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In this issue of *East Asian History*, we present a number of ‘firsts’.

In the Preface to the previous issue, Editor Benjamin Penny stated our intention to republish significant and hard-to-find papers by the late Professor Igor de Rachewiltz, whom he described as ‘perhaps the greatest historian of Mongolia and Mongolian-period China of his generation’. In this issue, we are pleased to make available for the first time online two of these papers; we are also particularly delighted to publish for the first time in any medium ‘Sino-Mongolica Remota’. This philological article on inscriptions, manuscripts, and printed texts is, in Igor’s own words, ‘the outcome of much reading and writing on the subject over many decades’.

Duncan Campbell takes us through the historical context and vicissitudes of the *Yongle Encyclopaedia* — a rare and magnificent volume that has, after languishing in a library backlog for almost 50 years, been rediscovered and made available to researchers for the first time.

Matthew Lauer critically reopens a complex eighteenth-century Chosŏn murder case to challenge accepted notions of the dynamic between Confucian ritual and law.

And Lin Yu-ju interprets for the first time in an English-language forum the significance of a late-1700s Taiwan aboriginal-boundary map and its 14,000-word description, providing insights into Qing territorial policy, frontier society, and ethnic relationships.
The Find

During the summer of 2014, a large book in Chinese was brought to the attention of the Huntington Library’s archivist Li Wei Yang. The volume, it soon became apparent, had been given to the Huntington Library almost half a century earlier, on 27 December 1968, by Mabel G. Whiting but, having been accessioned, had thereafter languished in the rich obscurity of the library’s backlog. A note tipped into the front cover of the book offered provenance: the volume had been ‘picked out of the debris’ of the library of the Hanlin Academy (Hanlin yuan) by Mabel’s father, Joseph L. Whiting (1835–1906), and used to ‘barricade a window’ during the siege of the legations by the Boxers in Peking in 1900.1 Following the lifting of the siege, when Whiting, a long-term Presbyterian missionary to China, was repatriated to the United States, the volume had accompanied him home.2 What first caught the archivist’s eye was the fact that rather than having been printed, the book appeared to have been hand copied. Months of detailed work followed as Li Wei Yang sought to ascertain, through research and consultation, whether or not the book was authentically a missing volume of the famous Yongle Encyclopaedia (Yongle dadian), as its title claimed.3 Once this process had been undertaken, the Huntington Library was able to announce the discovery on 16 October 2014. The volume has subsequently been on display in the library and has been digitised and made available online. Initial discussions were embarked upon about the volume’s possible repatriation to an institution in the People’s Republic of China.

Any book is always at once both a physical object subject to the vicissitudes of transmission, and the vessel of intellectual or literary content produced in a specific historical context, prone forever to shifting tides of understanding and interpretation.4 In both respects, the story to be told about the Huntington Library’s volume of the Yongle Encyclopaedia is a remarkable one: respectively, 

Acknowledgements

A preliminary version of this paper was first presented, in part, as a lecture delivered on 8 January 2015, at the Huntington Library in San Marino, California, hosted by Dr Steve Hindle, W.M. Keck Foundation Director of Research. In working on both the lecture and this version of the paper, I am much indebted to Li Wei Yang, my fellow presenter on that evening and recently appointed Curator of Western American History with the Huntington Library, for his continued advice. Alan Jutzi, then Avery Chief Curator of Rare Books with the Huntington Library, too, as always, has been generous with advice and support. The report on the volume of the encyclopaedia discussed in this paper presented by Dr Liu Bo of the National Library of China and which served to authenticate the volume is wonderfully informative; his conclusions inform this paper. I am also most grateful to the two anonymous readers of the paper; I have tried to respond to as many of their helpful suggestions as time and circumstances permit. Warm thanks are also due the editor of East Asian History, Benjamin Penny, and his able and long-standing editorial assistant Lindy Allen.

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2 Whiting, about whom little more biographical detail seems presently available, appears to have known Chinese and thus been aware of the nature of the volume. Pasted onto the verso of the front cover he provides a handwritten bibliographic reference ('The Great Cyclopedia of Yung Lo/ Vol. 10270/ Subject Sons./ Teaching the Heir Apparent') and his own translations of a number of passages of the text of the volume, including the following: ‘Rites and Music are the essentials in teaching the Heir Apparent. Music to cultivate the inner man, rites (or rules of propriety) to polish the external conduct’.

3 As argued below, I believe that the usual translation of the title of this book with the word ‘encyclopaedia’ is inappropriate. It is employed in this paper only because the bulk of the secondary English-language literature continues to label it as such. The secondary literature in Chinese on the history of this book is both voluminous, and, frequently, tendentious. An exception is Zhang Sheng 张所, Research on the Circulation of the Yongle dadian and Attempts to Recover its Text (Yongle dadian liuchuan yu jizi yanjiu 永樂大典流傳與輯佚研究) (Beijing: Beijing shifan daxue chubanshe, 2010).

4 'For a book,' D.F. McKenzie argues, 'is never simply a remarkable object. Like every other technology it is invariably the product of human agency in complex and highly volatile contexts which a responsible scholarship must seek to recover if we are to understand better the creation and communication of meaning as the definitional characteristic of human societies,' for which see his Bibliography and the Sociology of Texts (Cambridge: Cambridge University Press, 1999), p.4 (emphasis in the original). Timothy Brook reminds us of the equivocal status of the book in late imperial China in particular when he argues that they are at once ‘objects through which information is stored and communicated’ and ‘social objects, bearing and transmitting messages about status’, for which see Timothy Brook, ‘Communications and Commerce,’ a long-lost and magnificent volume of one of the world’s most grandiose attempts to capture under a single title the entirety of useful knowledge, and a chapter from one of the longest and most demanding of a Confucian canon that has now underpinned the trajectory of Chinese civilisation for more than two millennia and which, unexpectedly perhaps, seems likely to continue to do so. In what follows, I present both a bibliographical description of this rediscovered volume and a number of reflections on the history of the encyclopaedia.

The Book

As a book, the Yongle Encyclopaedia is a magnificent object. Remarkably, more than six hundred years after the work was first commissioned and four hundred after this copy of the Huntington Library’s volume was made, its properties are such as to continue to evoke both pride and wonderment.1 The eminent Qing scholar and official Zhang Tingyu 張廷玉 (1672–1755), chief editor of the History of the Ming (Ming shi 明史), once remarked of it that ‘A handbook, the strokes of the calligraphy are regular and correct, and the binding is exquisite. Both the paper and the ink give off the fragrance of antiquity’ (乃寫本字端楷裝飾工致紙墨皆發古香).2

We should first consider the physical properties of the book. All the volumes of the Yongle Encyclopaedia make use of two colours (red for author names and book titles, punctuation [quandian 圓點],3 marginal lines, borderlines, ‘elephant trunks’ [xiangbi 象鼻] and ‘fish-tails’ [yuwei 魚尾]);4 black for all text) and three point sizes (full-size for the main text [baiwen 白文 in Chinese; lit. white or unadulterated text]; half-size for the commentary and annotations [zhujie 註解], and a further reduced size for comments on the commentary, such as, particularly, ‘The rest of this commentary is the same as the


5 The late-Ming dynasty (1368–1644) scholar Zhang Rulin 張汝霖 (1651-1625) may well have been one of the last people to have seen the original copy. His grandson, the essayist and historian Zhang Dai 張岱 (1597–1664), tells us that he did so as he was putting the finishing touches to a massive encyclopaedia that he had been working on for more than thirty years (entitled My Mountain of Rhymes [Yun shan 韻山]). Shown a box of books containing thirty-odd volumes of the Yongle Encyclopaedia that had been secreted out of the Palace Library by a friend then working in the Ministry of Rites, he immediately put down his brush and sighed with admiration: ‘Goodness! How inexhaustible is this world of books. In my own paltry efforts I’ve been a bit like Jingwei, that bird of legend, trying to fill in the eastern sea one pebble at a time. By contrast with this book, what little I have to show for myself’ (書囊藏盡精新舊石塊海所待幾箇), for which, see Xia Xianchun 夏咸淳 and Cheng Weirong 程維榮 eds, Dream Memories of Taoan: Dream Search for West Lake (Taoan mengyi: Xihu mengxun 魚恋夢遊: 西湖夢尋) (Shanghai: Shanghai guji chubanshe, 2003), p.98.

6 For which, see Zhang Sheng, A Collection of Research Materials on the Yongle dadian, p.129.

7 Red was a colour the use of which in writing was otherwise restricted to the emperor himself; its use in the case of the encyclopaedia served to confirm the extent to which it was, in no uncertain manner, an imperial production.

8 The careful punctuation of both main text and commentary throughout the volumes of the encyclopaedia is unusual for texts of this type in a traditional context and thus of considerable interest; it is, perhaps, an indication of the extent to which the family origins of
commentary above’). The volumes, measuring some 40.6 cm in height by 25.4 cm in width, were written on finest white Xuan paper in highest quality ink and bound in coarse yellow brocade. The ‘Academy Style’ (guangeti 館閣體) calligraphy employed throughout the work (both original and copy) is said to be modelled on that of the early Ming dynasty court calligrapher (and Hanlin Academician) Shen Du (1357–1434) and was also known as the ‘Chancellery Style’ (taigeti 臺閣體); the Yongle emperor seems to have had a particular affection for this man’s hand, saying of him that he was ‘... the Wang Xizhi 王羲之 of our dynasty’ — there being no higher compliment than to liken someone’s calligraphy to that of the greatest master of the art.

