

宋遼金元

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SUNG STUDIES NEWSLETTER

Number Six October, 1972

Edited by

Edmund H. Worthy

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SUNG STUDIES NEWSLETTER

Edmund H. Worthy, Editor

The Sung Studies Newsletter commenced publication in May 1970, with the assistance of a small grant from the American Council of Learned Societies. It is published twice a year, usually in March and October. The purpose of the Newsletter is to disseminate news and information to an international community of interested scholars and institutions and to print reports and articles about Sung studies, which is defined to encompass the Sung, Liao, and Chin dynasties as well as the late Five Dynasties and early Yuan periods.

News of personal or project activities, resumes of theses, book notices, bibliographies, reports about research projects, and articles of any length, which can either be finished pieces of scholarship or be of a tentative or speculative nature presenting or testing the preliminary results of research in progress, will be accepted and published in any language of scholarship. Contributions are welcomed and indeed encouraged.

Signed items in the Newsletter do not necessarily represent the views of the editor; responsibility for opinions expressed and for accuracy of facts in these signed notices, reports, or articles rests solely with individual authors.

Annual subscription rates for individuals are: Charter, US\$5.00, for those who wish to contribute extra support to the Newsletter; Regular, \$4.00, which is the normal subscription fee; and Sustaining, \$2.00, for students and others unable to meet high U. S. costs. The rate for libraries and institutions is US\$4.00 per year. Individual issues are available at \$2.00 each. Subscriptions are payable January 1 of every year. Checks or money orders should be sent to the editor and made payable to: Sung Studies Newsletter.

Address all correspondence, items for publication, and subscription orders to the editor at:

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FROM THE EDITOR

Readers are due apologies for the delay in the production of this issue. Unavoidable complications of one sort and another have impeded the normal publication schedule. The seventh issue of the Newsletter will be forthcoming in short order so as to put production back on schedule.

SUBSCRIPTIONS: With this issue reminders are being sent to all readers to renew their subscriptions. The editor trusts readers will not delay returning their checks. In spite of two devaluations of the American dollar in the last 15 months, the Newsletter has not had to increase its subscription price. So long as the number of subscribers continues to grow gradually, or at the very least does not diminish, the Newsletter should be secure financially for the coming year or two.

CHANGE OF ADDRESS; All readers' attention is drawn to a slight change of address for the Newsletter effective July 1.

New Asia College
The Chinese University of Hong Kong
Shatin, New Territories
Hong Kong

At this time New Asia College and the editor will move to the College's new campus on the magnificent suburban site of the Chinese University. Regrettably this move will make any visits by transient Sung scholars more inconvenient, but the welcome mat will nonetheless be out.

DIRECTORY: The editor has decided to attempt another international directory of Sung scholars, which will be published in the eighth issue (October 1973). A questionnaire is enclosed with this issue. Kindly complete and return it at your earliest convenience. Pass copies on to any other scholars whose research and interests merit inclusion in the directory.

CONTRIBUTIONS: The Newsletter receives a growing number of communications and various items for publication. This flow of information and materials cannot become too large, though, for the very existence of the Newsletter depends on the cooperation of all scholars. Thus, the editor wishes to encourage readers to continue submitting articles for publication, as well as lesser contributions in the form of thesis resumes, items of news, and

book notices. Articles of any length will be considered for publication.

All criticisms and suggestions from readers are, of course, as welcome as ever. The editor will obligingly attempt to accommodate the wishes of readers.

FORTHCOMING: The seventh issue will feature a long article by Jonathan Chaves entitled "Mei Yao-ch'en (1002-1060) and Sung Poetic Theory."

**SEPARATION BETWEEN FACT-FINDING (Trial) AND LAW-FINDING
(Sentencing) IN SUNG CRIMINAL PROCEEDINGS**

by

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Chinese traditional law, coming of age under the T'ang—marked by the famous T'ang-lü su-i 唐律疏議 of 653 -- reached its apex under the Sung. To the statutes in the code were added the supplementary decrees issued under the intervening dynasties, and procedural law through constant improvement attained unprecedented sophistication.¹ This has been almost completely forgotten during the past seven hundred years² Since the fine legal tradition of the Sung was nearly eradicated by the Mongolian invaders.³ (The Ming, adopting the despotic rule of the Mongolian autocracy rather than reverting to the power-limited government pattern of pre-Yuan dynasties, showed no interest in reviving the Sung tradition. The Manchus, another alien race ruling over China, had even less reason to do so.) Interest in law in pre-Yuan and post-Yuan China was vastly different. For example, the Treatise of Bibliography 藝文志 in the Sung History (Sung shih 宋史), 1345, contained on criminal law a list of 221 works in 7955 chüan; the "Complete Collection of the Imperial Library" (Ssu-k'u ch'üan-shu. 四庫全書), selected for the Ch'ien-lung 乾隆 emperor by Chi Yün 紀昀 in 1782, contained only 2 works in 70 chüan.⁴ Under the Sung, quite a few scholars in various fields like Ou-yang Hsiu 歐陽修, Wang An-shih 王安石, Su Tung-P'o 蘇東坡, Ch'in Kuan 秦觀, and Hung Mai 洪邁 were accomplished jurists.⁵ In the 19th century a historian of such stature as Wei Yuan 魏源 (1794-1857) refused to include in his New History of the Yuan (Hsin Yuan shih 新元史) a treatise on criminal law—which was a standard feature of dynastic annals—simply because it was "not worthy of recording" (pu tsu chi 不足記).⁶

Among procedural innovations under the Sung two were of particular importance. One is the principle of separation between fact-finding (trial) and law finding (sentencing) in criminal proceedings, the other the principle of ipso iure appeal of a criminal sentence whenever the defendant refused to accept it, up to five times. The present paper deals with the first topic.

Historical Background

The separation between fact-finding and law finding in criminal proceedings was not a creation of the Sung. It has existed long before. The

first indication of separation can be traced back to later Han (25-220) where one among the 12 staff officers (ts'ao 曹) of the Grand Marshal (t'ai wei 太尉 the highest military officer), more specifically the litigation officer (tz'u ts'ao 辭曹), was to "handle civil and criminal lawsuits (tz'u sung 辭訟) while another, the decision officer (chüeh ts'ao 決曹)⁸, was to handle "punishment and law" (tsui fa 罪法) . Unfortunately we have no further information about them.

In traditional China local administrators such as the prefect (t'ai shou 太守) and subprefect (hsien ling 縣令) were always in charge of hearing people's lawsuits. Therefore, any establishment of official law specialists at local levels suggests some sort of separation between fact-finding and law-finding. The first law specialist appointed by government was the doctor-of-law (lü po-shih 律博士) created about 327 A.D. under emperor Ming 明帝 of the Wei 魏. His function was to teach law to local officials exercising judiciary functions and to prepare his successors. This post was maintained through all following dynasties and, since the Chin 晉 (265), subordinated to the Grand Justice (t'ing wei 廷尉). The Northern Ch'i 北齊 (479) which changed the title of the Grand Justice from t'ing wei (court marshal) to ta-li 大理 (Grand Justice), had, besides the doctors-of-law, 24 chief-law-specialists (ming-fa chuan 明法掾) and 10 law-specialists (ming-fa 明法).⁹ Under the Sui 隋(617-637) there were no chief-law-specialists, but 8 doctors-of-law and 20 law-specialists. In addition, a few law-specialists were also appointed in the ministry of punishment (shang-shu hsiang-fa ts'ao 尚書刑法曹).¹⁰ The Treatise on Criminal Law 刑法志 in the Sui History (Sui shu 隋書), 644, reported:

In all important criminal cases a notification (tieh 牒) was sent to the law-specialists (ming-fa 明法) asking them to determine (ting 定) the punishment. Thereafter the sentence was formulated accordingly.

It seems that these law-specialists determined the punishment merely by studying the written report (tieh 牒) without taking any part in the hearing of the defendants.

In the 5th year of K'ai-huang 開皇 (585) under emperor Wen-ti 文帝 of the Sui, a eunuch denounced a general for fraudulent dealings with the state granary. By manipulating the law through a law-apprentice (lü-sheng 律生) in the hsien 縣 (county), however, it was not the fraudulent general, but the informer-eunuch, who received the punishment. When the affair became known, the emperor was enraged. He issued a decree, saying:

The life of a man often hangs upon a few words in the statutes.

Therefore statutes are all formulated in clear words and made easily understandable. When appointing officials we choose only good people.

In deciding upon lawsuits, minor or major, there is no reason why they should ever err. But in following the practice of the past dynasties “statute officials” (lū kuan 律官) have been appointed whose particular task is drafting sentences. Thus the power over life and death came to be entrusted to petty scoundrels. That is the reason punishment has often been administered in a dishonest way and the power of state exercised through personal whims. Under our government nothing has been as bad as that. Now, let the doctors-of-law in the Court of the Grand Justice, the law-specialists in the ministry of punishment, and the law-apprentices in the prefectures and sub-prefectures (chou hsien 州縣) be all abolished!¹¹

The decree tells us three things: (1) statute officials had been appointed throughout the dynasties preceding the Sui, i.e. the Six Dynasties; (2) they determined punishment separately from the trial judges; (3) they were the doctors-of-law (lū po-shih), the law-specialists (ming-fa) and the law-apprentices (lū-sheng). Unfortunately, no other details are available.

The Sui History further reports that after the abolition of the “statute officials,” staff officials of various levels handling lawsuits were ordered to cite the text of related statutes and determine punishment accordingly. In the following year (586), the emperor ordered that officials from executive secretaries (ch’ang Shih 長史) down to the acting secretaries (ts’an chün 參軍) should all study law. Their acquaintance with law was to be tested in an examination when they came to the capital.¹² These were obviously the “staff officials” who had been previously charged only with the task of hearing lawsuits, while the determination of punishment in accordance with law was left to the “statute officials.”

