Circulating the Code: Print Media and Legal Knowledge in Qing China. By Ting Zhang. Seattle, WA: University of Washington Press, 2020. Pp. xi + 256. $99.00 hardcover, $30.00 paperback.

"The wise emperor governs his officials, he does not govern the people." [1] Attributed to the second Tang emperor, this sagely nugget arguably remained a guiding principle of Chinese law even a millennium later. A substantial portion of the Ming law code (by my calculation, roughly sixty per cent of its statutes) finalized by the first Ming emperor in 1397 was directed at regulating the official activities of officials and soldiers. Upon inheriting the largely intact Ming *Code*, the Qing emperors and officials showed such little interest in altering its character that during the next two-and-a-half centuries of ruling an expanding empire they added just one statute. For the apparently less important task of governing the people and their activities, some 10,000 civil officials were, as before, deployed to keep order and collect taxes in the provinces. Law, we were commonly told, was far from being their preferred way to rule. Instead, these officials posted edicts and issued commands, regularly showered their subjects, at least in urban settings, with hoary prescriptions and moral injunctions, and they sought to encourage and enforce rules for the proper performance of certain rituals at home and in public. Ritual, not law and not even punishments, was judged the most ideal and effective means to bend a fractious populace to the imperial will. As ruling on—or preferably mediating—conflicts between private parties was but one of the many time-consuming duties of a local magistrate, it was all too easy to conclude that the drafting of legal rulings, the setting of precedents, and the administration of law were minor concerns of officials. Civil law, not surprisingly, was judged an insignificant interest of Chinese law and even its county magistrates.

Over the past three decades, as the history of Chinese law has come to receive the scholarly attention it had long merited, much of this conventional wisdom of my youth has fallen away to critical analysis. Its truisms have been found the result more of Confucian wishful thinking than of the actual demands of Chinese commoners and the intrusions and rulings of local officials. Thanks in part to the admirably broad agenda of the new historical scholarship,

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[1] *The Great Qing Code*, translated by William C. Jones, with the assistance of Tianquan Cheng and Yongling Jiang (Oxford: Clarendon Press, 1994), p. 6.

the field of premodern Chinese law has been acquiring for the first time a rich body of foundational scholarship in various languages. Essential work has been done on compiling, editing, and, in some cases, translating (mainly into English) surviving dynastic codes and official manuals for official rulings. An exceptionally erudite and comprehensive review of its legal and administrative texts has been published, and at least one learned website has been running for close to a decade. Rare collections of legal case judgements and official manuals have been edited and republished. Several important collecteana (*congshu* 叢書) of rare sources have been compiled and printed. Important monographs have appeared on the role of law in shaping late imperial practices of inheritance, marriage, land tenure, commerce, policing, jails, penal laws, and capital punishment. The mining of rich archives at central and local government levels, such as in Huizhou 徽州 prefecture and Ba 巴 county, have revealed the profound impact of local custom on the enactment and impact of imperial law. And, the major findings of the past century's giants in this field of scholarship, such as Shen Jiaben 沈家本 and Yang Yifan 楊一凡 in China, as well as Niida Noboru 仁井田陞, Shiga Shūzō 滋賀秀三, and Ikeda On 池田大作 among many in Japan, are slowly being assimilated into a shared body of knowledge about Chinese law by scholars outside of East Asia. Comparative law experts in the West, such as William C. Jones, have written insightfully on the distinctive traditions and understandings of Chinese law compilers and experts.

While some legal scholars have focused on uncovering the implicit principles and development of Chinese statutory law, most of them have sought to use the newly available sources (especially government archives and case rulings) to posit broad claims on topics of political and social history, such as state formation, marriage and inheritance, the conditions of servitude, the protection of intellectual property, the management of businesses, and penal practices. These findings have persuaded many other China historians not only of the importance of law and legal records for understanding the workings of the Chinese state and society, but also of our need to qualify our inherited views on Chinese imperial law. Eventually, students of Western and even constitutional law will notice that the floor has been moved from under their stodgy feet.

In *Circulating the Code* Ting Zhang continues this pioneering work in a novel way. She combines the strands of legal and social history by asking questions about Chinese legal texts that are usually associated with historical bibliography and book history. In seeking to determine the extent of the