When completed in 1408, having involved the efforts of some 2169 scholars working in the then capital of Nanking, the book totalled 22,877 fascicles (juan 卷), bound into 11,095 volumes (ce 冊), and stored on the shelves ten
It appears that Zhang Chenshi 褚忱石 (1507–67; r. 1521–67) — the only emperor who himself ever made any use of the book — had ordered a copy be made of the original copy (usually referred to as the fuben 副本). It is a volume (one of only four hundred or so that remain, mostly held in the National Library of China) of this copy that resurfaced in the holdings of the Huntington Library, having been picked up out of the ashes after the siege of the legations by the Boxers by the American missionary Joseph Whiting, given to the library in 1968 by his daughter Mabel, and recognised for what it is by the Huntington Library’s archivist Li Wei Yang. The melancholy fate of this duplicate copy of the encyclopaedia, too, remains a resonant source of debate; the convenient and nationalistic attribution of the loss of all but about four per cent of the original encyclopaedia to the depredations of aggressive foreigners seems both simplistic and far from the truth of the matter.14

In Endymion Wilkinson’s estimation (22,937 juan of average 40 half-folio pages a juan, average 400 characters a page) in total, the compendium comprised around three hundred and seventy million characters.17

The volumes of the work most proximate in sequence to that discovered at the Huntington Library are juan 10,135 and 10,136 in the Bodleian Library at Oxford (consisting of historiographical texts) and juan 10,286 and 10,287 in the National Library of China (consisting of Taoist texts). Both are within the same rhyme (er zhi 二紙). Also within this rhyme are juan 10,115 and 10,116 (held at the School of Oriental and African Studies in London) and juan 10,309 and 10,310 (held in the National Library of China). Of interest is the fact that both the volumes noted above as being held in the National Library of China were returned to the library in 1951 from the Department of East Asian Studies of Leningrad University, indirectly, by way of a gift to the Ministry of Culture of the then newly established People’s Republic of China.18

The most recent discoveries of volumes of the encyclopaedia before that at the Huntington Library in 2014 were made in 1983 (in Shandong province), 1997 (in the library of Aberdeen University in Scotland), and, more recently, in Canada (in private hands, since acquired by the National Library of China).
In his diary, the eminent Qing official Weng Tonghe (翁同龢, 1830–1904) provides a note that perhaps better reflects the truth of the slow loss of volumes of the duplicate copy of the encyclopaedia: ‘On the sixth day of seventh month of the eleventh year of the reign of the Xianfeng emperor (1861), I went to the ministry in search of a book, catching sight of the Yongle dadian as I did so. The book was housed in the Pavilion of Respect for the One (敬一亭) and had long languished in neglect. The pavilion was a three-bay one, with a throne sited in the middle bay, and twelve bookcases placed in each of the other bays. The encyclopaedia had pages lined in red and had been finely calligraphed, expertly bound. In size, it was about two chi tall, more than a chi wide. The volumes took up no more than half the shelf space; they were all covered by more than an inch of dust, and scattered in such disorder that one was unable to locate what- ever it was that one wanted to get hold of (咸豐十一年七月初六日到署檢書見永樂大典是書藏敬一亭久無人問矣亭屋三櫞中設寶座旁列書架十二大典本以朱絲界畫繩手工整高二尺許寬尺許在架者不及架之半塵積寸餘零落不能觸手矣). For which, see Chen Yijie, ed., Diary of Weng Tonghe (翁同龢日記) (Beijing: Zhonghua shuju, 1997), p.127. An entry in this diary dated 1894 notes that only around 800 volumes of the encyclopaedia remain (剩八百餘本), Vol.5, p.2706.


The 62 volumes presently held by the Palace Museum in Taipei had been part of a collection of some 30,000 books that were held in safekeeping (and microfilmed) at the Library of Congress in Washington DC from 1941, by arrangement with the National Peiping Library, as it was then known. In 1965 this collection of books was transferred to the National Central Library in Taiwan for temporary custody until the Palace Museum building was completed. For an account of this footnote in the history of the Yongle Encyclopaedia, see Tsuen-hsuin Tsien, ‘How Chinese Rare Books Crossed the Pacific,’ in his Collected Writings on Chinese Culture (Hong Kong: The Chinese University Press, 2011), pp.236–39. The late Tsuen-hsuin Tsien ends his essay: ‘It is hoped that these rare materials, China’s national treasures from thousands of years and numerous dynasties, will eventually be returned to their original home’ (p.239). For a brief account of the two volumes of the encyclopaedia held by the Harvard-Yenching Library, see Shum Chun, ‘The Chinese Rare Books: An Overview,’ in Treasures of the Yenching: Seventy-Fifth Anniversary of the Harvard-Yenching Library.
The Yongle emperor certainly well understood the dangers posed by fire. In the sixth year of his reign (1408) a fire in the Jiangshang Monastery 蒔山寺 appears to have completely destroyed the blocks carved to print the edition of the Buddhist Canon commissioned by his father and known as the Hongwu Southern Canon (Hongwu nanzang 洪武南藏), completed in 1398. On this, see Long Darui, ‘A Note on the Hongwu Nanzang, a Rare Edition of the Buddhist Canon,’ The East Asian Library Journal 9.2 (2000): 112–47. The emperor was later to insist both that this lost edition be recommissioned (to be known as the Yonge nanzang 永樂南藏) and that an edition also be prepared in Peking covering northern Buddhist textual traditions, known as the (Yonge beizang 永樂北藏). As I was usefully reminded by one of the anonymous readers of this paper, the Yongle emperor’s complicated relationship with his father, the Hongwu emperor (1328–98; r. 1368–98), finds expression in the extent to which, as in this case, he both continues and supersedes the compilation of a number of scholarly projects first commissioned by Hongwu.

In a brutal age, the Yongle emperor proved a particularly brutal and ruthless man, and one seemingly also given to outbursts of sanctimonious Confucian moralising. 22 His reign is now understood to have served to intensify a distinct trend in late imperial Chinese political culture towards absolutism; 28 in the long term, also, his removal of the capital from Nanking to Peking in 1421 (at very great expense and for his own immediate political ends) was probably a grave mistake. 29


Perpetual Happiness: The Ming Emperor Yongle, p.71.

Imperial book collectors over the ages in China, however, seemed somewhat less prone to such moral qualms; they understood the size of their holdings to be an important token of their power and the moral quality of their rule. 20 This seems particularly the case with the Yongle emperor (1360–1424; r. 1402–24) (his reign title means ‘Perpetual Joy’), and his age has been characterised as one of ‘… economic growth, cultural regeneration, territorial expansion, and diplomatic glory’. 21 And yet in the case of the Yongle emperor, a number of additional considerations come immediately to mind. He was an emperor who had usurped the throne on the pretext of ‘Calming a Troubled Age’ (jingnan 靖難) (the phrase could perhaps be better understood as meaning ‘suppressing dissent’), and was certainly implicated in the death of his nephew, the ‘Establishing Civility’ (Jianwen 建文) emperor (1377–1402; r. 1398–1402), when the imperial palace in Nanking was set alight 22 (Jianwen’s short reign was then expunged from the historiographical record). 23 He then engaged in a post-victory purge of extraordinary and violent dimensions, 24 of which Shih-shan Henry Tsai, in his biography of the emperor, says ‘… was among the most brutal and barbarous political acts in Chinese history’. 25

When the previous emperor’s main advisor, Fang Xiaoru 方孝孺 (1357–1402) refused to acquiesce in the usurpation he was sliced in half at the waist and further punished with the extermination of his family to ten degrees of kinship (the only man so punished in Chinese history), while some 870 of his associates were executed. 26

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The Encyclopaedia

In the case of the encyclopaedia, consideration of the personality of the emperor is of relevance. First, after all, he had allowed his reign title to serve as the book’s title. There were, of course, both proximate and more distant precedents for this procedure, and subsequent ones as well, as in the case during the Qing dynasty of the Kangxi Emperor’s Dictionary (Kangxi zidian 康熙字典, commissioned by the Kangxi emperor (1654–1722; r. 1661–1722) in 1710 and completed in 1716. But all the available sources point to the emperor’s intense and particular engagement in the project. He had rejected the product of an earlier exercise he had ordered his minister Xie Jin 解缙 (1369–1415) to undertake, entitled A Grand Compendium of Literary Sources (Wenxian dacheng 文獻大成), as being ‘insufficiently exhaustive’ (suo zuan shang duo wei bei 所纂尚多未備). In the eyes of many of the emperor’s contemporaries, and in the view of much subsequent scholarship, the fact that the emperor became so quickly engaged in large-scale scholarly projects of this type soon after his enthronement in such murky circumstances demanded that these projects be understood in the light of the possible extra-literary usages of such projects in the specific political circumstances of the time. To some extent or another, Yongle’s victory over his nephew represented the victory of the eunuch faction at court over the faction of the scholar-official; that is, power at court, increasingly, was in the hands of a very particular group of function-
aries who were the personal servants of the emperor and not as bound by the conventions of the imperial bureaucracy as were their scholar-official contemporaries. In this context, the encyclopaedia projects can be understood to be a means of both persuading that scholar-official faction that he was a man devoted to learning, and of keeping otherwise disaffected scholars busy at their desks — not the first nor the last time that such a ruse was employed in Chinese history. The late-Ming scholar Sun Chengze 孫承澤 (1592–1676), in his wonderfully informative Record of Dreams of the Capital (Chun ming meng yu lu 春明夢餘錄), is very explicit in his view:

When the emperor initiated his ‘Calming a Troubled Age’ campaign, dissention was rife throughout the empire and so he made use of this scholarly project in order to dissipate obstacles in his path, this being his true intention at the time (至靖難之舉不平之氣遍於海宇文皇借文墨以銷壘塊此實係當日本意也).\(^{29}\)

Further, a close reading of both the edict that resulted eventually in the Yongle Encyclopaedia (as recorded in the Veritable Records of the Ming (Ming shulu 明實錄), dated first month of the first year of his reign) and the ‘Preface’ that he wrote for it once it was completed (also recorded in the Veritable Records of the Ming and dated eleventh month of the fifth year) tend to confirm the impression of an emperor with explicit and ulterior motives. He argued that

The objects and affairs, both ancient and modern, of All-under-Heaven are recorded here and there in various books, such that their bulk is overwhelming, making them difficult to consult. We desire that the objects and events recorded in these tomes be gathered together and categorised, and arranged by means of rhyming category, in order to provide for ease of consultation and examination, as if one were plucking an object from one’s bag. I’ve often taken a look at the Assembled Jades of the House of Rhyme [Yunfu guyun 龍府群玉] and the Confluence of Historical Resonances [Huixi shiyun 回溪史韻], and although affairs are comprehensively recorded here, the sources used in the compilation of these two books were too restricted, and thus their accounts of events are too sketchy. It is expected that you will undertake your work in accordance with my intention. Phrases found in all the books, from the very beginning of writing — the classics, the histories, the Masters, the literary collections, the works of the various philosophers, books of Astrology, local gazetteers, the Yin and Yang experts, of the physician and the fortune tellers, of Buddhist monk and Taoist priest, of the artisans and the artists — should be excerpted under a single title, with no thought given to the vast bulk that will result from this procedure [wu yan hao fan 毋厭浩繁].\(^{31}\)

As emperor, he believed that there was an urgent need ‘to unify confusing systems and standardise government regulations and social customs’ (bi you yi tong zhi zhi zuo suo yi qi zheng zhi er tong feng su 必有一統之制作所以齊政治而同風俗). His ‘Preface’ manifests his pleasure that his orders had been carried out:

The product of the labour of this exhaustive process of compilation is a book that can satisfy all possible inquiries, such that searching for a word by means of its rhyme and examining affairs by means of this word, any reader can trace the trajectory of something from beginning to end, as easily as shooting a swan with one’s bow [ru she zhong hu 如射中鶴]. Nothing will remain hidden once you open up the pages of this book [kai juan er wu suo yin 開卷而無所隱].\(^{32}\)

generations; what about ten?’ (莫說九族十族何妨).

27 Benjamin A. Elman, “‘Where is King Ch’eng?’: Civil Examinations and Confucian Ideology During the Early Ming, 1368–1415,’ T’oung Pao 19/1 (1993): 23–68, discusses the process whereby, in collaboration with a number of compliant Confucian scholars, the Yongle emperor sought to disguise the circumstances of his accession to the throne and to become recognised as a ‘sage-king’ (sheng wang 聖王).