Doctors-of-law must have been restored during the latter years of the Sui. A remark in the Treatise of Public Offices (Pai-kuan chih 百官志) in the New T’ang History (Hsin T’ang shu 新唐書), 1060, says: “Under the Sui, eight doctors-of-law were appointed in the Law School (lū hsueh 律學) which was attached to the Court of the Grand Justice.” The T’ang followed this practice, but subordinated the Law School to the Imperial Academy (kuo tzu chien 國子監) instead of the Court of the Grand Justice.¹³ Thus, the one time judiciary official became now only a teacher. No law-specialists were appointed anywhere. The law secretary of the prefectures (ssu fa ts’an chün 司法參軍) was given the task of “handling laws and ordinances, hearing lawsuits and determining punishments” (chang lü-ling ke-shih 掌律令格式 chü-yü ting-hsing 鞫獄定刑).¹⁴ Now there was no longer any separation

between fact-finding and law-finding in criminal proceedings.

Revival of the Principle Under the Sung

The revival of the principle of separation between fact-finding and law-finding in criminal proceedings under the Sung seems to be more a historical coincidence than an intentional restoration. In the Wen-hsien t’ung-k’ao 文獻通考 (Comprehensive Study of the History of Civilization), ca. 1270, chüan 167, we read:

Since the Five Dynasties there had been army prisons (ma pu yü 馬步獄) in all the prefectures (chou 州). Middle-ranked officers (ya Chiang 牙將) were made chief inspectors (tu yü hou 都虞侯) to handle criminal lawsuits. These were also called army tribunals (ma pu yuan 馬步院).

The First Sung Emperor, concerned about their corruptness and arbitrary handlings, changed the post of “chief inspector” to prefectural police secretary” (ssu k’ou ts’an chün 司寇參軍) which was to be filled only with new chin-shi 進士 (graduates from the final state examinations in literature) or other “selective candidates” (hsüan jen 選人).¹⁵ Some time later the title was again changed to “prefectural justice secretary” (ssu li ts’an chün 司理參軍). Their task was the trial of criminal lawsuits (yü-sung k’an-chü 獄訟鞫鞠). They were exempt from serving any other concurrent post.¹⁶

It must have been shortly after this that the official function of the prefectural law secretaries was changed from “handling laws and ordinances, hearing lawsuits and determining punishment”—as had been the rule since T’ang—to merely “deliberating on statutes and determining punishment” (i fa ting hsing 議法定刑).¹⁷

The passage in the Wen-hsien t’ung k’ao strongly suggests that the establishment of the prefectural justice secretaries aimed primarily at substituting the soldier-judges of warlord with highly educated civilians. The following split of the functions of the prefectural law-secretaries was both expedient¹⁸ and natural. There is no indication that the new measure was an intended restoration of a judiciary practice abandoned 388 years previously.

The Trial-Judges

In Sung legal terminology criminal judges whose competence was limited only to trials were called t’ui ssu 推司 (trial officials), in contradistinction to fa ssu 法司 (statute officers) whose function was the formulation of sentences according to relevant statutes. For criminal trials there were trial tribunals, trial units and ad hoc trial officials.

1. Trial tribunals.

a. In the capital: The K'aifeng prefecture and the censorate (yü

-shih t'ai 禦史台) were, according to a memorial by Wang Ying-ch'en 汪應辰 in 1156,¹⁹ charged with the trial of criminal acts committed in the capital; the sentencing was left to the court of the grand justice and the ministry of punishment.

b. In the prefectures there were three parallel tribunals:

i. The prefectural tribunal (chou yuan 州院) headed by the prefectural executive secretary called lu-shih ts'an chün 錄事參軍, or ssu-lu ts'an chün 司錄參軍 if the prefecture had the elevated status of a fu ²⁰.

ii. The tribunal of the prefectural justice (ssu li yuan 司理院), which was previously the private tribunal of the warlords. This was now headed by the prefectural justice secretary.

iii. The On-duty tribunal (tang chih yuan 當直院) under the prefectural-judge p'an kuan 判官 or t'ui kuan 推官. Although "P'an 判" also means sentencing and "t'ui 推" means trial, there was no difference in the function of these two officials. Both were of the eighth rank; only at court ceremonies did p'an kuan precede t'ui kuan. Larger prefectures had the two officials or even more, smaller prefectures usually only one or the other.

The rationale of having three parallel tribunals at the prefectural level was to implement the principle of changing trial judges whenever the result of the fact-finding at the trial was contested by the defendant.²¹

2. Trial units in various government organizations.

Many government organizations under the Sung were equipped with a special unit or special officers for handling lawsuits. The court of the grand justice, for instance, after the reform of 1080 -- under emperor Shen-tsung 神宗, aided by Wang An-shih—was divided into two bureaus (t'ing 廳): the Trial Bureau of the Right (yu chih yü 右治獄) and the Sentencing Bureau of the Left (tsuo tuan hsing 左斷刑), each headed by a vice-president (shao ch'ing 少卿) of the Court.²² When the Trial Bureau of the Right was suspended from 1088 to 1095, the ministry of finance (hu pu 戶部) was ordered to appoint additional "trial officers" (t'ui k'an kuan 推勘官) and "law-searching officers" (chien fa kuan 檢法官) to handle lawsuits concerning taxation disputes.²³ These "trial officers" were, as their title indicates, of course, charged solely with the finding of facts, not with the finding of law.

3. Ad hoc trial officers

In more important cases where a defendant repeatedly refused to accept the findings of a trial or where corruption or partiality of a trial officer was

suspected, the emperor or the superior authority above the suspected

judge would send down an “able and unrelated man”(neng-kan pu-kan-sheh jen 能幹不幹涉人) --unrelated to the parties or to the suspected official—to investigate the case. He often set up a special tribunal of his own (borrowing the necessary aids and personnel from neighboring administrations) which was called the “investigating tribunal” (k’an yuan 勘院). According to a decree of 992, a “retrial officer” (k’an kuan 勘官) and a “sentence officer” (tuan kuan 斷官) used to be dispatched at the same time.²⁴ The decree ruled that from then on the retrial officer should go by himself. Only when the retrial was “completed” (kung-shih liao-tang 公事了當): i.e. after the statement of the crime history [confession] was signed by the defendant) were a “confirmation officer” (lu wen kuan 錄問官) before whom the defendant confirmed his voluntary signature on the statement of confession prepared under the trial judge) and a law-finding officer (chien fa kuan 檢法官) to be sent down to finalize the case. A memorial by Ch’en Huan 陳寰 under Shen-tsung (r. 1068-1085), dealt with a case where the provincial judiciary commissioner (t’i hsing ssu 提刑司) on his inspection tour discovered the misjudgment of a hsien magistrate. After the completion of a retrial by an officer he had sent down he requested two other officers, a hsien magistrate and a prefectural law secretary, to be dispatched there to “confirm the confession” (lu wen 錄問) and “find the law” (chien fa 檢法) respectively.²⁵ This was exactly what the decree of 992 had ruled 80 years previously.

Under the Sung, persons qualified to hold trial in a criminal case were many. There were the censors (yü shih 禦史), the judges in the court of the grand justice, the provincial judiciary commissioners, the prefects (chih chou 知州), the “judges” (p’an kuan 判官, t’ui kuan 推官) in the prefectures and other civilian and military agencies, the executive secretaries, the justice secretaries, and the finance secretaries (ssu hu ts’an chün 司戶參軍) in the prefectures, the hsien magistrates and their trial aides, and all the ad hoc trial officers. The most important among them were, as the regulations indicate, the prefectural justice secretaries (ssu li ts’an chün 司理參軍). Ever since their first establishment in 973 they were prohibited from serving any concurrent post. (Few functionaries under the Sung held only one post at a time. Ts’ai Ching 蔡京 once held 36 positions simultaneously.) After the removal of the capital to Hangchow in 1127 this post was given only to those who had passed the “criminal law examination” (shih hsing fa 試刑法) or those who had held that position before.²⁶ A decree of between 1208 and 1124 reiterated the rule that no one over sixty years of age nor anyone who was entitled to a public office by imperial grace (en k’o jen 恩科

人) was to be appointed a trial officer.²⁷

Trials in criminal proceedings were, of course, often linked with beatings for extracting confessions. Preventive measures against misuse of “interrogatory beatings” reached the highest sophistication under the Sung. These will be dealt with in a future paper on ipso iure retrials without an appeal filed by the defendant.

Statute Officers

The “statute officers” (fa ssu 法司) under the Sung were the “law searching officers” (chien fa kuan 檢法官) in various civilian and military organizations, the prefectural law secretaries, and the clerks and aides of the archive-secretariat (pien lu ssu 編錄司) in the subprefectures (hsien). The Sung government, as related regulations indicate, took great pains to maintain a high standard among these legal specialists.