spread of knowledge of Qing law and changes in commoners' awareness and knowledge of its operation, she investigates the production, dissemination, and consumption (or, more commonly put, the reception, readership, reading practices, and uses) of the Qing *Code* and law in general. Her first three chapters narrowly but insightfully concentrate on the history of the compilation and dissemination of the Qing *Code* and closely related legal texts. The first chapter lays out the efforts of the imperial court, usually its Wuying Dian 武英殿 Manufacture Department, to compile, print, and distribute copies of the Qing *Code,* its greatly expanded number of sub-statutes, and the *Capital Gazette* to a far-flung bureaucracy manned often by officials all too often not trained in the law and not particularly interested in it. We learn of the *Code*'s numerous editions, publications, distribution, and promotion by officials, especially local officials, for ruling on a wide range of conflicts and administrative measures. Qing officials, like their post-Tang predecessors, disagreed considerably over the desirability of spreading all this legal information outside of official circles. By contrast, late imperial emperors generally favoured their wider dissemination. From the first Ming emperor onwards (two Qing emperors, the Yongzheng 雍正 [r. 1723–1735] and the Qianlong 乾隆 [r. 1736–1799], were notable exceptions) they generally favoured spreading knowledge of the law beyond official legal circles. They optimistically reasoned that the more their subjects knew of the law and its attendant punishments, the fewer of them would become criminals. By thereby deterring the practice of crime, this spreading appreciation of the law and especially the *Code* was bound to simplify government and ease the life of officials and subjects alike.

Chapter 2 explores the expanded dissemination of the law by showing a shift from imperial to commercial publication of the Qing *Code* in the second half of the dynasty, usually in larger and cheaper runs than those issued by the government. Unlike earlier dynasties, the Qing government permitted and at times encouraged private and commercial publishers to print and sell their copies of the *Code*. No fewer than 120 commercial editions (as opposed to 8 imperial editions) of the *Code* were issued during the Qing, nearly three-quarters of them after 1796. Their publishers were private firms based mainly in Hangzhou and aided by editorial staffs from Suzhou; but the absence of any copyright laws generally enabled other publishers to reprint copies of these Jiangnan houses' publications. Though often claiming comprehensive coverage, these commercial imprints sometimes omitted statutes and inserted instead new sub-statutes, case

precedents, commentaries, and administrative regulations usually not available to "the reading public." The great proliferation of these sub-statutes and the greater attention paid to precedents in legal judgements and learning help to mark off the late imperial practice of law from that of earlier periods.

Whereas in the late Ming these commercial publishers had often been local governments, in the Qing they usually were private Hangzhou publishers, who drew upon the expertise of private "legal advisers" (*muyou* 幕友) to edit and write commentaries for their editions of the *Code*. Targeting officials, legal advisers, examination students, and all interested commoners, these publishers competed for customers. And, as Zhang wisely points out, they unwittingly became involved in the creation of a specialized body of knowledge espoused by a "professional community . . . beyond the control of the [state]" (p. 81) and consumed by a readership beyond official circles. This "professional community" survived the Yongzheng Emperor's 1725 ban on all unauthorized printing of new sub-statutes and administrative regulations, and in fact its membership expanded well beyond official circles during the course of the dynasty.

Zhang presents this research persuasively, even though she probably distinguishes too sharply between public and commercial publishers and not enough between pre-1800 and post-1800 conditions during the Qing. Also, like many Ming and Qing social historians, she ignores the existence of similar pre-Qing practices in the Song. In this instance, from at least the mid-eleventh to the fourteenth century many literate men in Yangtze valley villages, from Hunan eastward to the Yangtze delta, acquired a keen interest in the reading and teaching of dynastic law as well as in the production of law books.[2] Oddly,

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[2] Ever since Miyazaki Ichisada's 宮崎市定 seminal 1954 study of the administration of Song law, many scholars in Japan and China have highlighted the spread of "litigiousness" among the general population in the Yangtze valley, especially Jiangxi, in the 1000–1400 period. Many lawsuits concerned landownership disputes between long-term resident families and new arrivals searching for land and other resources in a relatively new area for Han development arose from the arrival of northern migrants unaccustomed to southern customs (Aoki Atsushi 青木敦, *Sōdai minjihō no sekai* 宋代民事法の世界 [Tokyo: Keio Gijuku daigaku shuppankai, 2014], pp. 27–64; and, Brian McKnight, "Mandarins as Legal Experts: Professional Learning in Sung China," in Wm. Theodore de Bary and John W. Chafee, eds., *Neo-Confucianism Education: The Formative Stage* [Berkeley and Los Angeles: University of California Press, 1989], pp. 493–516, esp. pp. 513–15).

in light of Zhang's attested link between the Qing printing and spreading knowledge of the law, the centre of all this "litigious" activity was a province, Jiangxi, which had few publishers, especially the commercial variety, at a time when the private publishing of the *Code* and other legal materials was still banned. Precisely how the Song-Yuan Jiangxi book market functioned we still barely understand (the books available there apparently came mainly from Jianyang 建陽 publishers known for their relatively cheap popular imprints for the examinations and literature, not legal materials). Nonetheless, a wide range of historical sources claim the spread of legal learning and its accompanying disease of "litigiousness" in Jiangxi from the eleventh to the fourteenth century with scant mention of printing.