28 According to the late-Ming loyalist scholar Huang Zongxi 黃宗羲 (1610–95), after the rupture of the Yuan dynasty, ‘… nothing at all survived of the sympathetic, benevolent, and constructive government of the early sage kings’. As Timothy Brook makes clear in his discussion of this view, Huang’s comments were directed at the new Manchu rulers of the Chinese empire, but that (as was the case with both the Hongwu and Yongle emperors), ‘The charismatic Mongol khan having become a routine Chinese emperor, the potential nonetheless lingered for the Chinese emperor to claim the charisma of a Mongol khan, and to act without regard for the constitutional constraints of emperors’hip, for which, see his The Troubled Empire: China in the Yuan and Ming Dynasties, p.81. As noted by Benjamin Elman, whereas during the Tang dynasty high officials had sat alongside the emperor at court, by the Ming and Qing dynasties, officials prostrated themselves before a seated emperor, for which, see his ‘“Where is King Ch’eng?”’, p.46.

29 Huang Zongxi, one of traditional China’s most insightful political theorists, makes this argument powerfully in his Waiting For the Dawn: A Plan for the Prince (Mingyi dai fang lu 明夷待芬錫) from a variety of strategic, cultural, and economic perspectives: ‘It may be asked, ‘Why did the Northern Capital fall so quickly? What was the reason for it?’ I say it may have fallen for more than one reason, but since a mistake (shi suan 失算) was made in the original establishment of the capital, there was no hope of saving it’, for which, see Wm. Theodore de Bary, trans., Waiting For the Dawn: A Plan for the Prince (New York: Columbia University Press,1993), p.122. In his celebrated letter to Huang after having read this work, Gu Yanwu 郭蠻武 (1613–82), Huang’s fellow Ming loyalist, disagrees with this argument: ‘Mo-ling [Nanking] is only suited to serve a minor state’, for which, see Waiting for the Dawn, p.171.

30 For which, see Sun Chengze, Record of Dreams of the Capital (Chun ming meng yu lu) (1883; rpt. Hong Kong: Longmen shudian, 1965), p.117.

31 For which, see Zhang Sheng, A Collection of Research Materials on the Yongle dadian, p.12.
32 For which, see ibid., p.17. To the emperor’s mind, this ease of use is in contrast to the difficulties previously encountered when trying to trace an idea or an event in the past, which he likened to ‘panning sand to uncover the gold, scouring the ocean’s depths for pearls’ (tāo jīn yù shā tān zhū yù hǎi,淘金於沙探珠於海).

33 To my mind, it is significant in this respect that none of the recommendations made during the Ming that volumes of the encyclopaedia be published and made more widely available were ever realised. Of course, ruling the Ming was no mean feat. Craig Clunas neatly captures the dimensions of the task that faced the Yongle emperor: ‘… everything about Ming-period China was on a grander scale than that of its contemporaries … It had a greater land area, bigger cities (and more big cities), bigger armies, bigger ships, bigger palaces, bigger bells, more literate people, more religious professionals; and it produced more books, ceramic dishes, textiles and spears than any other state on earth at the time. It covered numerous ecological zones and varied environments, from the subtropical to the steppes, from the lush to the arid. Encompassing a population that was diverse in language and culture as well as in religion, the Ming empire required a highly sophisticated level of organization to hold it together as the largest polity on earth at that time,’ for which, see Craig Clunas and Jessica Harrison-Hall, eds, Ming: 50 Years that Changed China, p.25.

34 I am grateful to my friend Ye Yang for insisting on this second point.

35 The etymology of the Chinese character 典 ‘diàn’, said to depict several books sitting upon a table, should be remembered: the volumes are there not to facilitate reading or consultation, but rather are placed there for the purposes of obeisance.


37 To arrange an encyclopaedia by means of rhyming categories was, in fact, a time-honoured practice. Fortunately, such was the nature of the language that rhyme was easily struck with the monosyllabic sounds of all Chinese characters falling into one of 20 rhyme categories, unevenly distributed among the four tones of the spoken language: ‘Level Tone’ (píngshēng 平聲), ‘Rising Tone’ (shāngshēng 上聲), ‘Departing Tone’ (qūshēng 去聲), and ‘Entering Tone’ (rùshēng 入聲). Rhyme category thus provided the most effective of search engines; every educated Chinese person would know both the
readily available (exclusively to the emperor personally and those closest to him) for the purposes of ruling All-under-Heaven. In that sense, the usual English translation of its title employing the word ‘encyclopaedia’ seems at least doubly inappropriate; first, because it is not, in fact, an encyclopaedia as we commonly understand this term nowadays, and, second, because it would be inappropriate, through the connotations of the word ‘encyclopaedia’, to associate this work with, for instance, the European Enlightenment and the Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers. The title should better be rendered Grand Compendium of Yongle or Yongle’s Grand Canon or some such. In Chinese bibliographical terms, it is a ‘Book of Categories’ (leishu 類書). In essence, what the process of its composition involved was that copies were made of all the books then housed in the imperial library, the Pavilion of Literary Profundity (Wenyuan ge 文淵閣), supplemented by others acquired for the purpose of the project. These copied texts where then disaggregated, with their chapter divisions being retained but almost never whole titles being included, before being rearranged in accordance with the seventy-six rhyming categories the last (or sometime most important Chinese character) of that chapter title belonged, with a 60-fascicle index provided to give readers some idea of what had been included.

To us now, arranging an encyclopaedia by means of rhyming categories might seem an odd thing to do. This was not an innovation in the case of this encyclopaedia, however, and made perfect sense. Chinese is not an alphabetic language, and in the traditional Chinese literary and intellectual world, the ability to write a good poem or effective prose was vital, rhyme being critical to both genres. A textual architecture arranged according to rhyme category provided readers of a book so arranged with the most effective search engine, and the rhyming dictionary was thus China’s true memory palace. The rhyming dictionary employed in this case, appropriately, was that compiled by the scholar Yue Shaofeng 楊紹鳳 (fl. 1355–80) and completed in 1375 on the orders of Yongle’s father, and which had been named after his reign title The Correct Rhymes of the Hongwu Era (Hongwu zhengyuan 洪武正韻). What lends the encyclopaedia an element of distinction is the extent to which it cast its net widely, beyond the constricting definitions of the orthodox classical Chinese Confucian textual corpus to include items of popular and dramatic literature written in the vernacular. And neither is there any evidence that the emperor had his compilers engage in systematic censorship of the content of the encyclopaedia, for whatever reason. Otherwise, the encyclopaedia seems a somewhat intellectually conservative and reductive project, to the extent to which it serves to reduce knowledge to information, text to extract, the philosophic (or religious) to the simply practical. It was certainly immensely labour-intensive, involving the energies of many compilers over the course of the years 1405–07. Nominally under the general editorship of Yao Guangxiao 姚廣孝 (1335–1418) (also known by his clerical name Daoyan 道衍), and Xie Jin, the bulk of the scholarly work was probably undertaken by men such as Hu Yan 胡儼 (1361–1443), Liu Jichi 劉季僖 (1363–1423), and, especially, Chen Ji 陳濟 (1363–1423). What is remarkable (and yet another element of mystery in the tale of the encyclopaedia) is that none of the official biographies of the scholars most involved in its compilation (all of which biographies were written after the dynasty had fallen) make any mention of their engagement in the project. A number of them were either executed (Xie Jin) or imprisoned (Chen Ji) soon after the completion of the encyclopaedia. From a twenty-first century perspective, perhaps, we can categories (and the headwords [yunmu 翁慕] in Chinese) of these categories) and their sequence by heart. In the case of this volume, the last character of the title of its text means ‘son’ and is pronounced ‘zi’ (子); anyone looking for information on the topic of ‘son’, therefore, would go immediately to the second of the rhyming categories in the ‘Rising Tone’, under the category headword meaning ‘paper’ which is pronounced ‘zhī’ (紙), a close homophone. For a brief treatment of one instance of the Yongle emperor’s close engagement in the content of books being presented to him, see Ku Chieh-kang 顾颉刚 and L. Carrington Goodrich, ‘A Study of Literary Persecution During the Ming’, Harvard Journal of Asiatic Studies 3.3/4 (1938): 245–311.

38. R. Kent Guy makes a similar point in his The Emperor’s Four Treasures: Scholars and the State in the Late Ch’ien-lung Era (Cambridge: Harvard University Press, 1987): ‘All imperial book collection projects, of course, had as one goal the collection of precedent and source material useful for the ruler. But the effort expended in earlier projects suggested that earlier governments were concerned with the state of scholarship and recognised that the products of scholarly effort had a value in themselves. The Yung-lo Emperor’s rhyming reference guide, never actually printed, was clearly meant for narrower, more utilitarian ends. Thus, at the same time that private scholarship was becoming more independent and diverse, the government’s scholarly efforts were becoming more narrow and limited’ (p.16).

40. Yao Guangxiao, whom the future Yongle emperor had first met at his mother’s funeral in 1382, became the emperor’s closest advisor. He had been responsible for the forging of the historiographical record to remove any mention of the four-year reign of the Jianwen emperor. Aside from his work on the Yongle Encyclopaedia, he also oversaw the composition in 1403 of both the Record of Obeying Heaven’s Command to Calm a Troubled Age (Fengtian jingnan ji 奉天靖難記) and Genealogy of the Imperial Clan (Tianhuang yudie 天皇玉牒), both of which were works designed to confirm the Yongle emperor’s legitimacy. The inscriptions on a surviving portrait of the man, dressed in his monk’s robes and entitled ‘The True Visage of Lord Yao Guangxiao (named “Reverent and Pleasing”), Imperially Titled Preceptor and Posthumously Ennobled as Duke of Rongguo’ 楊廣孝大司徒大司空大同靖難公晉榮國公奉天靖難記 and Genealogy of the Imperial Clan (Tianhuang yudie 天皇玉牒), both of which were works designed to confirm the Yongle emperor’s legitimacy. The inscriptions on a surviving portrait of the man, dressed in his monk’s robes and entitled ‘The True Visage of Lord Yao Guangxiao (named “Reverent and Pleasing”), Imperially Titled Preceptor and Posthumously Ennobled as Duke of Rongguo’, both of which were works designed to confirm the Yongle emperor’s legitimacy. The inscriptions on a surviving portrait of the man, dressed in his monk’s robes and entitled ‘The True Visage of Lord Yao Guangxiao (named “Reverent and Pleasing”), Imperially Titled Preceptor and Posthumously Ennobled as Duke of Rongguo’, both of which were works designed to confirm the Yongle emperor’s legitimacy. The inscriptions on a surviving portrait of the man, dressed in his monk’s robes and entitled ‘The True Visage of Lord Yao Guangxiao (named “Reverent and Pleasing”), Imperially Titled Preceptor and Posthumously Ennobled as Duke of Rongguo’, both of which were works designed to confirm the Yongle emperor’s legitimacy.
monk’s robe./ His face showing no sign of shame’ (官爾緇衣無靦爾顏), for which, see Craig Clunas and Jessica Harrison-Hall, eds, Ming: 50 Years that Changed China, pp.80–81. Again, I am grateful to one of the readers of this paper for the discussion of one of these inscriptions.