1. Generally speaking, Sung military personnel were most often required to serve simultaneously in certain civilian positions. But one article in the “Ordinances Concerning Public Offices” (chih-chih ling 職制令) recorded in the Ch'ing-yuan t'iao-fa shih-lei 慶元條法事類, ruled that military personnel were barred from serving as “statute officers.”²⁸

2. Beginning in the Southern Sung the position of prefectural law secretaries was given only to those who had passed the “criminal law examination” or to those who had previously held such a position.²⁹

3. A decree of 1290 ruled that only those who had passed the “appointment examination” at the ministry of public office (ch'üan shih 銓試) were qualified for the position of prefectural law secretary.³⁰

4. A decree of 1036 ruled that clerks and aides in the sub-prefectural archive-secretariat who had been found guilty of missentencing more than two people to penal servitude and no more than two people to capital punishment were, in the event of another missentence, required to leave their post.³¹

In 1142, emperor Kao-tsung 高宗 appointed Yeh T'ing-kuei 葉廷桂, as assistant-justice in the court of the grand justice (ta li ssu ch'eng 大理寺丞), to the post of revisor-judge in the same court (ta li cheng 大理正). The officials at the imperial court (ch'en liao 臣僚) presented a joint protest with the following argument: “Yeh T'ing-kuei was, up to the new appointment, a trial judge. But the revisor-judge's function is to formulate sentences according to law, which is entirely different from handling a trial. According to rules established by ancestor-emperors, only persons who have passed the proper examination [the criminal law examination] are qualified to serve in that position. Yeh is an officer

of seniority, not found guilty of any fault. But because he is not skilled in laws and statutes his nomination meets with unsurmountable obstacles

presented by the existing regulations.” Thereupon the emperor appointed Yeh T'ing-kuei to another position.³² This case well illustrates the Sung application of the qualification rules concerning statute-officers.

The task of the statute officers was at first limited to gathering all legal provisions relevant to the criminal act as it was stated in the report on the trial, i.e. strictly to the “search” (chien 檢) of “law” (fa 法). An article in the “Ordinances Concerning Criminal Trials” (tuan yü ling 斷獄令), recorded in the Ch'ing-yuan t'iao-fa shih-lei, reads:

In all matters where a law searches (chien fa) should be performed the law-searching officials shall only gather and submit (chien ch'u 檢出) the relevant provisions. They are not allowed to offer any opinion about the decision (Pu teh ch'e yen yu tuo 不得取言與奪).³³

This regulation obviously originated from a T'ang provision, if it was not a T'ang provision itself. For a T'ang decree of 781 ruled that the fa chih 法直 (law rectifier?) in the ministry of punishment shall, in reviewing cases submitted by the court of the grand justice or the provinces and prefectures limit their activities merely to collecting and presenting relevant articles of the statute, and leave the citation of articles and the formulation of the sentence to the chief officers. They shall refrain from offering any opinion about the decision (shan yen yu tuo 擅言與奪).³⁴

But the denying of decision power to statute officers—first introduced by Sui Wen-ti in 585-- simply could not be implemented because, in reality, an article selected was a decision made. The chief judge, when presented with certain articles, actually had no other choice than “take it or leave it.” Thus it is logical that the Sung government, at least from 1068 on,³⁵ spoke of the statute officers as “search and decision officials” (chien tuan kuan 檢斷官), or the chief judges as “countersigning officials” (ch'ien shu kuan 簽書官).

On a stone stele in Soochow, erected in 1228 by the prefectural school (for the protection of the school against misappropriation of its farmland donated by local benefactors) we have a full report of the statute office (fa ssu) of the P'ingchiang 平江 prefecture, presenting the relevant regulations concerning misappropriation of farmland, public and private. The report assembled two articles from the code (lü), one from Imperial Decrees (ch'ih 敕), two from “Ordinances” (ling 令), and one from the “Regulatory Provisions” (ke 格).³⁶ Here the assembled articles were so explicit and exact that an alternate sentence was hardly possible.

Sharing Of Responsibilities Between Trial Judge And Statute Officer

The functions of the trial judge and the statute officer could be

considered, theoretically, to be mutually independent. Yet in actuality the

two officials dealt with one and the same case, and the problem of their joint responsibility often arose. In the Ch'ing-yuan t'iao-fa shih-lei there are two provisions dealing with this problem:

1. An article of the "Decrees Concerning Criminal Trials" (tuan yü ch'ih 斷獄敕) rules that prefectural executive-,justice- and law-secretaries who have handled a trial or a law-search improperly, are to be punished as "clerks of a department" (chu tien 主典).³⁷

The purpose of this decree was to establish the responsibility of the three prefectural secretaries in the event they mishandled a case. In T'ang-sung law the whole department shared responsibility for a misaction at four levels: the head officer (chang kuan 長官), the executive officer (t'ung p'an kuan 通判官), the supervisory officer (p'an kuan 判官) and the clerk (chu tien 主典).³⁸ The official at the level where the misaction (fraud, negligence) originated was punished as the principal offender. The officials at each higher level were punished as first, second, or third accessories, one degree less at each level removed. According to the decree cited above, a prefectural secretary, though a kind of head officer in his own tribunal, was to be regarded as a clerk, because criminal decisions at the prefectural level were pronounced in the name of the prefect who was therefore required to sign (ch'ien shu 簽書) the sentence and who was regarded consequently as the head judge of the case.

2. An article in the "Ordinances Concerning Criminal Trials" (tuan yü ling 斷獄令) reads: Regarding law search in the criminal proceedings of a prefecture, the prefectural executive secretary and the prefectural law secretary sign jointly. If one of them is related to the other or to one of the parties (yu fang hsien 有妨嫌), he shall be excused from signing. If both are related, other officials shall be assigned to the task.³⁹

This means that law searching, though a specific function of the law secretary, should, nevertheless, be countersigned by the executive secretary in order to limit the law secretary's otherwise monopolized discretion. The Sung hui yao presents three actual cases dealing with the problem of the sharing of responsibility between trial judge and statute officer which reflect the changing attitudes regarding its solution.⁴⁰

As noted earlier, the confession confirming officer, the statute officer as well as the countersigning officer all worked on a statement completed by the trial officer. They could really do nothing about the facts of a crime as these were given in the statement upon which the penalty was to be fixed. It was indeed unfair to impose punishment on them for a misconducted trial, a fait accompli

before they ever entered the scene. It was with this problem that Sung jurists wrestled for some 50 years during the

12th century. An entry in the Sung hui yao reads:

On the 12th day of the 4th moon in the 4th year of Ch'ing-yuan (1198) officials of the imperial court memorialized:... In criminal cases which have been repeatedly tried by all the ad hoc dispatched officials in the province (lu 路), if the defendant still insists on rejecting the findings of the trial [denying his previous confessions], the family of the defendant shall bring the case directly to the minis try in the capital... If the defendant has really been subjected to injustice, the officials and clerks who improperly handled the trial (t'ui k'an kuan-li 推勘官吏) shall be punished in accordance with the relevant statutes. As to the officials who handled the search-and-decision (chien tuan), the signing of the sentence (ch'ien shu), or the confirming of confession (lu wen), since they acted merely upon a completed report and knew nothing of the facts of the trial, they shall be exempt from any joint responsibility... The court of the grand justice remarked after studying the memorial:... In the Imperial Order of the 25th day of the 11th moon in the 11th year of Ch'un-hsi (1184) we read: In the two Imperial Orders of the 3rd day of the 12th moon in the 1st year of Shao-hsing (1131): Officials handling search-and-decision and confession-confirmation involved in a case where the language of the parties and facts of the crime as reported in the trial record are obscure, concealed and not readily detectable shall not be involved in the procedure of "total investigation of all officials involved in a mistrial" (i an t'ui chieh 一案推俗). The Bureau of Imperial Decrees (ch'ih-ling suo 敕令所)—headed by state councillors—advised the emperor to introduce new legislation concerning the joint responsibility of the officials signing a sentence, doing search-and-decision, and confirming a confession. But an imperial decree was subsequently received which ruled that matters shall be handled as of old [i.e. no new legislation reducing the responsibility of the forenamed officials]. This is the reason for the memorial of the officials at the imperial court now. It is the opinion of this court [of the grand justice] that it is entirely out of balance to treat the officials doing search-and-decision, confirming a confession, and signing a sentence, regardless of whether there were any reasons for rejection of the findings of the trial, in the same way as the trial officer... This matter should be forwarded to the Bureau of the Imperial Decrees for proper handling.⁴¹

There is no information about how the Bureau reacted. But it would be a not unreasonable guess that it acted favorably. The general atmosphere

in 1198 was certainly a little different from what it was in 1131 and 1184.

formulated in a way acceptable to the statute officers.

The Principle of Separation Between Fact-Finding and Law-Finding as an Integral Part of Sung Legal System

The principle of separation between fact-finding and law finding in criminal proceedings, introduced in 973, seems to have been adhered to throughout the Sung dynasty. Wang Ying-ch'en 汪應辰, then a department director in the ministry of public offices, said in a memorial of 1156:

It is a rule handed down by our ancestor-emperors that the one who handles the trial and the other who formulates the sentence are handling each one his own affairs, entirely independent from one another. Thus, right or wrong, yes or no, they are complementing each other, hence eliminating any danger of onesidedness or monopolized discretion.⁴²

The meaning of the principle was well remembered 183 years after its introduction.

Professor Miyasaki Ichisada 宮崎市定 pointed out the fact that a prefectural justice secretary in Suchow, named Ch'iang Chih 強至, concurrently held the post of prefectural law secretary and concluded that under the reign of emperor Jen-tsung 仁宗; (1023-1063) the enforcement of the principle might have been relaxed somewhat.⁴³ In fact, a similar case is recorded in the Sung hui yao for the year 1136 where Wu T'ing-pin 吳廷賓, the prefectural executive secretary in Tehch'ingfu 德清府, was serving at one time both as the prefectural finance secretary and as the prefectural law secretary.⁴⁴ But these were, since they are rare cases in the records, infrequent exceptions to the rule.