Chapter 4 deals with further dissemination of the Qing *Code* and its contents in downmarket publications aimed at spreading information about not just the *Code's* statutes and sub-statutes but also about how to use it to win a legal suit. These litigation manuals, some resembling a sort of "The Idiots' Guide to the Qing *Code*," explained in simple language how to choose suitable terms to draft appropriate documents and papers for a successful legal suit on a wide variety of matters. Since the Qing government rejected all suits that did not meet its stringent conditions on the form of presentation, documentation, evidence, and reference to specific statutes and sub-statutes, these cheap manuals aroused intense interest amongst the general populace otherwise uncertain how to navigate the complexities of Qing legal paperwork and reasoning in pursuit of their interests. They also set off alarm bells in *yamen* offices already swamped by a massive backlog of unresolved cases. One such litigation manual, *The Thunder That Startles Heaven* (*Jingtianlei* 驚天雷), authored and published under aliases, gained particular notoriety in the Ming and Qing. Copies survive from sixty-five post-1500 editions, mainly as imprints, despite a harsh imperial ban in 1742 against the production and distribution of all popular legal handbooks. Zhang traces the late Ming and early Qing origins of this text, its development into long and short versions, and devotes much of Chapter 4 to showing why its selection of statutes, sub-statutes, commentaries, and case precedents so alarmed Qing officials. She provides fascinating detail on how this text instructed its readers to meet government demands for plaintiffs to distinguish between different kinds of rape charges, seven kinds of killings, and

six types of illicit goods. It also used diagrams to introduce and explain the five ordinary kinds of punishment used by late imperial governments, thus easing a commoner's comprehension of the penalties he faced for different kinds of infraction. Furthermore, *Thunder* contained at least eighty-two statutes and forty-five sub-statutes of the Qing *Code*, and so covered most of the civil and penal laws relevant to commoners' lives (marriage, taxes, and penal laws gained the compiler's attention). Its compilers and publishers, identified if at all by aliases, aimed at a wide range of readers, especially "litigation masters," who used it to advise prospective plaintiffs on their legal problems. In a country which recognized neither the need for nor the legality of lawyers, these manuals helped to meet an exploding demand for legal expertise.

What though of the vast majority of Chinese men and women, who could neither read even simplified legal manuals nor afford the advice of "litigation masters" and others claiming expert knowledge of the law? How might the *Code* have entered their lives? In probing this broader issue, Chapter 5 leaves the secure confines of book history for a discussion of the law in Qing oral culture. Zhang focuses on the *Sacred Edict of the Kangxi Emperor* (*Shengyu guangxun* 聖諭廣訓) and its heightened role as a text (rather than ritual) in the regular public readings and performances of the Qing community pact (*xiangyue* 鄉約). Although the *Sacred Edict* explicitly warns its listeners against pressing legal charges in conflicts, Zhang effectively shows that certain *Sacred Edict* performance manuals instructed officials and others to read aloud certain statutes and sub-statutes from the *Code* for the instruction of the general populace (at this point Zhang makes an overdue distinction between the *Code* in its entirety and specific sections of the *Code*, such as the economic or rules on family relationships).

Whether this all proves, as Zhang claims, that ordinary Chinese commoners thereby came to know about these statutes and manipulated them for their advantage in pressing legal suits, is another matter. The key question surely is not how seriously the government representatives read aloud and explained these statutes, but rather the audiences' reception of these official performances. Zhang acknowledges that some Qing officials doubted the efficacy of these performances. And we agree with her that some commoners showed a remarkable facility at bending the law to their purposes. But at no

point does she provide clear evidence that the vast majority of targeted Chinese were, as she claims, "transformed" by these readings of the *Sacred Edict* and statutes or sub-statutes from the *Code*.

And, no wonder. My overall impression of these public readings is that they were protracted sermons intent on inducing listeners to improve their behaviour and not to pursue personal, or selfish, interests through any means, legal or otherwise. At no point in Zhang's telling is the great Qing populace anything but a passive audience, a view that numerous Qing and even Ming sources confirm by downplaying the *Sacred Edict*'s impact as little more than the proverbial "water off a duck's backside." Furthermore, the mediating agents discussed in the previous chapter, the "litigation masters," having become a semi-professional community of legal experts, would have been loath to encourage the spread of their specialized knowledge on to illiterates unable to pay for it.