Yet another illustration of Yongle’s close involvement with (and supervision of) the scholarly world, is the fact that during the course of his reign, he oversaw a total of eight sessions of the highest level of the imperial examinations.

For a succinct bibliographical treatment of this work, see Jeffrey K. Riegel, ‘Li Chi 禮記’ in ed. Michael Loewe, Early Chinese Texts: A Bibliographical Guide (Berkeley: University of California, 1993), pp.293–97. More recently, Liu Yuchi and Luke Habberstad, ‘The Life of a Text: A Brief History of the Li Ji 礼記 (Rites Records) and Its Transmission,’ Journal of Chinese Literature and Culture 1–2 (2014): 289–308, present a judicious discussion of the complex textual history of the work. Of the section of the book found copied into the volume of the Yongle Encyclopaedia found in the Huntington Library, they note that in the ten-fold categorisation proposed in his Explanations of the Titles of Ancient Texts and a Method for Reading Them (Yaoji jieti ji di dufa 要經解題及其讀法), Liang Qichao 梁啟超 (1873–1929) allocated the chapter to that which constituted ‘Records of Specific Events’ (p.299). As they note, their conclusions about the text (that it is ‘a composite text made up of material from a wide range of ritual learning traditions’ (p.296), much of the content of which may have been composed during the Han dynasty) must remain preliminary, particularly given the continual excavation and discovery of new texts (p.297).

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As Nylan also makes clear (p.171), this text (along with the other two texts that deal with the rites, the Rites of Zhou [Zhou li 周禮] and the Prescription [Yi li 儀禮]), ‘... more than any other of the Five Classics, inspired dramatic attempts to rethink and reorder Chinese social and political realities’. The particular chapter copied into the encyclopaedia, entitled ‘King Wen as Son and Heir’ (Wen wang shizi 文王世子), deals with the ritualistically complicated status of a child who was both son to the ruling emperor and his heir apparent, and thus, sometime in the future to be both emperor himself and ‘Son of Heaven’ (Tianzi 天子).

Ritual was of inestimable importance to premodern society in China, for the single term ‘rites’ or ‘ritual’ (li 禮) denoted the full panoply of appropriate and thus mutually satisfying behaviors built upon emotional insights. These behaviors, expressed in dress, countenance, bodily posture, and verbal phrasing, where designed to strengthen communal bonds among the living, between the living and the dead, and with the gods.41

The first third of the chapter is missing from the Huntington Library’s volume. Missing also is the last short section of the text, consisting of between three and five folio pages. We may, therefore, conjecture that (a) this first section of the text (with its commentaries) was included in the no-longer-extant juan 10,269; and (b) that although for the bulk of the encyclopaedia the binding is two juan 卷 or fascicles to each ce 册 or volume, examples do exist of volumes that have either one or three fascicles, and the extent of this text would suggest that this volume might well be an instance of the latter format. This second conjecture might explain why the volume had to rebound at some point in time once it had arrived in the US, as stated in L.J. Whiting’s letter pasted into the volume (‘The cover was put on in this country’); when he picked it up off the ground in 1900, both the front and back covers of this volume had been destroyed, it seems, during course of the siege of the legations, thus exposing to depredation both the first fascicle and the final pages of the volume.44

Item # 13 of the ‘Principles of Compilation’ (Fanli 凡例) for the encyclopaedia as a whole deals with the Confucian canon and its commentaries, as given below, in my translation:

The Book of Changes (Yijing 易經), the Book of Songs (Shijing 詩經), the Book of Documents (Shujing 書經), the Spring and Autumn Annals (Chunqiu 春秋), the Rites of Zhou (Zhou li 周禮), and the Book of Rites (Li ji 禮記) all have attached to them prefaces, lists of contents, explanations of the filiation of the text through the various Confucian scholars, along with discussions of the overall meaning of work at hand. For present purposes, these have all be included under the character of the title of the particular classic (so that, for instance,
such text attached to the Book of Changes is given under the character ‘易’ (yi).

The complete text of the various sections of these books is to be found, however, either under the first character of the section title or the most important character (...). As for the various commentaries to these texts, the choice has been to include, first, those written by the famous scholars of the Han, Tang, and Song dynasties (...), with later commentaries appended, included in chronological order. Occasionally the matters discussed in these texts involve famous objects that are of particular relevance to the maintenance of good order, and so these, too, have been included in the compendium in accordance with the rhyming category of their name. Of the Four Books, only in the case of the Great Learning (Daxue 大學) and the Mean (Zhongyong 中庸) has it proven difficult to disaggregate the text, and so they have been included in complete form (so that, for instance, the Great Learning is to be found under the character ‘learning’ (xue 學)). The procedure adopted with both the Analects and the Book of Master Mencius (Mengzi 孟子) has followed this rule, and it has been also applied in the case of both the Five Classics and all the other books by the various philosophical masters.

The sections of the encyclopaedia covering the various canonical works dealing with the rites and ritual usages were the especial responsibility of the Hangzhou scholar Gao Deyang 高得暘 (1352-1420), one of the contributing editors of the overall project. In the estimation of the Qing dynasty scholar Dai Zhen 戴震 (1724-77), his work was done ‘... with particular care accorded the criteria of selection’ 去取為精審.

The Commentaries

The text of the chapter of the Book of Rites found in the Huntington Library’s volume is equipped with (overwhelmed by, perhaps one should say) commentary by a total of thirteen separate and named commentators. These commentators can be grouped into three categories (and here I am particularly indebted to the preliminary analysis of the text by Liu Bo of the National Library of China):

A. Eight commentaries (dating from the Han, Tang, and Song dynasties) that one would expect to see represented in most editions of the work, cited chronologically, as follows: Zheng Xuan 鄭玄 (127-200), Book of Rites Annotated (Li ji zhu 禮記注); (ii) Lu Deming 陸德明 (550?-630), An Explanation of the Texts of the Confucian Classics: Phonetic and Semantic Glosses to the Book of Rites (jingdian shiwen: Li ji yinyi 眾經學文: 禮記音義); (iii) Kong Yingda 孔穎達 (574-648), Book of Rites: Correct Glosses (Li ji zhengyi 禮記正義); (iv) Zhu Xi 朱熹 (1130-1200), Classified Conversations of Master Zhu (Zhuzi yulei 朱子語類); (v) Wei Liaoweng 魏了翁 (1178-1237), Book of Rites: Essential Glosses (Li ji yaoyi 禮記要義); (vi) Wei Shi 衛湜 (fl. 1226), Book of Rites: Collected Explanations (Li ji jishuo 禮記集說); (vii) Chen Hao 陳澔 (1261-1341), Book of Rites: Collected Explanations (Li ji jishuo 禮記集說); (viii) Huang Zhen 黃震 (1213-81), Master Huang’s Daily Notes (Huangshi richao 黃氏日抄).
For ease of reference to the Huntington Library’s volume of the encyclopedia, in the case of these four unique commentaries, I append page references.

The editors of the Four Treasures notes that this book was lost. It is important to remember of the Yongle Encyclopedia (Siku quanshu 四庫全書) project instituted by the Qianlong emperor in 1773 that: (1) it was explicitly designed to surpass in size that of the Yongle Encyclopedia; and (2) the first step in the project was to make use of the volumes of the encyclopedia to recover texts that had otherwise subsequently been lost. As discussed by R. Kent Guy, the Qianlong emperor, when presented with the 60-fascicle table of contents of the Yongle Encyclopedia, declared himself unimpressed. To his mind, it was an exercise in ‘intellectual covetousness’ (tian duo wu de 質多無得), little more than a reference book, whilst the use of rhyme to organise the book was distorting, for which see his The Emperor’s Four Treasures, p. 77.

In the event, of course, his son, the Hongxi 洪熙 emperor (1378–1425; r. 1423), proved to have the shortest reign of the sixteen emperors of the Ming, during course of which he ordered the cancellation of any further maritime excursions, the destruction of the shipyards of Nanking (in the final years of his father’s reign, Zheng He’s expeditions proved to have the shortest reign of the sixteen emperors of the Ming, placed any further maritime excursions, the destruction of the shipyards of Nanking (in the final years of his father’s reign, Zheng He’s expeditions had been suspended), and the return of the capital to Nanking. His first two actions could be said to have altered the shape of the modern world; the last command was never implemented.

In a preface written in 1693 during the reign of the Kangxi emperor (1654–1722; r. 1661–1722), the scholar Xu Qianxue 徐乾學 (1631–94) tells us that the copy of the encyclopedia housed in the Hanlin Academy was already missing volumes lost during the dynastic transition (dingage shi yi you yishi 僞革時亦有佚失; Quan Zuwang 全祖望 (1705–55) notes that the removal of the encyclopedia to the academy was occasioned by the need to make room on the shelves of the Historiographical Office for the (voluminous) Shengza ren huanda shihua 聖祖仁皇帝實錄, for both of which see, Zhang Sheng 文廷式, Research on the Circulation of the Yongle Encyclopedia and Attempts to Recover Its Text, pp. 56–57. The reformist official Wen Tingshì 文廷式 (1856–1904) notes that he ‘borrowed more than three hundred volumes’ (借讀三百餘冊) of the encyclopedia whilst he was working in Peking during the years 1885–86; he is now suspected of having failed to return more than a hundred of these volumes. The eminent bibliographer Ye Dehui 葉德輝 (1856–1904) notes that this book was distorting, for which see his The Emperor’s Four Treasures, p. 77.

B. One commentary (dating from the Song dynasty) that is very rare: (i) Zhu Shen 朱申 (fl. 1050), Sentence by Sentence Interpretations of Every Section of the Book of Rites: Punctuated with Phonetic Glosses (Yindian li ji xiangjie jujie 解音點禮記詳解句解).

C. And four commentaries (also dating from the Song dynasty) that are unique to this volume: (i) Lü Zuqian 呉祖謙 (1137–81), Lü Bogong’s Accompanying Annotations: Punctuated with Phonetic Glosses (Lü Bogong yindian pangzhu 呉伯恭音點旁註) (juan 10270, 12a, 16a; juan 10271, 6a, 20a); (ii) Chen Li 陳櫺 (1252–1334), Book of Rites: Collected Glosses and Detailed Explanations (Li ji ji yi xiangjie shi zhi jie 解説集解詳釋) (juan 10270, 2a, 4b–5b, 12a, 13a, 16a–16b, 17a, 21a, 22b, 25b–26a; juan 10271, 1a–1b, 2a, 6a–6b, 7b, 9b–10a, 12b, 20a–21a); (iii) Peng shi 彭氏 (?), Master Peng’s Illustrated Glosses and Annotations (Pengshi cuantu zhu yindian pangzhu 彭氏纂圖注解) (juan 10270, 3a, 9a–10a, 12b, 18a–18b, 23a, 26b; juan 10271, 1b–2a, 7b, 13a); (iv) Shi Jiongsun 史解孫 (fl. 1324), Gloses to the Canon (Jing yi 經義) (juan 10270, 10a–11a).