Yet a relaxation in the enforcement of the principle might occur not so much in the formal distinction between official functions as in the actual working of the functionaries together. Chou Lin 周林, an official under emperor Kao-tsung (1127-1162), complained once in a memorial:

In the prefectures where criminal cases are tried there are still some bad practices coming from old times which are harmful to the common people. . . The trial officials are supposed to handle the trial, the statute officials only the search of law and formulation of sentence, and both are supposed to handle each his own task. This is a measure intended to prevent any possible collusion. Yet in practice many trial officials, before completing their trial findings, first discuss the case with the statute officers in every detail. They say they cannot release the trial findings if the confessed facts are not clearly

Therefore, in writing up the trial findings there are various distortions and twistings which do not present what actually had happened. Your servant wishes to suggest that a law be solemnly proclaimed that trial officials, before the trial of a case is fully completed, are absolutely forbidden to enter into any discussion of the case with statute officers. Reward should be offered to people who inform against violators of this rule.⁴⁵

This shows that if there was some relaxation for a while in the enforcement of the principle, attention was soon called for its remedy.

In the Sung hui yao, there is the following entry:

On the 11th day of the 1st month in the 1st year of Chia-t'ai 嘉泰 (1201) officials of the Imperial court submitted the following petition: Nowadays, there prevails the following shortcoming in criminal trials. At the beginning of the proceeding, though the facts of the crime are fully known, the wording of the confession still goes through the most minute scrutiny in anticipation of the possible category in to which the crime will fall, the statute to which it will fit, whether it be punishable by light or heavy stick, by exile or by death, etc. The statement of confession is carefully polished, every word minutely weighed so that the finished report will exactly fit the statute under consideration. The statute officers, on the other hand, do nothing but mete out the punishment as in called for by the confession statement. Every detail in the confession document as in the sentence dovetail so well as if they were done by one and the same mind. We therefore petition to His Imperial Majesty that a decree be sent down to all the provinces and prefectures as follows: "In all criminal trials, whenever the investigation of the facts of crime is completed, the confession should be completely recorded, word for word, as it is actually pronounced by the defendant's own mouth. Only then shall the statute officer proceed in the determination of the punishment. Nobody shall be allowed any twisting, distorting of the defendant's statement or applying the slightest polishing up of it. In the event of any violation of this provision, the supervisory officials (i.e. the provincial fiscal and judiciary commissioners) shall investigate and punish. Then, perhaps, confession will bear the truth and punishment meet the crime." The emperor approved the proposal.⁴⁶

This memorial dealt with exactly the same problem as Chou Lin did about half a century previously.

In 1212 the fiscal commissioner (chuan yun shih 轉運使) in Chinghu-North 荆湖北路 pointed out the fact that the prefectural judge (p'an kuan) in the

Hsin-yang commandery 信陽軍 who, according to the rule, held concurrently the post of prefectural law secretary, was actually also exercising the function of trial judge in the prefectural military court. "Is there not too much room for suspicion of corruption if an official handles trials and search-and-decisions all by himself?" The government reacted by creating the post of a prefectural finance secretary in Hsingyang who was to serve concurrently as the prefectural executive secretary to handle trials. The prefectural judge was to hold concurrently the post of a prefectural law secretary in order to handle search-and-decision.⁴⁷

As a conclusion we may say that in spite of occasional deviations the principle of separation between fact-finding and law-finding in criminal proceedings prevailed almost throughout the entire Sung dynasty.

Notes

1. Source materials : Ch'ing-yuan t'iao-fa shih-lei 慶元條法事類, 1202, (Tokyo reprint, 1968) hereafter cited as TFSL: Sung shih 宋史, 1345, (Taipei, I-wen 藝文 edition) hereafter cited as SS; Sung hui yao 宋會要, (Shanghai, 1936) hereafter cited as SHY. For the Chinese version of the quoted texts cf. my "Separation between Trial and Judgment," Tung-fang tsa-chih 東方雜誌, Vol. 5, No. 5 (November 1971).

2. To Professor Miyasaki Ichinada 宮崎市定 goes the merit of calling our attention to the high standard of the legal system of the Sung: "S gen jidai no h sei to saiban kik " 宋代時代の法制: 裁判機構 in I ho gaguh 東方學報, Vol. XXIV, (1954); "The Administration of Justice during the Sung Dynasty," mimeographed paper presented at 1969 conference on Chinese law held in Belagio, Italy. Shen Chia-pen 沈家本 (1840-1913) was not unaware of the sophisticated measures in Sung law, yet he failed to point them out with adequate emphasis.

3. The Yuan abolished the court of the grand justice, the lü po-shih, the legal examinations for the civil service and for appointment to office, the principle of separation between fact-finding and law-finding and the principle of changing judges when the trial report or sentence was contested by the defendant. Of all the Ming restored only the court of the grand justice.

4. Mentioned in Shen Chia-pen, Wen tsun 文存(collected essays), III/42 in Shen-chi-i hsien-sheng i-shu 沈寄移先生佚書 (Bequeathed Writings of Mr. Shen) (Peking, 1929, Taipei reprint, 1964) P. 938.

5. I intend to bring out a collection of legal writings of famous scholars of the Sung.

6. Shen Chia-pen, op. cit. III/12, p. 992.

7. Hou Han shu 後漢書(History of the Later Han) chüan 34, Pai kuan chih 百官志(Treatise on Public Officers) .

8. This title already appeared under the early Han. Yü Ting-kuo's 于定國 (fl. 70 B.C.) father was a decision officer in a prefecture (chün chüeh ts'ao 郡決曹). Han shu 漢書 (History of the Han) chüan 71, Yu Ting-kuo chuan (Biography of Yü Ting-kuo) .

9. See note 4.

10. See note 4.

11. Sui shu, "Hsing fa chih" (Treatise on Criminal Law), chüan 644. The translation of the titles of officials and offices here follows that of E. A. Kracke, Jr. Civil Service in Early Sung China (Cambridge, 1953) unless a different translation is judged necessary.

12. Sui shu, loc. Cit.

13. Yet some legal experts, named as fa chih 法直, existed at least in the later part of the T'ang, see infra p. 8.

14. Hsin T'ang shu, loc. cit.

15. They were "candidates" for the appointment examinations held by the ministry of public offices. This most difficult term is explained in my "Sung-ch'ao te fa-lü k'ao-shih," 宋朝的法律考試, Tung-fang tsa-chih 東方雜誌 (December, 1972) .

16. Wen-hsien t'ung k'ao (Comprehensive Study of the History of Civilization), (Shanghai reprint, 1936) p. 572.

17. SS. 167/24 (I-wen reprint, P. 1930) .

18. The First Sung Emperor was extremely cautious in dealing with government posts and regulations. He always acted in the most expedient way and avoided drastic changes. This can be observed in the numerous decrees issued during the first years of his reign.

19. Li-tai ming-ch'en tsou-i 歷代名臣奏議 (Memorials of famous officials of the past dynasties; hereafter cited as MCTI) (Taipei reprint, 1964) p. 2870.

20. For the naming of chou to fu see Ku Yen-wu 顧炎武, Jih chih lu 日知錄 (Daily Additions to Knowledge) , chüan 9, "chih-fu."

21. I will deal with this topic in another article.

22. SS, 165/3 (p. 1896).

23. SHY, "Hsing-fa" (criminal law) 3/68a.

24. Ibid., HF 3/5b.

25. MCTI, chüan 218, p. 2886.

26. SS, Chih-kuan chih (Treatise on Public Offices) 7/24 (p. 1930) .

27. Ibid., p. 1931.

28. TFSL, 4 (p. 24.)

29. See note 27.

30. See note 27.

31. SHY, HF A/74a.

32. SHY, Chih-kuan (Public offices) 24/22-23.

33. TFSL, 73 (p. 498).

34. Hsing t'ung 刑統, (Peking, 1918; Taipei reprint, 1964) 30/4. (p. 1894).

These fa-chih are mentioned neither in the Old, nor in the New T'ang History. Actually they were the same functionaries as the ming fa of the Sui, a

post abolished in 585. Their disguised revival is no surprise. How can the highest reviewing tribunal in the empire function without legal experts?

35. See SHY, HF 4/75a.

36. Chiangsu chin-shih chih 江蘇金石志 (Bronze vessels and stone carvings in Kiangsu), vol. 11, p. 32b. See also Miyasaki, "Administration of Justice," p. 15.

37. TFSL, 73, chien-tuan 檢斷(search-and-decision) , p. 498.

38. Art. 10, T'ang code.

39. TFSL, p. 498.

40. See SHY, HF 4/73a; 4/75a; and 4/80a.

41. SHY , CK 5/56-58.

42. MCTI, 217/9 (p. 2870).

43. Miyasaki, T h gaguh , 24/148.

44. SHY, HF 3/78b.

45. MCTI, 218/4 (p. 2867).

46. SHY, CK 5/59a.

47. SHY, CK 48/14b.

The Tangut Tripitaka, Background Notes

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[Editor's Note: The bibliographic data of the work under discussion in this article are as follow: The Tangut Tripitaka. Part 1[-9], edited by Eric Grinstead, from the collections of Raghu Vira, Satapitaka Series, Indo-Asian Literatures, volumes 83-91, sponsored by the International Academy of Indian Culture and the Scandinavian Institute of Asian Studies, published by Dr. Mrs. Sharada Rani, New Delhi, 1971, x, 2249 pp., Preface, by Eric Grinstead, List of Contents, photoreproductions of Tangut Buddhist texts.]

Towards the end of 1971, the Tangut Tripitaka was published in New Delhi. This was the culmination of a long and complex exercise in the preservation of texts, involving scholars, administrators, and technical workers of many countries.

Readers of the Sung Studies Newsletter are already familiar with the name Tangut, through the review of Kychanov's article on the Tangut wars (see SSN, number 4, page 22). Many use the term Hsi-hsia (or Xixia) 西夏 for the medieval Tibeto-Burman people who lived close to the center of Chinese civilization, in the northwestern region west of the Yellow River.