Might there nonetheless have been other ways in which this legal book knowledge reached the general public? Some French scholars, whose work Zhang does not reference, seem to think so. In a series of penetrating writings on Chinese law and society, Jérôme Bourgon has written of his belief in "the grip of codified law" on the popular Chinese consciousness and the greater availability of law "under judicial or cultural forms, . . . for the average commoner in Ming and Qing China than in any other place in the pre-modern world."[3] As he unfortunately specifies no supporting evidence for these claims, we are forced to do that work ourselves. Firstly, we might follow Zhang in turning to Chinese oral culture and wonder if the endless stream of popular legal and family dramas indicates a certain level of popular understanding, or misunderstanding, of the *Code*-in-practice? As for textual evidence, while it is unlikely that the "litigation masters" readily shared their hard-won learning of (and earnings from) the law, what of the sections on law in the "encyclopedias of daily use," a genre of useful publication that won an increasingly wide audience from the sixteenth century right up to the twentieth century?

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[3] Jérôme Bourgon, "Aspects of Chinese Legal Culture—The Articulation of Written Law, State, and Society: A Review (Part Two). Private Law and Private Lawyers: A Discussion on the 'Fields' of Law," *International Journal of Asian Studies* 5.1 (Jan. 2008): 71–86, esp. 73; and, the informative website, http://lsc.chineselegalculture.org/Workspace/Announcements.

In light of the great variety of Qing occupations and other social groups, it also would be sensible to rephrase Zhang's guiding question for this chapter by making more precise which statutes and which groups of people are being considered. For instances, the *Code* contains just a handful of statutes on market practices; surely, a month (a day?) or two of work at a wharf or marketplace taught brokers what they needed to know about these Qing statutes and even sub-statutes. The same could be said of countless other social groups mentioned in the *Code*, from monks and boat owners to brickmakers and ferrymen, or from matchmakers and pickpockets to midwives and mediums. These men and women need have known just those statutes and sub-statutes relevant to their livelihoods and living circumstances. Contrary to the common sense of all too many Confucian scholars, life would have usually been a more effective teacher of the law than a selection of books and manuals.

Finally, any assessment of the impact of the Qing *Code* must acknowledge the exceptional continuity of it and other texts codified by the Chinese state. Regardless of whether they were being enforced, statutes could stay "on the books" for centuries after their practical demise. Their contents changed partially, and very slowly they sifted down the social order into the ranks of the illiterates through their shared concerns, vocabulary, and concepts. The oldest surviving legal code, that of the Tang, dates from the mid-eighth century, and though the Tang's fall in 907 supposedly terminated its relevance, the Song and Yuan never issued their own comprehensive code. No code replaced it for central China until the Ming announced its *Code* in 1367 and finalized its text in 1397. As already mentioned, the Qing in the mid-seventeenth century dutifully inherited fourteenth century statutes of this Ming *Code*, making minimal changes to them (apart from adding sub-statutes) for the next two-and-a-half centuries. As with the extended and extensive transmission of the *Kaiyuan Ritual Code*'s (*Kaiyuanli* 開元禮) text and practices during the millennium after their supposed termination, might the Qing *Code*'s statutes, and even some of its sub-statutes, not have percolated down the ranks of Chinese society during this long durée of some five-and-a-half centuries, not least because its concerns and some of its contents date from long before the Qing? At least that is a hypothesis that Zhang's pioneering study prompts speculation about. I end with a conclusion less speculative: late imperial historians will be grateful to Ting Zhang for showing how two vital fields of

late imperial history, legal studies and book history, can instruct one another in provocative ways.

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Honor and Shame in Early China. By Mark Edward Lewis. Cambridge, UK: Cambridge University Press, 2021. Pp. vi + 258. $39.99.

Honor and Shame in Early China is a Mark Edward Lewis book through and through, featuring methodical argumentation advancing sweeping historical claims backed by an expansive bibliography in English, Chinese, Japanese, French, and German. (As always, the footnotes alone are worth the cover price.) One learns *a lot* from a Lewis book, and *Honor and Shame* is no exception. There are few scholars whose monographs challenge us to step back, take stock, and think big like Lewis's do. Thus, the Mark Edward Lewis book has given rise to the tortured subgenre of the Mark Edward Lewis book review, featuring many well-deserved accolades followed by the reviewer's apologies for being unable to match the scope of a Lewis book in the space allotted.

With my own apologies for being unable to do justice to the depth and breadth of Lewis's latest book, the jumping-off point for this review is the nagging sense of déjà vu I experienced upon reading *Honor and Shame*. The continuities between it and earlier instalments in the Lewis oeuvre, especially *Sanctioned Violence in Early China* and *Writing and Authority in Early China*,[1] are striking—so striking, in fact, as to suggest a recurring formula:

1. The central problem in a Lewis book is empire, not just the Qin or Han version of it but Empire with a capital-E: "the unprecedented enterprise of founding a world empire" (*Writing and Authority*, p. 4)

[1] Mark Edward Lewis, *Sanctioned Violence in Early China* (Albany, NY: State University of New York Press, 1990); Mark Edward Lewis, *Writing and Authority in Early China* (Albany, NY: State University of New York Press, 1999).