In the case of this third category of commentary, that is text unique to this volume, the most important of the commentators was that of Lü Zuqian. Sadly, his four interventions recorded in this volume of the encyclopedia are all simply (if importantly) phonetic glosses for the reading of particular characters.

Coda

Upon the Yongle emperor’s death in 1423, at Yumuchuan 烏木川 in the remote desert and on campaign against the Mongols one last time, the news was kept secret until the succession of his son could be ensured. Encased in a tin coffin in an attempt to slow the rate of decomposition, food continued to be served to him in death as it had in life, as had been the case with the First Emperor of Qin. The emperor was later given both the temple name Grand Progenitor (Taizong 太宗) usually reserved for second emperors (in 1537 this was changed to Completing Emperor (Chengzu 成祖]), and the (outrageously exaggerated) posthumous name: The Literary Emperor who Opened up Heaven and Enlarged the Way, who was High-Minded and Brilliant and who Initiated our Present Good Fortune, who had both Sagely Martial Prowess and Divine Merit, and who was Purely Benevolent and Completely Filial (Qitian hongdao gaoming zhaoxing shengwu shengong chunren zhixiao wen huangdi 启天弘道高明肇運聖武神功純仁至孝文皇帝). His tomb in the hills just north of Peking, named Everlasting Tomb (Changling 長陵), is the largest of the thirteen imperial Ming tombs. A total of thirty palace women (including sixteen concubines) hung themselves in preparation for accompanying him to his grave. It is said that once his magnificent encyclopedia was completed in 1408, the sixth year of his twenty-two-year-long reign, he never once consulted it. And yet, over the course of time since the end of the Ming dynasty, the various volumes of the copy of the compendium that were available to scholars (and of course access to it by scholars particularly after it’s relocation to the Hanlin Academy during the reign of the Yongzheng emperor (1678–1735; r. 1722–35) much accelerated the disappearance of the encyclopedia) has resulted in the ‘recovery’ (jiyi 恢佚) of between 500 and 600 books that had been otherwise lost to us and posterity. The legacy of the Yongle emperor has been a complex one; the Huntington Library may now lay a permanent and far-flung claim to a place within the textual dimensions of this legacy.
Figure 4

(1864–1927) reports having seen copies of the encyclopaedia at Wen’s house shortly after his death when they were being offered for sale by his descendants, for which see Zhang Sheng, p.79. Zhang Sheng’s account is the most convincing contemporary source on the fate of the encyclopaedia. After more than a decade of research on the topic, he arrives (in my translation) at the following five important and unimpeachable conclusions (p.111): (i) The second copy of the encyclopaedia was largely lost from the library of the Hanlin Academy during the years 1860 onwards; (ii) The difficulties to be overcome in seeking to track down further extant volumes of the work are compounded by the fact that they gravitated to numerous countries and (in some cases) into private hands; (iii) The final loss of the encyclopaedia did in fact take place during the Boxer Uprising when the Hanlin Academy was set alight, but by that time the library held only an estimated 10% of the original encyclopaedia, the other 90% having been removed by Chinese (guoren 国人). That is to say, the fire in the Hanlin Academy does not constitute the major disaster encountered by the encyclopaedia; (iv) As the volumes of the encyclopaedia started to find their way into the marketplace, they were seen by many people, and in some cases, acquired; these instances will doubtless provide new clues in the search for further extant copies of the work; and (v) In keeping with the extent to which discoveries of lost volumes of the encyclopaedia have been made over the years, I am fully confident that further discoveries will be made in the future.’ Zhang Sheng’s last point, in particular, has now of course been realised by Yang Li Wei’s recognition of what it was that The Huntington Library held in its vaults.

Duncan M. Campbell
Victoria University of Wellington
duncan.campbell@vuw.ac.nz
THE DEATH OF HŎ HAMJANG: CONSTRUCTING A DILEMMA FOR OFFICIALDOM IN EIGHTEENTH-CENTURY CHOSŎN

Matthew Lauer

Episode I: The Initial Complaint and the Magistrate’s ‘Moment of Suspicion’

Hŏ To 許濤 (dates unknown) was the elder brother of Hŏ Hamjang 許咸章 (dates unknown) and a resident of the Western District of Namwŏn 南原. A serious case involving these brothers began on 2/2/1736, when To reported to the local magistrate that his younger brother had been viciously assaulted and verged on death. In that report, To identified two assailants: Kim Sŏngdae 金成大 (dates unknown) and Kim Munŭi 金文儀 (dates unknown), two cousins who lived in the same village as the Hŏ brothers. The magistrate apprehended the two suspects and interrogated them, concluding that further investigation and more conclusive evidence were needed. He dispatched a local military official to conduct an exploratory investigation. The military official’s report included some basic observations on Hamjang’s condition. The official had arrived at Hamjang’s house just as dusk was passing and noted that Hamjang’s breathing was extremely belaboured — indeed, Hamjang seemingly verged on death. The magistrate notes that his dispatched official spent no time inspecting any of Hamjang’s wounds.

Though the military official’s observations may seem superficial, they were actually of considerable legal significance. Once an assault received the attention of local officials, a principle referred to as the ‘period of criminal responsibility’ (kohan 辜限) came into effect. This principle stipulated simply that the assailant bore responsibility as a murderer for the death of the victim if the victim died within a prescribed period of time following the attack. The records provide certain indications that the magistrate began to treat Sŏngdae and Munŭi differently after receiving the report on Hamjang’s condition, perhaps in conjunction with onset of the period of criminal responsibility. For example, the magistrate uses new terminology to describe the incarcerations of the Kim cousins. Whereas the magistrate simply uses the term ‘incarcerate’ (sugŭm 囚禁) to describe their initial apprehension and interrogation, he designates their

1 Namwŏn 南原 — currently a mid-sized city in Northern Chŏlla province, South Korea — was a major administrative region during the Chosŏn period (1392–1910).
2 The name of the magistrate is never revealed in the case records from the source (the Namwŏn-hyon ch'ŏppo imun sŏngch'aek 南原縣牒報移文成冊) from which this paper derives. As will be discussed in a subsequent section, certain aspects of the compilation of this document and its conditions of production are unclear because the magistrate and his editorial team provide no introductory remarks.
3 Namwŏn-hyon ch'ŏppo imun sŏngch'aek 南原縣牒報移文成冊, in Yi Yŏnghun 李榮薰, ed., Han'guk chibangsa charyo ch'ongsŏ 1 poch'ŏp p'yŏn 1 韓國地方資料叢書 1 報牒篇 1 (Sŏul: Yŏgang Publishers, 1987), p.135. (This particular source is formatted without independent pagination; however, Yi Yŏnghun 李榮薰 has provided modern pagination as part of his compiled volumes of sources for Korean local history. Therefore, this paper will reference these documents using the pagination provided by Yi.)
continued incarceration after the military official’s return as ‘strict incarceration’ (ŏmsu 亜囚). Through we find here no definitive indication that a standardised connection existed between these legal categories, the change of character clearly indicates an added degree of severity.

The details of the case appear clear and uncomplicated to this point. The divisions between guilty and victimised, assailant and attacked seem firmly established. That clarity and transparency all but evaporated on 8/2/1736, when To newly reported that Hamjang passed away on the night of the initial inquiry. Several aspects of this report proved puzzling for the magistrate. First, the six-day gap between the date of death and the date of the second report seemed particularly odd. Villagers bore a responsibility to apprise the local officials of assaults promptly, whether the assault was fatal or not, so that the investigators might not lose any opportunity to collect valuable evidence (especially if derived from examination of the corpse). How much more inexplicable must it have seemed to the magistrate, then, that To would be tardy in reporting Hamjang’s decease? The authorities had already involved themselves in the case and anticipated the death of Hamjang, the timing of which held crucial legal ramifications.

The magistrate’s confusion only deepened when To began to explain Hamjang’s death in terms that contradicted his initial statement. He provided an alternative theory of Hamjang’s death that effectively absolved Sŏngdae and Munŭi of any responsibility. The words of To’s elderly mother (nomo 老母) figured prominently in that explanation. The magistrate summarises To’s statement as follows:

To’s elderly mother said [to him]: ‘Hamjang’s death resulted from the increasing severity of his chronic illness, it did not necessarily result from the attack. Do not report this to the authorities [and initiate] a autopsy examination!’ Because she spoke with great firmness and resolve, [the Hŏ family went about] dressing the corpse for burial and, [in fact], completed the mountainside burial itself. Also, now, [To] requested that Sŏngdae and all those [implicated in his actions] be released. This whole situation has grown extremely strange.

To hoped to overturn his previous, confident indictment of Sŏngdae and Munŭi with an unexpected explanation based on the hastening symptoms of Hamjang’s chronic illness. The magistrate himself suspects this new interpretation from the very beginning. What could account for such a complete reversal within a span of six days? What happened to all that righteous anger that To displayed during his first report? And what was the significance of the dressing and burial of Hamjang? The magistrate ordered the drafting of a set of interrogation questions to help demystify To’s new statement.

**Episode II: The Impassioned Dissuasion of Hamjang’s Elderly Mother**

From this point in the case, the magistrate viewed Hŏ To not as a victim and ‘bereaved family member’ (sich’in 尸親), but rather as a suspect guilty of unexposed criminal activity. For that matter, he seems to have applied this designation to the Hŏ family in its entirety. What else but illegal activity could have motivated such a radical reversal of their argument in so short a window of time? The magistrate focused his interrogations on To primarily because that member of the Hŏ family submitted the reports in both instances — clearly, To occupied a central position within the family and in the handling of the case.
In his testimony, To fully corroborated his mother’s earlier statements. He even elaborated on those statements in an attempt to thicken the smokescreen that the Hŏ family hoped to create. He first addressed the topic of his brother’s chronic condition. To described Hamjang in blunt terms, revealing the full extent of his brother’s debilitation and disfigurement. The magistrate writes:

Within To’s statement: ‘My brother Hamjang, [having suffered] from “summer heat disease” for ten years, constantly wailed and moaned with pain. The disease eventually worsened to the point of being chronic. His skin sunk down into his bones, and he no longer resembled a normal, healthy person. For people high and low in this village, this is a matter of common knowledge.’

To provides an alternative, plausible explanation for the observations that the military official made about Hamjang’s condition during the initial inspection. In introducing this information, the Hŏ family attempted to force a choice between two opposing theories of death. Their argument revolves around the notion of ‘summer heat disease’ (poksŏ-byŏng 伏暑病), the malady that To cites as the reason for Hamjang’s worsening condition. The basic theory of the illness drew from notions of the way that the human body interacted with changes in seasonal temperatures. Specifically, it held that certain people retain the heat of the summer season within their bodies and organs, only to release it spontaneously as the cooler fall or winter months began. The expulsion of heat subsequently resulted in a wide variety of violent bodily reactions ranging from stomach aches, to vomiting, to diarrhoea.10 Deaths were sometimes attributed to ‘summer heat disease’ (as is obviously attempted in Hamjang’s case). The family also seemed at least partially confident that an autopsy, if ordered, would fail to help in that determination. In short, the Kim cousins’ attack was not to blame — Hamjang’s pre-existing condition was.