It is also no surprise that the Tanguts were Buddhists, or that they were involved in printing over a long period. Paul Pelliot visited Leningrad and wrote on this topic before the First World War. However, modern printing of these texts has had to await the cooperation of Denmark and India, and the labour of a New Zealander and three Tibetans, with technical aid from Copenhagen and printing in Delhi.

The Tangut Tripitaka is a photoreproduction of photographs and photocopies of a very large proportion of the extant manuscripts and printed Buddhist texts that were current in the Tangut kingdom of Xixia, and that, we must add, were also current in the Yuan. There are two sets of documents in the Tripitaka as we have printed it, one corresponding as far as possible to the original prints kept in the Beijing Tushuguan 北京圖書館 (transferred to Minzu Xueyuan 民族學院), and the other corresponding to the manuscripts and blockprints kept in the Institut Vostokovedeniya, Leningrad branch, Tangutsky Fond, which are almost certainly all of the Tangut period. The prints in the Chinese libraries seem to come from the Yuan, or even the Ming. We have had to incorporate one or two items of the Mahā-prajñā-paramitā 大般若波羅密多經

(T220) in the first series as they occur in the photocopies, but they are obviously photographs of the Russian items of the same text. It

is barely possible that these documents were transferred from Leningrad to Peking during one of the phases of Sino-Soviet Friendship, but I have seen no record of any such transfer. Possibly this is a case of a photocopy of a photocopy.

Students of Buddhism will remember that when Russia, China, and India were engaged in friendly discussions a dozen years ago, a common theme of unity found expression in the emphasis on Buddhism as a religion that had been, and was still, a factor in the life of the people of all three countries. The late Dr. Raghu Vira was a member of the Indian delegation that visited China and Russia in the 1950s; he was given access to the national libraries in both countries. In the course of collecting Buddhist texts, he was shown the song prints and MSS from Khara-khoto, a provincial city of the Tangut state, which had been discovered there when a stupa was dismantled in 1908 by Col. P. K. Kozlov, leader of the Russian Geographical Society's expedition.

Dr. Raghu Vira knew of Tangut texts from the Stein expeditions, and he had seen the small fragments on display in the National Museum in New Delhi, but the roomful of texts in Leningrad, unique in the world, must have made a considerable impression on him. Like Sir Aurel Stein when faced with the immense hoard at Dunhuang 敦煌, Raghu Vira thought first of unknown textual traditions and the necessity for preservation and interpretation. His request for photocopies was immediately fulfilled by the Soviet Government of the day, and the photos came to the International Academy of Indian Culture in New Delhi. The Leningrad material is often fragmentary, as it comes from the grave of a saint, being placed there to represent the Dharma.

However, when Raghu Vira was in Peking, he found there another great hoard of Tangut printing, more complete, more Chinese in format, and also very well supplied with blockprint illustrations. Some of these prints are of very high quality, and the largest in bulk, the Huayan jing 華嚴經 (Avatamsaka, T279), is printed with moveable type. Akira Fujieda 藤枝晃, in his recent book Moji no bunka-shi 文字之文化史, dates a leaf of this book to the 14th century; so we have Tangut printing at least 150 years after the abolition of the Tangut State. The 41st chapter of the 80-chapter Avatamsaka has its own special printing history, having been printed right up to our own times. Moveable metal type for Tangut has been made at least twice in the present century. (There is a text from Tianjin 天津 in the Bibliotheque Nationale, Paris, which dates from the 1920s or 1930s, and the texts and vocabularies published by Nishida Tatsuo 西田龍雄 in Kyoy

kan 居庸關 (edited by Jiro Murata 村田治郎 and Akira Fujieda, published by Fac-

ulty of Engineering, Kyoto University, 1965) and Seika-go no kenkyū 西夏語の研究 (2 volumes, Tokyo 1965 and 1967) are printed with specially made metal types.) The great bulk of the Huayan jing 華嚴經, which is not complete in our Tripitaka and can still be supplemented from modern libraries, makes it one of the largest extant books of the Yuan dynasty, and one of the world's largest wooden moveable-type books.

After Raghu Vira's untimely death in 1963, the prints came under the care of Dr. Lokesh Chandra. He was engaged in many large-scale enterprises, and consulted me about the cataloguing of the Tangut prints while I was still in the British Museum listing the Chinese and Tangut fragments from the various Stein expeditions.

It was not until I had moved to Copenhagen that a trip to New Delhi became possible. In a few weeks I compared the majority of the texts with the equivalent passages in the Taishō Daizōkyō 大正大藏經 (conveniently available there), and took some pains with the sections done on China, as there were numerous repetitions and omissions of pages that could have had been due to the primitive state of the text, the condition of the original book, or the hand of the technician. A detailed textual apparatus will eventually be made from my notes. The photographs from the Russian collections seemed more reliable, though of course there was no inventory to check against.

The Scandinavian Institute of Asian Studies decided to support the project of preserving these texts in permanent form, as the set established in New Delhi could not be found anywhere else in the world; moreover, the contents were important enough to bring to scholarly notice. Dr. Benedicte Hjejle, now of the Historisk Institute of Copenhagen University, handled the administration for the Scandinavian Institute and negotiated the complex funding arrangement by which the Tuborg Foundation gave the money for the preservation scheme. With the sympathetic cooperation of Dr. Mogens Fog, Rector of Copenhagen University, who no doubt had in mind the saving of the Icelandic manuscripts in the 17th century, and with the courteous assistance of the Danish Embassy in New Delhi, Dr. Hjejle arranged for film to be sent to New Delhi. She thus overcame the technical barriers, and ensured that the texts would be preserved by having the negatives returned to Denmark after Dr. Lokesh Chandra had made the offset blocks for the edition.

The generosity of the Tuborg Foundation and the willingness of Dr. Kaj Bag to act in the Danish Interest were essential to the success of the scheme.

That the book was produced in the midsummer of 1971, in the shadow of a war, is a tribute to the initiative of Dr. Lokesh Chandra and

his printer. When the pages were being cut and pasted, I had the assistance of the Tibetan Writers at the International Academy of Indian Culture whom I thank for their diligence and accuracy.

In the Tripitaka, the two sets of documents, from China and Russia, are arranged separately in the order of the Taishō Daizōkyō. After some experiments, Dr. Lokesh Chandra decided to put six Tangut pages on a sheet for the first series, and eight Tangut pages for the second series, the sheets becoming the pages of the final book. Two types of reproduction were used, one for very dark originals, so that maximum legibility is assured. In the first series, most of the texts are large-format blockprints or moveable type. These make a convenient size for modern readers, and yet conserve the impression of high-quality printing on a grand scale.

With a little over 2000 Western pages, most sutras are obviously incomplete. Production of Buddhist texts in the Tangut Kingdom must have been on a fantastic scale if these are merely the lucky scraps of paper that have survived.

To give the scholar some idea of the relationship between the manuscript and printed text, I have included several versions of Taishō 228 (Astaśāhasrikā). Also, I have separated Avatamsaka (T279) and Gandavyūhā (T293), as they appear to have been made as separate texts, and I have taken care to preserve the Pancaraksa texts in original order. Apparently no Chinese title is known for this important pentad, but the Tangut collective title is clearly seen on the book cover, most fortunately preserved in the photographs. We have a printed preface as well. The texts that have survived may be a clue to the type of Buddhism practised by the Tanguts, and the occasional very short sutra that has survived is a precious item in the total count. The sutras of the Yuan period that are in the Etnografiska Museet in Stockholm appear to have been printed as a collection, but we have no such evidence in our Tripitaka.

The illustrations alone are of sufficient interest to be the subject of a separate study. Though some of them have been seen before as isolated pictures, (Kychanov's Zvuchat Lish' pis'mema, for example), they are given in the Tripitaka as an integral part of the text, except in one case, where I have chosen a Chinese blockprint illustration for the Avatamsaka for the frontispiece. (Here "Chinese" means, probably, printed in Chinese in the Tangut state.) In this picture, the figure on the right is the famous Nagarjuna, sitting on a wicker chair and looking out to the right, as though contemplating the great bulk of the Tripitaka in its nine volumes.

With the publication of this Tangut Tripitaka, several scholarly precedents

have been set. We have over two thousand Pages of facsimile, in

what amounts to an unknown language. We have samples of manuscript and of blockprinting from the 12th century. There are also several illustrations of some importance in the history of the book.

The most important “find,” if one can so call a printed page that has been reasonably accessible in either London or Leningrad for the last 60 years, is the Vimala-kirti-nirdeśa sutra 維摩經 in moveable type. The original book, or what there was of it in 1190, was excavated by Col. P. K. Kozlov in 1909, but he left enough debris for Sir Aurel Stein to pick up another 3000 small fragments, one of which was a Page of the same book. This is now in the British Museum, whereas the rest is in Leningrad. Stein’s archaeological record shows precisely where the item came from, so we have the world’s earliest extant book printed with moveable type. At the moment we have only the opinion of Prof. Akira Fujieda and myself, but on pages 2035 and 2036 of the Tangut Tripitaka it is reproduced. The type is obviously very worn, and the way in which the characters seem to squash together and lean to one side is a good indication of its very early date.

The fragments in the British Museum could, in theory, be assembled with their more complete counterparts in Leningrad. During the late 1960s, I put most of these fragments in plastic envelopes to allow photocopies to be made. However, the Leningrad items reproduced in the Tangut Tripitaka do not represent the whole of the Leningrad collection, and the main task is conservation, a lengthy and costly process.

