zhuan*, chapter two investigates the sociopolitical conditions that prompted the rise of written law in several kingdoms of pre-imperial China as well as the role ascribed to it. The author argues that at least a significant part of the elite deemed written law capable of increasing sociopolitical stability and control over both the aristocracy and the general population. This chapter was previously published under the title "Social Change and Written Law in Early China" in *Law and History Review* 32.1 (2012): 1–30.

Chapter three closes in on the role written law played in the kingdom and later empire of Qin. Starting with a description of sociopolitical problems akin to those in other pre-imperial kingdoms, the author employs received and excavated sources to illustrate the importance the Qin government attached to the written form more generally and to written law in particular. He considers Qin written law to have served as an administrative tool capable of controlling and standardizing official behavior and of maintaining the functioning of the government down to the local level.

The following two chapters investigate to what extent this assumed function of Qin written law affected the actual form of legal statutes. Chapter four is concerned with material aspects. From the uniform use of a particular type of script and certain forms of punctuation in Qin legal and administrative documents, the author concludes that these served to fulfill the need for consistent and accurate understanding. He also argues that the use of tied-together bamboo slips as writing support facilitated the maintenance of accurate and up-to-date legal statutes and the production of compilations of legal excerpts.

Chapter five provides an analysis of the linguistic composition of the statutory articles in the Shuihudi Qin manuscripts. Starting with a discussion of how the particular legal meaning of individual words is clarified through definition, enumeration, and subject repetition, the author goes on to examine the compositional features of individual statute articles and finally focuses on the composition of complete statutes with direct or indirect referencing between articles of the same statute and even between separate statutes. He argues that these compositional strategies have text-cohesive or text-claritive effects, which seem to echo the main function attributed to written law by the Qin.

Throughout the book, the translations of primary sources are generally accurate and reliable, although, of course, not everyone would subscribe to the author's translations of particular legal terms, for example, *lun* 論 as "to censure" (pp. 64–65) or *bi* 辟 as "to compile; penal/legal compilation" (pp. 27–28, 69). The same is true for the surprising denomination of the reverse side (Chinese *bei* 背) of bamboo slips as "recto" (e.g., p. 134), which is not in line with the common practice of referring to the "back" or "outer side" of scrolls—the side that usually does not carry writing—as "verso."

In his study, the author makes use of numerous received and archaeologically retrieved sources, but especially chapters four and five are centered mainly on the Shuihudi *Xiao (lü)* 效(律) "(Statute on) Checking," although other manuscripts with statute excerpts from the same tomb are likewise discussed. Exhibiting a thorough grounding in both classical sinology and law, the author manages to shed some new light on Qin legal manuscripts that have been intensively studied by a large number of scholars ever since their discovery more than four decades ago. The study of the material features and textual structure of Qin legal statutes—in addition to their content—is clearly a worthwhile enterprise. It not only supports the author's conclusions on the influence of the function of written law on its form but also leads to further as yet largely unsolved questions concerning the legal history and manuscript culture of early China. To what extent do the legal statutes or statute excerpts and the manuscripts in which they are compiled reflect the material and textual form in which the king or emperor originally enacted the statutes? If different offices made "personal" compilations of statutes or excerpts adapted to their specific fields of activity (pp. 68–69), were the compilers allowed to create new cross-references or (re)combine articles, hence taking an active role in creating or enhancing textual cohesion or clarity? What exactly was compared and possibly corrected in the course of the regular checking procedure (pp. 69–71) that was supposed to guarantee a certain degree of unity and consistency? In other words, what exactly were the status and nature of the Qin (and Han) statute collections found to date and what role—if any—did they play in the development of written law in early imperial China? In recent years, some scholars have focused on questions related to the status and nature of legal manuscripts, as shown by Hirose Kunio 廣瀬薫雄, *Shin Kan ritsuryō kenkyū* 秦漢律令研究 (Tokyo: Kyūko shoin, 2010), and Zhang Zhongwei 張忠燁, *Qin Han lüling faxi yanjiu chubian* 秦漢律令法系研究初編 (Beijing: Shehui kexue wenxian chubanshe, 2012), among others.

There likely are neither simple nor uniform answers to the above questions, and it also has to be pointed out here that the function assigned to written or specifically statute law by the legislator(s) is not necessarily congruent with the function of every manuscript that represents or contains such written law. Use as portable reference book, as scrap book, or as teaching material would probably entail a different form in each case, and from this perspective a manuscript used for teaching law might in fact have much in common with a manuscript used for teaching, say, mathematics as far as form is concerned. Still, detailed analyses such as the ones exemplified by chapters four and five of the book under review might well yield results that could help answer some of the remaining questions, especially if set on a broader synchronic and diachronic basis. The author himself already stressed the benefit of an expanded synchronic analysis, particularly the inclusion of the Yuelu Academy Qin manuscripts, in the conclusion (pp. 185–87).

A few remarks are due on up-to-dateness and copyediting. Compared with the author's PhD dissertation, the revisions for the present book can only be described as rather superficial. The bibliography contains no more than two additional entries dated to the time after submission of the dissertation in 2014, nor does it include the two relevant book-length studies cited above. The book would also have benefited from more thorough copyediting. At times the reader encounters certain redundancies and inconsistencies. For example, notes 7 to 9 of chapter one occur again as notes 1 to 3 of chapter two; sometimes only the first word in Chinese book/article titles is capitalized, sometimes every word, etc.

Overall, the book constitutes a clearly argued and valuable contribution to the study of early Chinese law. It especially offers new and thought-provoking perspectives on the Shuihudi legal manuscripts. The described approach might also prove helpful for research into other legal manuscripts and will hopefully inspire further research.

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