To then provides specific reasons for the six-day delay. The magistrate records To’s testimony as follows:

On the thirteenth day of this month, an argument erupted between Hamjang and Sŏngdae because of a [longstanding] issue between them. As for Sŏngdae, he ultimately picked a fight [with Hamjang]. At the same time, Munŭi, who is Sŏngdae’s cousin of the same surname, threw himself into the fray. And so, in an uncontrolled fit of passion, I restrained Sŏngdae and Munŭi and requested that the local authorities apprehend them. Indeed, upon my brother’s passing, I should have informed the authorities once more; however, since [Hamjang] already suffered from a severe illness that was virtually untreatable, it would not have been possible to adjudicate [the case as a murder solely on the basis that] he sustained grave wounds [in the altercation].

This passage strongly suggests that the magistrate detected a self-recriminatory tone in To’s testimony. The underlined portion above provides a key clue to discerning this tone. To avoids asserting that he acted decisively in requesting the apprehension of Sŏngdae and Munŭi following their (vaguely described) ‘altercation’ with Hamjang. Instead, To presents his prior report as the result of a ‘fit of passion’ that he could not suppress. To further admits that he knew of the legal requirement to inform the authorities of his brother’s death; however, he asserts that the result of any such report was foreordained — that any further pursuit of a murder conviction would be fruitless because of the complicating factor of his brother’s disease. In short, To’s initial report was simply a mistake of haste.

We thus come to the final component of To’s recorded testimony. After asserting that he made several missteps in the handling of his brother’s case,
To appeals to higher principles to justify his lateness — he portrays his laxity with the law as necessitated by the demands of ritual and filiality. To do this, he once again invokes and elaborates on the prior statements of his elderly mother. In the quoted material that follows, the magistrate records how To acquiesced to his weeping mother’s request not to let any aspect of the investigation disturb the funeral preparations:

My eighty-year old mother, crying and weeping, said: ‘He is dead, and that is all [there is to say]. Now, if we were to relay these things to the officials and fully adjudicate the matter as a murder case, then not only will I lose the opportunity to act during the normal [ritual] period for dressing the corpse for the mourning and burial rites (yŏmsi 壽屍), but also I will not be able to bear hearing and seeing all of the things [that will be revealed during] the many autopsies [that will surely] be performed on him. If it comes to this, then I will have difficulty going on. [I implore you], do not under any circumstances report this to the authorities and initiate a murder inquiry.’ She strongly and repeatedly attempted to deter me. However, had I not been deterred, truly [we would have had to] delay beyond the designated days the [performance of] such rituals as the corpse dressing (susi 收屍), the placing in the coffin (ipkwan 入棺), and the mountain burial (sanbin 山殯).12

Timing is the central issue here. The mother mentions the time limitations to emphasise her profound sense of concern about adhering to proper standards of ritual. Some of the rites that she mentioned were, indeed, highly time-sensitive — just as any funerary ritual is, by necessity, time-sensitive, given the inevitable decomposition of the body. Had the investigation continued unabated, the family’s window of opportunity almost surely would have closed. The corpse dressing presents a particularly illustrative example. The family of the deceased had to acquire and lay out the body before rigor mortis fully set in. They had to prepare the fingers, toes, hands, and feet in such a way that they were left straight and uncurled. In effect, the object was to prevent any twisting that the body might undergo as it stiffened. This rite also involved wedging open the mouth to facilitate the later placement of items there. In fact, all of these procedures were undertaken as critical preparation for future steps in the funereal rite.13 In sum, it seems entirely plausible that the constraints of time weighed heavily on the heart and mind of Hamjang’s elderly mother.

One further strategy informs the rhetoric of To’s argument. If To’s mother felt such a profound sense of concern about adhering to proper standards of ritual. Some of the rites that she mentioned were, indeed, highly time-sensitive — just as any funerary ritual is, by necessity, time-sensitive, given the inevitable decomposition of the body. Had the investigation continued unabated, the family’s window of opportunity almost surely would have closed. The corpse dressing presents a particularly illustrative example. The family of the deceased had to acquire and lay out the body before rigor mortis fully set in. They had to prepare the fingers, toes, hands, and feet in such a way that they were left straight and uncurled. In effect, the object was to prevent any twisting that the body might undergo as it stiffened. This rite also involved wedging open the mouth to facilitate the later placement of items there. In fact, all of these procedures were undertaken as critical preparation for future steps in the funereal rite. In sum, it seems entirely plausible that the constraints of time weighed heavily on the heart and mind of Hamjang’s elderly mother.

One further strategy informs the rhetoric of To’s argument. If To’s mother felt such a profound sense of ritual duty, then To would have had to support her convictions by virtue of the filial relationship. Note that the magistrate never explicitly frames this quotation in filial terms; however, without the implication of filial obligation, it becomes difficult to explain why a personal request from To’s mother held any legal significance. To found himself in an insoluble situation where he was forced to weigh his legal responsibilities against his own ritual responsibilities and filial obligations to his mother. In turn, he attempts to saddle the authorities with a ‘dilemma of their own making’ by generating a sense that their legal stipulations (that is, autopsy procedures, responsibility for reporting, etc.) and their ritual norms (that is, the timeline for all the various rites) placed contradictory demands on the family. The basic demands of the filial relationship thus were threatened.

The attempt of the Hŏ family to divert the attention of the authorities away from the investigation is plain to see. They presented three distinct

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12 Ibid., p.137.
13 The term susi does not appear in ritual texts, but the processes it designates do appear in the Yili 儀禮, specifically those having to do with the propping open of the corpse’s mouth and the binding of the feet. Those procedures were reflected in Chosŏn ritual manuals like the Sangnye piyo 儀禮補要 and the Sarye p’yllam 四禮便覽. Finally, these practices were completed in anticipation of further ritual procedures contained in the Jiali 家禮, particularly the placement of foods and beans in the mouth of the corpse (panham) and the placement of the feet in shoes — indeed, their proper timing seems indispensable to the execution of the latter ritual elements. For a full discussion, see ‘Susi 收屍’, in Han’guk minsok taehaekku sajon 한국 민속 문학 사전 <http://folkency.nfm.go.kr/kr/topic/%EC%88%98%EC%88%9C/269>. Also see Kim Sidŏk 김시택, Han’guk iŭi sangnye munhwa 한국의 상례 문화 (Sŏul: Minsogwŏn, 2012), pp.116, 142.
arguments to that end: one concerning Hamjang’s illness, one concerning To’s hastiness, and one concerning their mother’s fretfulness. Of the three, the mother’s plea seemed to hold the greatest weight. In the coming sections, we will see that the magistrate suspected from the very beginning that Hamjang’s family harboured ulterior motives. After collecting further testimony, the magistrate finally shed some light on those motives.

Episode III: The Private Restitution Agreement

After sitting with To for a second round of interrogation, the magistrate concludes that the Hŏ family’s plea did not represent a genuine expression of concern about ritual. Rather, they presented their new, three-pronged argument to distract from some private dealings that transpired during the six-day gap. The magistrate discovered that the Hŏ and Kim families had forged a private restitution agreement (sahwa 私和) in that time. The families, therefore, hoped that the magistrate might cease all official involvement in the incident, close the case early, and let them return to their normal lives.

In cases involving serious crimes during the Chosŏn period, families often forged settlements to avoid the various risks associated with the investigation process. The family of the victim often faced the greatest financial burden in these cases, as the law demanded that they provide for many of the expenses incurred by the officials. Private settlements were not considered legal in cases pertaining to major legal infractions like murder. Officials viewed restitution settlements as avenues for circumventing the law and denying the satisfaction of justice, though one finds exceptions where local magistrates treated private restitution agreements with greater laxity (or sometimes even approved of them) depending on variations in time and circumstance. Given the commonality of such settlements, it is likely that the Namwŏn magistrate suspected one from the very beginning.

The circumstances of the restitution settlement in Hamjang’s case are not entirely common, however. Families ideally agreed to private restitution settlements before the authorities gained word of the crimes in question. In Hamjang’s case, the private restitution agreement was concluded after To had already made an initial report. The Namwŏn magistrate reflects on this fact and notes that circumstance forced the Hŏ family to concoct an argument for distraction. He writes:

At first, Hŏ To had reported Sŏngdae’s attack on his brother Hamjang to our office. However, even after [the assailants] were apprehended and incarcerated, and indeed even after Hamjang had died, To did not again report to us. Furthermore, he took it upon himself to conduct the burial rites! How peculiar this situation is. Had we never heard of [Hamjang’s case] from the first, then there would [have been nothing to say of this matter]. [However], people have already been incarcerated. To simply drop the matter because the bereaved family of Hamjang forged a private restitution settlement would be to make light of a [potentially serious] matter of law related to murder. Moreover, To testified this time around to a fracas [between Sŏngdae and Hamjang] and yet did not immediately report [that encounter] to the authorities and pursue it as a murder case on account of his elderly mother’s impassioned pleas. This suggests that there are some hidden [circumstances] here.

The magistrate concluded that the Hŏ family had been caught in a difficult situation to navigate. They therefore had to concoct justifications for their
behaviours. The aforementioned self-recriminatory language of To gains added meaning in light of these developments.

Hŏ To revealed the exact terms of the settlement during a second round of interrogation. After some wrangling, the two families reached an uncomplicated agreement: the Kim family agreed to provide the materials for building one coffin to be used in the burial, while the Hŏ family presumably agreed to cease pursuing a conviction. The Hŏ family accepted the terms of the deal and apparently used the coffin in the burial rite. The magistrate sees this particular development as the solution to the mystery of To’s delayed report, as he writes in the following passage:

Sŏngdae’s father had provided the boards [with which to construct] a coffin, which makes the evidence of a private restitution settlement difficult to conceal. However, since Hamjang already [struggled with] a chronic health condition, his bereaved family members [claim that they] could not fully attribute Hamjang’s death to the beating. [Perhaps more accurately, though], after all murder cases, the need of the family to bear so many unnecessary expenses can place them in considerable difficulty. Among the bereaved family, there would have been nobody without grievances. [Therefore], Hŏ To’s obfuscation and [delayed] reporting, as well as his mother’s impassioned dissuasion all amount to a ploy to clean up the whole situation.18

The truth, as the magistrate understood it, thus emerges: the previous testimony presented by the Hŏ family all amounted to a rhetorical ploy to deflect attention away from the private settlement and to avoid the burdensome expenses of an investigation. With that mystery solved, the question of how to apportion guilt among the parties to the crime (and the exact degree to which they should be punished) was the only one that remained.