There are many fragments of a large manuscript of the Mahā-prajñā-pāramitā sūtra in both Leningrad and London. Even the Tanguts never managed to bring out a printed edition of this enormous work in their own script. Much work remains to be done, and since practically all the Tangut documents in the world today come from one building in one provincial city, we can expect archaeology to make a great contribution.

NEWS OF THE FIELD

I. Sung Colloquium

Professor Wang Teh-i 王德毅 reports from Taiwan that the fiftieth session of the Sung Colloquium, established nine years ago, was held in May this year. Since that time the activities of the colloquium have been curtailed because of the illness of one of the founders and moving spirits, Chao T'ieh-han 趙鐵寒. There are approximately 60 members of this colloquium, with some 20 or 30 scholars attending each session.

Since the last report in the fourth issue of the Newsletter, the following papers have been delivered to meetings:

1. January 23, 1972:
2. May 14, 1972:

The sixth volume in the series compiled and published by the Sung Colloquium – 宋史研究集—has been printed and is mentioned elsewhere in this issue of the Newsletter.

2. Publication of Two Reference Tools

Recent word from Professor Aoyama Sadao 青山定雄 of the Japanese Committee for the Sung Project indicates that the chronology for the Southern Sung—Sōdaishi-nenpyō (Nansō) 宋代史年譜(南宋) -- is scheduled to be published by the Committee in late December, 1972. The companion volume for the Northern Sung was briefly reviewed in the second issue (October, 1970) of the Sung Studies Newsletter.

Wang Teh-i writes that the extensive index of Sung biographical materials—Sung-jen chuan-chi tzu-liao suo-yin 宋人傳記資料索引—he, Ch'ang P'i-te 昌彼得, and others in Taiwan have compiled is now in proofs. Publication is expected some time during the first half of 1973. An announcement and description of this reference work was published in the second issue of the Sung Studies Newsletter.

3. East Asian Altaistic Conference

Scholars from several countries met in Taipei during December, 1971 for the fourth meeting of this conference. Of the twenty-three papers presented, two have some relevance to Sung studies.

- I. T'ao Chin-sheng 陶晉生, "Yu Ching 余靖 and Sung Policies Toward

the Liao and Hsia, 1042-1044."

2. Fulton Lee 李符桐, "The Relation of the Uighurs to the Establishment of the Yuan Dynasty."

4. Articles Surveying Chinese Sung Studies Scholarship

Of general interest to all readers of this periodical will be the news that the current issue of Shih-hsueh hui-k'an 史學彙刊 (number 4) carries two articles reviewing the development of Sung studies in China over the past six decades.

The titles and authors of the articles are:

1. 辜瑞蘭, 近六十年來國人對宋史的研究 pp. 210-218.
2. 趙振績, 近六十年國人對遼金元史的研究 pp. 219-252.

5. Academia Sinica

In the first half of this year there were three talks delivered at the Institute of History and Philology relating to Sung studies.

1. 李學智, 遼史中有關契丹民族史料之檢討
2. 李榮村, 宋元以來東南山地的蠻夷
3. 陶晉生, 宋遼間的平等外交關係

PUBLISHING AND BOOK NEWS

I. Taiwan

1. Sung-shih yen-chiu lun-chi 宋史研究論集, volume 2, by Wang Teh-I 王德毅, Preface by Lan Wen-cheng 藍文徽, Taipei: Ting-wen shu-chü 鼎文書局, 1972, 6, 4, 406, 15 pp., Prefaces, Table of Contents, English Synopses, Index. Paperback, US\$5.50; Hardback, US\$7.00.

The twelve articles collected here have been published previously in recent years in various scholarly journals and symposium volumes, but now the author has very conveniently reprinted them with some corrections and emendations. An index facilitates casual consultation of all the articles. Many of the articles on historiography, economic history, and social history, among other topics, complement those reprinted four years ago in the first volume of Professor Wang's collected essays (see Sung Studies Newsletter I, p. 17). The contents of the present volume is:

- a. 司馬光與資治通鑿
 - b. 劉恕及其史學
 - c. 劉頌的史學貢獻
 - d. 靖康要錄及其作者考
 - e. 朱熹五朝及三朝名臣言行錄的史料價值
 - f. 北宋九朝實錄纂修考
 - g. 呂夷簡與範仲淹
 - h. 範大成年譜
 - i. 四庫總目範石湖詩集提要書後
 - j. 略論宋代國計上的量大難題
 - k. 南宋雜稅考
 - l. 宋代的養老與慈幼
2. Sung-shih yen-chiu chi 宋史研究集, volume 6, compiled and edited by the Colloquium on Sung History 宋史座談會, Taipei: Chung-hua ts'ung-shu pien-shen wei-yuan hui 中華叢書編審委員會, 1972, 10, 2, 545, pp., n.p.

All the articles, twenty-one in total, gathered and reset in this continuing series are drawn from articles which originally appeared in Chinese journals over the last three decades, with the great majority having been printed in most recent years. Two articles are Chinese translations of Japanese pieces. As the following

list of the volume's contents will reveal, many facets of Sung, Liao, and Yuan history are treated:

- a. 姚從吾, 元初封龍山三老之一的李治與關於他的若幹問題
 - b. 鄭騫, 白仁甫交遊生卒考
 - c. 劉子健, 岳飛
 - d. 孫克寬, 元代金華文人方鳳與柳貫
 - e. 翁同文, 嚴叟墨梅卷的時代
 - f. 李安, 岳飛在南宋當時的聲譽和歷史地位
 - g. 方豪, 宋代佛教對史學之貢獻
 - h. 內藤虎次郎著
蘇振申譯, 宋代史學的發展
 - i. 趙鐵寒, 由宋史之取材論私家傳記的史料價值
 - j. 島田正郎, 遼史禦帳宮考 (二本)
 - k. 王吉林, 遼代千人邑之研究
 - l. 程光裕, 宋元時代泉州之橋梁研究
 - m. 札奇斯欽, 說舊元史中的秃魯花 (質子軍) 與元朝秘史中的土兒合黑 (散班)
 - n. 楊樹藩, 元代中書省的地位與組織
 - o. 全漢早, 宋代南方的虛市
 - p. 宋希, 北宋商人的入中邊梁
 - q. 王德毅, 宋代的養老與慈幼
 - r. 錢公博, 宋代信用通貨之演變
 - s. 林天蔚, 宋代搖亂編年記事
 - t. 趙振績, 宋代屯田與邊防重要性
 - u. 李榮村, 黑風峒變亂始末
3. Hsien-ts'un sung-jen chu-shu mu-lüeh 現存宋人著述目略, compiled by the National Central Library 國立中央圖書館, National central Library Index Series 國立中央圖書館目錄叢刊 number 7, Taipei: Chung-hua ts'ung-shu pien-shen wei-yuan hui 中華叢書編審委員會, 1971, 2+8, 294 pp., Statement of Organization, Table of Contents, NT\$20.00.

This bibliography attempts to list all extant writings and compilations by Sung scholars as well as any subsequent commentaries, annotations and the like of Sung works by post-Sung (excluding the modern era) scholars. The compilers have determined the existence of these Sung works by consulting published catalogue holdings of modern Chinese libraries. The bibliography is organized according to the traditional Ssu-k'u classification scheme, with each entry giving the title, author, and extant editions. Only the more common editions are listed. A note following most entries indicates in which, if any, of the many Sung bibliographical indices (eg, 宋史藝文志, 中興館閣書目, 晁公武郡讀書志, or 遂初堂書目, to name only a few of those consulted) the particular work is mentioned.

Any discrepancies concerning the title and number of

chüan between extant editions and/or the entries in Sung bibliographical indices are also indicated.

This bibliography is similar in many respects to that compiled by Yang Chia-lo 楊家駱—今存宋人著述知見書目初稿—and published in recent issues of Chinese Culture (see Sung Studies Newsletter 4, pp. 24-25). But in any effort of such scope some differences or lacunae are inevitable; thus, prospective users should be advised to consult both bibliographies in conjunction with each other. Unfortunately, the lack of an index of either titles and/or authors and a confusing typographical layout make the National Central Library's bibliography much more awkward to consult.

II. Japan

- I. "Chūgoku seiji shisō to shakai seisaku" kenkyū bunken mokuroku 1, (Godai, Sō) [中國政治思想 社會政策] 研究文獻目錄 1 (五代, 宋) compiled by Higashi Kazuo 東一夫 and Yoshida Tora 吉田寅, Tokyo: "Chūgoku seiji shisō to shakai seisaku" Kenkyū kai [中國政治思想 社會政策] 研究會, 1971, 4 + 138 PP., Preface, Organization Guide, Table of Contents, Author Indices, n.p.

This bibliography, indexing both Chinese and Japanese scholarship, has drawn primarily upon five bibliographies – 宋代研究文獻目錄, 東洋史論文要目, 東洋學文獻類目, 宋代社會經濟史研究論文目錄, and Sung Shee's 宋希, 宋史研究論文與書籍目錄—as its sources. Articles and books, including critiques or reviews of both, are listed making a total of over 1700 entries. Items appearing in commemorative volumes are also usefully included. The cutoff point for the bibliography is the end of 1970.

Entries are listed under one of the following six categories: a) politics; b) society; c) law and institutions; d) economics; e) political thought and biography; and f) Liao, Chin periods. These broad categories are further broken down into a total of 27 other subtopics. As with any such bibliography having no subject index—only indices to the names of the Chinese and Japanese authors are appended—some danger exists that scholars may miss important entries which are arbitrarily placed in one category or another.

The compilers of this bibliography plan similar efforts for earlier dynasties. Already a continuation for Sui-T'ang period is in the Works.

2. Ryō Kin Gen jin denki sakuin 遼金元人傳記索引, compiled by Umehara Kaoru 梅原鬱 and Kinugawa Tsuyoshi 衣川強 Kyoto: Kyoto Daigaku Jimbun Kagaku Kenkyūjo 京都大學人文科學研究所 1972, 13, 219, 103, 24 + I pp., Preface, Guide to Organization, Bibliography, Surname Index, Indices, Postface, n.p.

The idea and initial work on this index germinated with Kurata Junnosuke 倉田淳之助 almost twenty years ago, but other projects and events intervened to prevent completion until four Or five years ago when work commenced again in earnest. In the meantime Igor de Rachewiltz and Miyoko Nakano at the Australian National University published an index to Chin and Yuan biographical materials (see Sung Studies Newsletter 4, pp. 22-23) , but the present index far surpasses the efforts of these two Australian scholars. Approximately 3200 figures are listed, and some 130 wen-chi 文集 have been consulted .

Much more than just bibliographical references to biographical materials are provided in this index. When known or available, each figure's tzu 字 and style names 號, native place, dates of birth and death, names of three preceding generations and two succeeding generations, plus the names of marital relatives are given in separate registers that run across two full pages. The extent of this information surpasses that provided in an earlier biographical materials index for the Sung compiled five years ago by the Japanese Committee for the Sung Project, Sōjin denki sakuin 宋人傳記索引 (see Sung Studies Newsletter 1, pp. 12-13). This latter index also includes some figures from the Liao and Chin periods but the biographical materials cited do not overlap with this newer index; thus, both works should be used in conjunction with each other. The very complete indices at the conclusion of Professors Umehara and Kinugawa's work considerably increase its usefulness; the Sung biographical materials index has nothing comparable. All occurrences of personal names, whether the main subject or a person mentioned within an entry such as in the case of a grandfather or son, are indexed. Moreover, there is a second index to all the tzu and hao 號 of figures listed.

III. United States

- Hsin Ch'i-chi, by Irving Yucheng Lo 羅鬱正, Number 169 Twayne's World Authors Series, New York: Twayne Publishers, Inc., 1971, 194 pp.,

The series in which this volume appears is intended to introduce famous foreign (non-English) literature and authors to an English reading audience. Thus, this particular study is oriented toward novitiates to the field of Chinese poetry, but it cannot be considered an effort to popularize Hsin Ch'in-chi 辛棄疾 (1140-1207) and the tz'u 詞 form of poetry since discussion and analysis are aimed at a rather sophisticated general public. For the specialist the author's new translation of 39 of Hsin's poems will probably be of greatest interest. Annotations are provided, but these will not whet the appetite of the Chinese literature scholar even though they do illuminate some of the levels and allusions of the poems for the ordinary Western reader.

The first chapter of the book is devoted to presenting a fairly cursory introduction to the author and his times. And the second chapter introduces for the uninitiated the development of the tz'u form of poetry and highlights some of its peculiar poetic devices. Hsin's own particular craftsmanship and creative genius as a master of the tz'u come in for examination in the fifth chapter. The third, fourth and sixth chapters analyze with many illustrations three facets of Hsin's tz'u—his "heroic" poems for which is most popularly known and loved, the element of nature in his poems, and the philosophic (Taoistic) mode of his poetry.

I. Dissertation Résumés

1. Das T'ang-yeh pen-ts'ao 湯液本草 und die Übertragung der klassischen chinesischen Medizintheorie auf die Praxis der Drogenanwendung, by Ulrike Unschuld, Ludwig-Maximilians-Universität München, Ph.D. thesis, 1972, 227 pp.

One of the big problems which Chinese medicine has had to face in the course of its development since the Han era is the discrepancy between the theory of the healing-system on the one hand and its daily practice and use of drugs on the other hand. During the few centuries immediately preceding the Han period the medical experience which had been collected until that time became theorized and was incorporated into the edifice of the yin-yang 陰陽 and five-elements theories; this gave hope for a future development that would be in some way scientific in character. Nevertheless this hope came to nothing as the above theories very early became dogmatized under Confucian influence. Therefore we cannot speak of a further development of medicine if by development we mean the modernization of theories in the light of new findings and insights derived from the practice which stood in contradiction to the theories. As medical practice thus made continuous progress by means of new observations and experiments, and as theory stagnated, there soon arose a rift between those scholars who subordinated practice to theory (they mostly belonged to the ju-i 儒醫 class) on the one hand and another group who devoted their efforts to the practice of medicine and to a very large extent refused to explain their knowledge by the old theories.

In the course of the syncretistic reorganization of Confucianism during the Sung era, these tendencies soon had their effect in the medical field: The movement towards unity of Sung Neo-Confucianism led to a development which is commonly known in Chinese medical history as the Chin/Yüan innovations. A group of scholars took pains to create a practicable medical system, in which practical treatment and the use of drugs were combined with the medical theories of the Huang-ti nei-ching su-wen 黃帝內經素問. My thesis has chosen the T'ang-yeh Pen-ts'ao as a typical product of these efforts. The author was Wang Hao-ku 王好古, a disciple of Li Kao 李杲, who himself followed the teachings of Chang Yüan-su 張元素.

The main task of my thesis is to show how the above-mentioned discrepancy arose and how the scholars, whose teachings are concentrated in

the T'ang-yeh pen-ts'ao, tried to solve this problem, what kind of diffi-

culties they met, what success they achieved and why they were finally bound to fail. The thesis discusses in this context the relations between medicine and society in China, provides an abridged history of Chinese drug-literature of the pen-ts'ao 本草 class, devotes itself to the difficult problem of Chinese medical terminology and includes some tables for the understanding of Chinese medical theory. The basis of the discussion is a translation of important parts of the Shen-nung pen-ts'ao ching 神農本草經 and of the first chapter of the T'ang-yeh pen-ts'ao.

--Ulrike Unschuld

2. Liu Yung, Su Shih, and Some Aspects of the Development of Early Tz'u Poetry, by Liou-yi Yuh, University of Washington, Ph.D. thesis, 1972, 307 pp.

The Sung poets Liu Yung 柳永 (985?-1053) and Su Shih 蘇軾 (1036-1101) each made a lasting contribution to the development of the tz'u 詞. In the present study I wish to trace four aspects of the development of tz'u from the T'ang and Five Dynasties through the tz'u of the Liu Yung and Su Shih. The approach is historical as well as quantitative. The four aspects chosen are the tunes, themes, modes of discourse, and rhetoric and vocabulary. The study consists of two parts. In the first part, i.e., chapters one and two, I give a brief account of the general features of early tz'u based on my statistical data. In the second part, i.e., chapters three and four, I build on this historical base an evaluation of the innovations and peculiarities of Liu Yung's and Su Shih's tz'u.

The T'ang and Five Dynasties period includes poets represented in the Tsun-ch'ien chi 尊前集, Hua-chien chi 花間集 and the Southern T'ang poets. Chapter one deals with this body of tz'u. The early Sung period covers four major figures: Yen Shu 晏殊, Chang Hsien 張先, Ou-yang Hsiu 歐陽修, and Yen Chi-tao 晏幾道. Chapter two deals with their poetry. Chapter three is devoted to Liu Yung and chapter four to Su Shih. In each chapter a handful of poems are translated and explicated. Every general statement about the poetry discussed in each chapter is corroborated and made precise by statistical data.

The characteristics of early tz'u written to be sung by singing girls at banquets for the entertainment of leisured scholar-poets are: brevity; the content is almost always love, separation, and feminine feelings; being simple poems, these tz'u do not require titles or prefaces. The composition of the poem is also simple, usually with some description plus narration or lyricism. The literary

devices used are mostly about love and women. The language is quite literary on the whole, with few

colloquialisms. The poems bear very little impression of their authors' individualities.

In early Sung times the short poem is still the main vehicle. The poems still deal with love and separation. A sizable number of poems combine description, narrative and lyricism. Many allusions to literary works, legends, and anecdotes are used. Poets use far more colloquialisms than their predecessors did. The real innovation in language is the introduction of refined language into tz'u.

Liu Yung is the first poet to use a significant number of ch'ang-tiao 長調 successfully. This means he had more space to say things and we find many well-developed stories in his poetry. Liu's language abounds in colloquialisms; on the other hand, he also wrote entire poems in refined language. Thus, he broadened the range of tz'u language in both directions. As in the first two chapters, (and in the following one), wherever appropriate the above statements are given in my study statistical precision.

Su Shih's greatest innovation is in the area of subject matter. He broadened the scope of tz'u so that almost anything was a suitable subject. Tz'u was used to express various aspects of Su himself. As a result, the function of tz'u multiplies; it is no longer something sung at a banquet to amuse the literati. In broadening the scope of tz'u Su also liberated himself from the narrow confines of proper tz'u diction. He used images that earlier poets would not consider acceptable. Many of the literary devices he used are original with him. In the number and type of allusions he differs most from other poets. The use of prose diction made his language more natural and less precious.

-- Liou-yi Yuh

3. The Judge Pao Plays of The Yuan Dynasty, by George Allen Hayden, Stanford University, Ph.D. thesis, 1972, 461 pp.

The subject of the dissertation is eleven tsa-chu 雜劇 (i.e., northern) plays of the Yuan or early Ming periods which are distinguished by the fact that they have a single character, Judge Pao, in all of them. The dissertation takes two approaches in dealing with these plays. It first examines Judge Pao in history and legend, up through the Ming period (Chapters 1 and 2), and then attempts to establish a category of courtroom drama in the Yüan and to relate this category to the Judge Pao plays (Chapters 3 and 4). The greater part of the dissertation, from Chapters 5 through 13, deals with the Pao plays one by one, with their

various scholarly problems, and either summarizes or translates them.