Episode IV: Preliminary Determinations of Guilt and Complicating Variables

The Namwŏn magistrate had to assign blame and punishment for two crimes: the assault on and subsequent death of Hamjang, as well as the private restitution settlement itself. After gathering new witness testimony, weighing evidence, and re-interpreting the case in light of relevant legal principles, the magistrate encountered several legal snags that were not easily disentangled.

Several pieces of newly gathered evidence caused the magistrate to doubt his initial assessment of the attack on Hamjang. To begin with, an autopsy conducted on Hamjang’s body yielded inconclusive results.19 The magistrate previously dismissed Hamjang’s illness as a factor in his death; however, after applying the relevant standards for autopsy to this case, the magistrate could not summarily rule out the impact of that illness. Moreover, new witness testimony emerged that cast the confrontation between Sŏngdae and Hamjang in a new light. A man named Cho Hanhŭng 曹漢興 provided testimony that Sŏngdae never actually struck Hamjang during the altercation.20 Sŏngdae himself testified in his defence that Hamjang had conspired with another man to sexually assault his widowed sister.21 The confrontation with Hamjang arose entirely because of that prior incident. All of these new developments forced the magistrate into an internal debate about which legal principle — the kohan, the rules guiding autopsy procedures, or the laws governing the punishment of assault — to follow in distributing blame for Hamjang’s death.
The magistrate faced similar difficulties when deciding how to adjudicate the private restitution agreement. He includes a curious passage later in the case records, where he reveals the source of his confusion. For reasons pertaining to the role of emotional expression in official legal procedures, the magistrate wonders whether the Hŏ–Kim settlement held any legal significance at all. The explanation appears as follows:

[It might seem that] the reason the bereaved family member Hŏ To did not inform the authorities immediately upon his brother’s death and [also carried out the procedures] for the rites of shrouding and mountain burial owes to the fact that [the Hŏ family] received and used wooden boards from Sŏngdae’s father [to make] a coffin. As such, it appears that he tried to remedy the situation in private, which is incredibly bothersome. However, if you base [your determination] on all of the various witness testimonies [after] examining them carefully, then [you might conclude] that To’s hesitation and failure to immediately report the murder case resulted from his elderly mother’s forceful deterrence. Even though [the Hŏ family] accepted and used the coffin planks [from the Kim family], the [Hŏ family] did not simply forget their animosity toward [the Kims] at the start [of this case]. Understand that it is typical of restitution settlements [forged within a] murder case [for the involved parties to seem as though] they have settled their differences through a bribe and thereby reached a state of reconciliation. When such measures intend to [erase memory] of the initial animosities [between the involved parties], then the relative lightness and severity of the crimes should rightly be judged.

The Namwŏn magistrate’s overriding concern in this passage is the ‘remembering and forgetting of animosities’. In his mind, the greatest danger of a private restitution agreement lay in the possibility that families might not publicly reveal their tensions with other families (as well as the specific criminal histories that created those tensions). In Hamjang’s case, however, those animosities had been expressed once already. The requirement of public revelation had already been satisfied. Therefore, that prior act of articulation largely — if not entirely — diminished the significance of the Hŏ–Kim agreement for the Namwŏn magistrate. He appeared almost completely uninterested in addressing the bribe between the two families. The provincial governor himself seemed satisfied with the magistrate’s interpretation: in his own, separate adjudication, the governor accepted the magistrate’s explanation and recommended that To be released without any further prosecution. The grounds for that decision rested on the notion that the restitution agreement To arranged was atypical, that he did not simply attempt to acquire goods and forgo legal matters.

By this point in the case, the magistrate had lost interest in prosecuting Munŭi. He saw Sŏngdae’s cousin only as minor accomplice who, according to later testimony from the Hŏ family itself, had not contributed much to the attack. With all of these matters out of the way, the magistrate focused all of his energy on sentencing Sŏngdae. Those determinations represent the final component of the magistrate’s case notes.

**Episode VI: The Final Sentencing of Kim Sŏngdae**

Sŏngdae previously attempted to exonerate himself of any responsibility for Hamjang’s death. To do this, he argued that his fistfight with Hamjang came in response to Hamjang’s violent advance on his widowed and chaste sister-in-law. The circumstances justified his aggressive response and rendered the death of Hamjang an unfortunate but legally unimpeachable one.
Sŏngdae also appropriates the previous argument of the Hŏ family that Hamjang’s chronic illness directly caused his death, not the attack. These arguments only partially benefited Sŏngdae: Sŏngdae avoided any prosecution on the murder charge, but did face charges for the assault itself (irrespective of its connection with Hamjang’s death).

In the final adjudication, it was determined that the period of criminal responsibility could not be reliably applied in Hamjang’s case. The autopsy concluded that Hamjang’s wounds had apparently already begun to heal, meaning that, if there were to be any charges in the case, they would have to come from some other legal principle. Sŏngdae may have escaped from that more serious charge, but he did not escape punishment for the assault on Hamjang, for which he was to receive 100 lashes and three years of hard labour. Sŏngdae was transferred to Hamyang in neighbouring Kyŏngsang province and there awaited his punishments.

Questions in the Interpretation of Hamjang’s Case

In the course of Hamjang’s case, the Namwŏn magistrate encounters three separate issues that he finds difficult to resolve, or at least difficult to interpret in light of relevant legal standards. Those three issues are: (1) the inconclusive physical evidence gained from the autopsy of Hamjang’s body, (2) the legal implications of the Hŏ family’s participation in a private restitution agreement, and (3) the argument of the Hŏ family concerning the relationship between the state’s ritual and legal standards. Each of these matters provides an opportunity to reflect on aspects of the law, culture, and society of the Chosŏn period. After providing a brief discussion on the source materials in which Hamjang’s case appears, I will address these three issues in turn. The inconclusive physical evidence provides an opportunity to discuss the rules of autopsy procedures during the Chosŏn and their application to this case. The Hŏ family’s participation in the private restitution agreement opens a discussion about the politics of publicising such agreements in local society. Finally, the Hŏ family’s culminating argument about law and ritual invites a re-evaluation of the relationship between those two concepts during the period in question.

A Note on Sources

Hamjang’s case derives from a compendium called the Namwŏn-hyŏn ch’öppo imun sŏngch’aek 南原縣牒報移文成冊. Though various factors make it difficult to ascertain the exact years of this volume, Yi Yŏnghun calls attention to one clue that reveals the events of the compendium to have occurred between the years 1736–37. This volume provides detailed accounts of local correspondence about conflicts, issues, and court cases that emerged in the region. It would be tedious to enumerate every type of event treated therein; suffice it so say a wide variety of matters appear in the case records, ranging from conflicts between slaves and their owners, to murder investigations, to details of local construction projects, to interactions with local religious communities, to cases of village intrigue, to problems with the collection of taxes, among many others.

The text provides no explicit description of the Namwŏn magistrate’s motivations for compiling all of his correspondence. The Namwŏn-hyŏn ch’öppo imun sŏngch’aek lacks an introductory section that might reveal something about the conditions under which it was produced. Nevertheless, the very
organisation of the compendium and the formal elements of its individual entries reveal some aspects of the compilation process in the absence of an introduction. To begin with, the handwriting frequently changes throughout the compendium, as one proceeds from case to case. This suggests that the magistrate did not pen the records himself, but rather with the aid of an editorial team that involved itself directly in local issues to varying degrees. The Namwŏn magistrate likely reviewed several drafts of each potential entry in the compendium before giving his final authorisation. Once a scribe entered a particular case record directly into the compendium, the magistrate reviewed the entry once more. Each page eventually received the magistrate’s stamp to indicate final approval. (The magistrate’s stamp appears on virtually every page throughout the compendium.) In sum, the Namwŏn-hyŏn ch’ŏppo imun sŏngch’ae’k was the product of a tightly guarded process that allowed the Namwŏn magistrate to control the form, content, rhetoric, and overall argument of each particular entry. The compendium does not represent a collection of ‘case notes’ so much as it represents a series of carefully argued ‘formal reports’. Even though the Namwŏn magistrate did not pen the case records on his own, he had full control over their content.

The magistrate’s motivations for arranging the compendium are a bit more difficult to discern than the actual process of compilation. I will suggest two plausible explanations here. The compilation may have been undertaken for posterity and for the reference of any future bureaucrats who accepted positions as the magistrate of Namwŏn. The records provided a series of case studies about how to negotiate with the various local communities and social groups in Namwŏn — not to mention the sort of adjudications any particular magistrate might expect from the provincial governor. Another explanation lies in the possibility that the magistrate compiled the volume simply as a record of his own personal accomplishments during his tenure in the region. Perhaps some incidents described therein might be included, in some fashion, in any posthumous publication of his writings and works. As far as the specific records for Hamjang’s case are concerned, there may be several different reasons the magistrate included them, whether a desire to demonstrate his ability to handle a complicated case, or to prove his ability to communicate effectively with the governor, or perhaps even to generate a record of past tensions between prominent local families and the local authorities.

Most of the case records in the compendium take the form of an administrative report issued either to the provincial governor, neighbouring magistrates, or, on rarer occasions, local officials and representatives within Namwŏn itself. Several types of administrative reports appear in the text. The specific form taken by Hamjang’s case records might best be translated as a Situation Report for Superior Officials (ch’ŏppok) — a standardised document that lower ranking administrative organs used when reporting to more highly ranked offices. This form mirrored that of the Situation Comunique to Superior Officials (ch’ŏpch’ŏng), which was also used for communication with higher ranking official organs. Precise guidelines for formatting were specified in state legal codes such as the Kyŏngguk taejŏn and Chŏnyul t’ongbo. When writing Situation Reports for Superior Officials, officials often seem to have explained the facts of the cases with as much economy as was possible; however, the particular value of these records derives from the fact that they do provide narrative accounts of everyday encounters and, therefore, present a useful source for understanding the unfolding of local relationships.

Unlike the Namwŏn-hyon ch’ŏppo imun sŏnch’ae’kk, the Wanyŏng illok was compiled by then-governor of Cholla province, Sŏ Yugu, between 1833 and 1834 and presents that governor’s adjudications of a variety of reports issued from around the region. Kim Sŏn’gyŏng has already analysed this ‘administrative diary’ — specifically, the murder cases that appear therein — and attempts to discern how the local legal system mediated various relationships in local society at the time, particularly on the issue of laws concerning suicide and their function in mediating interpersonal relationships. Kim Sŏn’gyŏng, ‘1833–34년 전라도 지역의 살옥 사건과 심리: 봉양일록의 분석’, Yŏksa kyoyuk歴史教育 122 (June 2012): 69–108, at pp.105–06.

28 The T’amyŏng kwanborok is another understudied compendium of local correspondence and directives compiled by Ŭngwa Yi Wŏnjo (1792–1871) while he served as the Prefect of Cheju Island. (One of many writings he compiled during that time.) This document draws a useful comparison with the Namwŏn-hyon ch’ŏppo imun sŏnch’ae’kk in that in both content and document form, it presents communication issued primarily from the top down, rather than from the bottom up. For more on the writings of Yi Wŏnjo and his tenure on Cheju Island, see Pak Sojang 박소장 ed., Ŭngwa Yi Wŏnjo ui salm kwa hangmun 읍와 이원조의 살과 학문 (Sŏul: Yŏngnak, 2006), pp.121, 371–414.