Judge Pao is the well-known Northern Sung official Pao Cheng 包拯

(999-1062), who became legendary through his honesty and impartiality. The dissertation first seeks to establish why Pao, out of all possible choices for the judge character, came to assume this role most often in Yüan drama. Part of the explanation is found in his official career as represented in his own memorials to the throne and in relatively orthodox historical accounts written in the Northern and Southern Sung periods. Another key is found in the fictional or semi-fictional anecdotes about Pao, particularly about his strict but fair administration of the Northern Sung capital, K'ai-feng 開封. The anecdotes are treated, not as reliable accounts, but rather as crucial factors in the formation of the Judge Pao legend.

Pao Cheng as censor and as prefect most resembles his later character in the drama, and Chapter I concentrates mostly on these aspects of his career. In his various positions as censor, Pao attacked maladministration and its perpetrators, many of high rank or with important connections. As a prefect, especially of the capital, Pao became famous for his attacks on crime and corruption and for his concern for the ordinary citizen.

Chapter 2 traces the Judge Pao legend from its beginnings in the Sung through Chin and Yuan vernacular literature to Ming drama and fiction. Close attention is paid to two Pao plays that show the clearest lines of development into Ming and Ch'ing colloquial literature. Otherwise, the development of the Pao legend since the end of the Ming dynasty is only briefly mentioned. Chapter 2 also deals with a ramification of the Pao legend, his identification with Yama, the Buddhist King of Hell, and his ability to judge cases in the nether world.

Ten of the Pao plays share certain structural and thematic features with sixteen other Yuan or early Ming tsa-chü plays. Chapter 3 seeks to establish for these twenty-six plays a category, or sub-genre, called kung-an 公案, or courtroom, drama. Essential ingredients of this category are 1) the inclusion of one or more courtroom scenes featuring judge detective and criminal and 2) a primary concentration on the themes of crime and justice.

Chapter 4 focuses on Judge Pao's character in the Yuan drama and its role in dramatic usage.

Chapters 5 through 12 translate and annotate eight plays, beginning in each case with Pao's first entrance. The plays are as follows:

Ch'en-chou t'iao mi 陳州糶米

P'en-erh kuei 盆兒鬼

Shen-nu-erh 神奴兒

Hui lan Chi 灰蘭記

Sheng-chin ko 生金閣

Hou-t'ing hua 後庭花

Liu hsieh chi 留鞋記

Ho-t'ung wen-tzu 合同文字

Chapter 13 summarizes Hu-tich meng 蝴蝶夢, Lu Chai-lang 魯齊郎, and T'i sha ch'i.

-- George Allen Hayden

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The following dissertations have been recently completed. Abstracts hopefully will be published in a future issue of the Newsletter.

Özkan Izgi, The Itinerary of Wang Yen-te 王延德 to Kao-ch'ang 高昌 (981-984),
Harvard University, 1972, 127 pp.

Peter J. Golas, The Sung Wine Monopoly, Harvard University, 1972, iii, 173 pp.

II. Theses in Progress

1. Le Dialogue du Pêcheur et du Bûcheron 漁樵對問 de Shao Yong 邵雍,
Traduction et Notes, by Michel Bertrand, Université de Bordeaux.

Malgré le mot de J. Needham: "Shao Yung wrote an interesting philosophical dialogue. The conversation of the Fisherman and the Woodcutter..... It would repay study and translation. » il semble que cet ouvrage tout comme d'ailleurs l'oeuvre de Shao Yone 邵雍 dans son ensemble ait été jusqu'à présent très peu étudié. Les recherches sur le sujet en sont d'autant plus passionnantes, mais aussi d'autant plus difficiles.

Si Le Dialogue du Pêcheur et du Bûcheron 漁樵對問 n'est qu'un opuscule (1卷), les questions qu'il pose sont légion:

- Shao Yong a-t-il sa place dans la lignée des maîtres confucéens et peut-on le compter au nombre des « fondateurs » du « Neo-Confucianisme » ou bien se trouve-t-il en marge?

- comment se conjuguent, dans son système syncretiste, les traditions dérivées du 易經, des écoles du 陰 et du 陽 et des 五行, la pensée taoïste et certains éléments du Bouddhisme?

- en quoi sa méditation « prépare »-t-elle celle de Zhu Xi 朱熹 qui, volontairement, la méconnaît?

Les propos qu'échangent le Pêcheur et le Bûcheron les dépassent donc largement même s'ils se rattachent bien souvent aux aspects les plus concrets

de l'existence et, jusqu'aux moindres details, rien n'est sans importance dans leur conversation : au cours de raisonnements qui semblent

d'une logique parfaitement rigoureuse, mais dont les articulations ne sont peut-etre pas toujours evidentes se trouvent pour ainsi dire disseques les couples 陰陽, 動靜, 剛柔, 君子, 小人, 義利, 名實, 分命, 魂魄, 治亂, 霸王, 體用 ainsi que quelques hexagrammes et les notions de 道, 觀物, 理, 氣, 精, 神, 聖, 數, 太極, 心, 形, 性, 意, 中....et evoques brievement, mais comme avec un veritable souci encyclopédiste, les problemes les plus variés relatifs a la métaphysique, a la cosmologie, a l'éthique, a la politique, à la physique, a la physiologie, à la medecine.

Ainsi, Shao Yong 邵雍 methematicien et sage eminent (安樂先生), méconnu, sinon par ses contemporains, du moins par la posterite, apparait comme un penseur de premier plan qui donne une nouvelle impulsion à la tradition philosophique et annonce ainsi les « modernes ».

-- Michel Bertrand

2. Lu Tien 陸佃 and Ch'en Kuan 陳瓘: Two Biographies of Members of the So-called Conservative Yuan-yu 元祐 Party, by Helmott Vittinghoff, Seminar für Sinologie, Universität Würzburg.

After a short description of the post Wang An-shih's political developments and a short commentary on the sources used in the thesis, there will follow the interpreted biographical material and a lengthy comparison of both personalities. An appendix will present a translation of the biographical material, including a critical appraisal of the literary works of both men. The thesis will also provide a list of all members of the Yuan-yu party and examine their regional relationships. Finally the thesis concludes with the detailed genealogical tree of Lu Tien, the favorite pupil of Wang An-shih.

-- Helmott Vittinghoff

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At the time of publication no description of the following theses in progress was available.

1. C. Morpher, Feng Ching 馮京 und Ch'ien Wei-yen 錢惟演: Zwei Biographien aus der nördlichen Sung-Dynastie, Universität Würzburg.

2. Jerry D. Schmidt, The Poetry of Yang Wan-li 楊萬裏 (1127-1206), University of British Columbia.

Bibliography of Recent Japanese Scholarship

This bibliography is copied with the kind permission of the Japanese Committee for the Sung Project 宋史提要編纂協力委員會 from numbers 49 (March, 1972) and 50 (June, 1972) of the Sōdai kenkyū bunken mokuroku 宋代研究文獻目錄。

- 荒木敏：[宋代の科場と不具疾患の進士] 東洋史研究 30-2.3：31-53 (12/1971)
- 伊原弘：[宋代明州にずける官戸の婚姻關係] 中央大學院研究年報 1：157-168 (3/1972)
- 石井修道：[攻集にみられる禪宗資料—投子義青の法系を中心として—] 東方宗教 39：32-49 (4/1972)
[大慧宗果とその弟子たち(三)] 印度學佛教學研究 20-2：275-277 (3/1972)
- 梅原鬱：[宋代の茶法の考察] 史林 55-1:1-37 (1/1972)
- 植松正：[彙集至元新格並びに解説] 東洋史研究 30-4：1-29 (3/1972)
- 大藪正哉：[元代の法制と佛教—稅量。詞訟。民間信仰關係の規定] 史學研究 (東京教育大學文學部紀要 86)，1-35 (3/1972)
- 金井徳幸：[南宋僧道免丁錢について] 東方宗教 37:21-38(4/1971)
[南宋僧道免丁錢について(下)] 東方宗教 38:20-37(11/1971)
- 岸田勉：[李公麟論再考] 佐賀大學教育學部研究論文集 19:43-58(9/1971)
- 窪徳忠：[老子八十一化圖説：について—との資料問題を中心として] 東洋文化研究紀要 58:1-74 (3/1972)
- 小岩井弘光：[宋代就量禁軍について—宋代兵制史研究の一環として] 國土館大學人文學會紀要 4:75-92(1/1972)

- 小阪機融：[禪苑清規の變容過程について—高麗本の考察を介して] 印度學佛教學研究 20-2：225-229 (3/1972)
[金澤文庫本禪苑清規と高麗版禪苑清規との關聯] 金澤文庫研究 18-4：1-8 (4/1972)
- 作藤武敏：[唐宋時代の練湖] 中國水利史研究 5：1-12 (12/1971)
- 島居一康：[學思展望宋代の佃戸と主客戸制] 東洋史研究 30-4：140-149 (3/1972)
- 志村良治：書評：[波多野太郎著宋詞評釋] 文化 35-3：113-121 (2/1972)
- 周藤吉之：[王安石の青苗法の施行過程(一)] 東洋大學大學院紀要 8：171-199 (3/1972)
- 鈴木哲雄：[景德傳燈錄固有名詞索引] 禪研究所紀要 (愛知學院) 1：82-106 (5/1971)
[山語錄成立の背景とその性格] 印度學佛教育研究 20-2：230-236 (3/1972)
- 高橋進：[朱・王雨思想の比較論的研究(二)] 東京教育大學文學部部紀要 (哲學倫理學院研究) 85：63-106 (3/1972)
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