29 Kim and Kim, Wrongful Deaths, p.15.
32 Namwŏn-hyon ch’ŏppo imun sŏnch’ae’kk, p.139.

The Namwŏn-hyon ch’ŏppo imun sŏnch’ae’kk is not exactly one of a kind: local officials from other regions compiled their official correspondence into similar collections at different points throughout the Chosŏn. Notable examples of compendia that resemble the Namwŏn volume include the Wanyŏng illok完營日錄 and the T’amyŏng kwanborok 虏營閱録. In sum, the project undertaken by the Namwŏn magistrate here was replicated in other regions and therefore reflects the existence of a formalised process.

Standards for Autopsy Examinations and the Difficulty of Hamjang’s Case

The Namwŏn magistrate conducted a direct inspection of Hamjang’s corpse as part of his overall investigation but drew only inconclusive results. That indecision resulted from the standards for autopsy examinations established in the laws of the Chosŏn state. Guidelines for these procedures were set in a document called the Muwŏllok無冤錄, a treatise written by the Yüan dynasty scholar Wang Yu 王與 (1261–1346). King Sejong (r. 1418–50) of Chosŏn convened debates around the adoption of the Muwŏllok, concluding eventually in favor of its publication with new annotations. The Muwŏllok provides instructions for general procedures to be followed in the process of conducting an autopsy, including proper handling of the body and guidelines for generating records of the autopsy. The direct inspection of the body focused primarily on the issue of bodily colouration, which was considered the fundamental indicator of cause of death, not any particular internal examination of the body. This assumption had largely to do with ideas about the interface and movement of material force (ki 氣) within the body. Perhaps unsurprisingly, the issue of colouration proved the most vexing for the Namwŏn magistrate. In the following passage, the Namwŏn magistrate records his impressions of the body’s general appearance and his more minute observations of the extent of the wounds inflicted:

I personally inspected the corpse of Hŏ Hamjang. Even though eight days had passed since his death, the body had not rotted at all. There was no effluence from the corpse, though the whole body was so emaciated that the bones and skin met. It is clear that he had a persistent illness for many years. He lacked any wounds on his front side. The wounds on his back side were neither excessively large, nor excessively black and blue. [This leaves me with] no small amount of doubt. Furthermore, the five or six wounds on his backside were all of purple colouration and had hardened considerably. It seemed to me, therefore, that they had clotted.

These observations fundamentally complicated the investigation. The magistrate concluded that the relatively light colouration of the wounds and the apparent presence of clotting indicated that Hamjang may have died from other factors. The Muwŏllok drew a clear connection between colouration in the body and the nature of the crime. Redness strongly suggested that the deceased was a victim of murder — other colours implied death by some other means. This particular standard of interpretation also appears in such documents as Song Ci’s Hsi yuan chi lu 舍冤集錄, where different colours are associated with such various ways of dying as corporal punishment, falling from high areas, asphyxiation, buffalo attack, crushing by a wagon cart, lightning, tiger bite, and snakebite. (Scholars have compared the contents of the Muwŏllok and the Hsi yuan chi lu to explain the development of thought on
the conduct of autopsies between Song and Yuan China. In Hamjang’s case, therefore, a new set of evidentiary considerations needed to counterbalance these findings in order to reach a definitive conclusion.

More general concerns about the quality of Hamjang’s health hovered over the autopsy results. In fact, several passages from the magistrate’s notes strongly suggest that Hamjang’s persistent illness increasingly weighed on the mind of the magistrate and his investigative team. For example, the following passage, which is drawn from the governor’s adjudication at the end of the second report, reflects such an effort:

[Based on the reported testimony], all pointed to the fact that Hamjang came from the house of the Hŏ literary licentiate (chinsa 进士) family having suffered an extremely violent episode of defecation. This one matter should have been re-examined immediately, however the re-investigation was completed sloppily. Therefore, though I wished to investigate the matter carefully, I could not.

This is the first instance in the report where any official takes interest in the measure of Hamjang’s gastrointestinal fortitude. The passage demonstrates the difficulty the local officials experienced in trying to disentangle and reconcile the results of the autopsy and the testimony given during the investigation. It seems that the guidelines for these inspections were applied quite rigidly in Hamjang’s case and discouraged loose interpretations of the relevant facts.

The Local Politics of Publicising Private Restitution Settlements

Local authorities discouraged private restitution settlements. They excluded local officials from conflict resolution processes. In the eyes of local officials, serious criminal incidents required official intervention. Without a guiding hand, locals might not adhere to the standards encouraged by law — or so the local officials thought. As Hamjang’s case itself demonstrates, those who pursued private restitution settlements risked legal punishments. How, then, does one make sense of a group’s decision to publicise their own participation in a private restitution settlement? What motivations might spur such a revelation? What effects did those revelations have on local society?

The answers to these questions reside primarily in the realm of practice. Concrete circumstances dictated whether a particular group might find it advantageous to reveal their private settlements to the authorities. This means that our discussion will be most effective if we compare specific historical cases. In this section, I will compare Hamjang’s case with another incident from the late Chosŏn period discussed by Sun Joo Kim and Jungwon Kim in their book Wrongful Deaths. We will see how any decisions to publicise a private restitution settlement involved careful consideration of a wide variety of concerned parties — in effect, there were broad social concerns underlying those decisions.

When Hŏ To presented testimony to distract from the private settlement, he targeted a wide and diverse local audience — not just the Namwŏn magistrate alone. Various local groups held stakes in the Hŏ–Kim settlement and its possible exposure. Therefore, To’s message had to speak, in some way, to the concerns of each of those groups. Beyond the magistrate, I see at least three targets of To’s testimony: the Kim family, the rest of the extended Hŏ family besides To and his mother, and other local élite who were not members of the Kim or Hŏ families. The following paragraphs detail each of these messages individually, but let me simply state the conclusion at the outset:

35 Ch’oe Haebyll has conducted a comparative analysis of the Hsi yuan chi lu (a document of Song China) and the Muwŏllok (a document of Yuan China) to determine how thinking on procedures for autopsy examinations developed throughout those two periods of Chinese history. There are many continuities between these two tracts, including general categorisations of deaths and the general organisation of the tracts themselves. However, the Muwŏllok explicitly states that its purpose lay in presenting the necessary upgrades to the knowledge presented previously in the Hsi yuan chi lu. Therefore, it exhibits greater specificity in its categorisation of deaths from time to time. Ch’oe finally argues that this text is more systematised and professionalised than the former document by Song Ch. Ch’oe Haebyll 최재별, ‘Song ∙Wŏn sigi kŏmhŏm chisik ŭi hyŏngsŏng kwa palchŏn: ‘siwŏn chimnok’ kwa ‘muwŏllok’ ŭl chungsim ŭro’ 宋·元 시기 檢驗지식의 형성과 발전: ‘洗冤集録’과 ‘無冤錄’을 중심으로, Chungguk hakpo 中國學報 69 (2014): 79–103, at pp.80–81, 86–88, 99–100.

that this case cannot be read simply as an internal procedure of the Namwŏn magistrate’s court, but rather as a process that mediated various local social elements through that same court.

Risk management was the underlying principle of Hŏ To’s testimony. He knew from the outset that the Namwŏn magistrate might not be fooled by his argument. Hŏ To had to prepare for the event that the Namwŏn magistrate discovered the settlement and pressed forward with the case — a strong possibility given the fact that the case was opened before the two families even considered a private restitution agreement. To those other three groups mentioned above, To had to include in his testimony words of assurance, solidarity, and commitment. If not, those same groups might have decided to break with To because of some perceived insufficiency in his efforts to disguise the agreement.

To begin with, To had to demonstrate to the Kim family that he was serious about shielding them from the investigation. Only an impassioned and well-crafted performance before the magistrate might cool the anger and disappointment of the Kims if the agreement became known. Absent such a performance, To risked turning the Kims into legal enemies of a sort. That is to say, the Kims may have been more willing to co-operate with an investigation to incriminate To and the rest of the Hŏ family if they felt the sahwa was a sham. In sum, though the settlement obligated the Kim family to the Hŏ family (through the transfer of materials for the coffin), it also obligated the Hŏ family to the Kim family (through the mechanism described just above).

Next, To’s testimony sent a very clear message to his own family. They were almost certainly concerned about the considerable expense of an investigation, even if the magistrate was the only person to mention that fact explicitly. The burden of that expense might have extended beyond Hŏ To’s immediate household, depending on his personal level of wealth (which is never mentioned in the records). Were other households within the family line saddled with some of those expenses, To may have become the object of unfavourable internal family politics. An investigation might even have encouraged action and support from any local mutual aid associations in which the Hŏ family participated — on that count, too, To likely hoped not to overburden those groups. Therefore, when To argues that he made his initial report in a fit of passion and haste, he is speaking not only to the Namwŏn magistrate, but really to his family as a whole.

Finally, the broader group of local élite in Namwŏn figures as a crucial target audience of To’s testimony. Other families in the area may themselves have forged a private restitution agreement at one point in their own history. If not, they may have been willing to settle in theory. Failing that, they may still have held strong sympathies for families that pursued restitution agreements out of necessity. All of this generated an atmosphere that placed considerable pressures on To: if he failed to give his utmost when distracting the magistrate from the settlement, he may not have been viewed favorably by other local families. Indeed, if it ever seemed that To actually hoped the magistrate might discover the agreement, other families in the area may have found the agreement deceptive, ultimately blaming the Hŏ family for dishonest practices. In short, an inadequate defence of the Kim family risked making the Hŏ family into local pariahs.

Once To agreed to the restitution settlement, he faced many concerns beyond his own self-preservation from the punishments of the magistrate (although, as we eventually saw, the magistrate graciously forgave To of any
potential charges). Rather, diverse social groups held stakes in the settlement and the testimony designed to hide it. This case was not simply a self-contained legal matter within the Namwŏn magistrate’s court. Rather, it held strong social implications as well, requiring To to tailor his message carefully and represent it in court with a seeming wholeheartedness. Only in this way could he minimise the potential repercussions of exposure.

Similar considerations figure into a case that Kim and Kim translated and analysed for *Wrongful Deaths*. In the sixth case analysed in that book, ‘A Widower Seeks Private Settlement’, they relate the story of an impoverished, itinerant merchant (pobusang 稲負商) whose wife died after sustaining a kick and miscarrying. Village elders subsequently intervened on his behalf and forged a settlement that involved the transfer of some of the offending party’s land deeds. Despite the legal risks, the local itinerant merchant co-operative eventually decided to report the private settlement to the local authorities. Kim and Kim puzzle over this decision and finally conclude that the declaration of the existence of the private settlement actually came as a public warning. The merchant co-operative lived by an explicit code of mutual support and mutual defence against the exploitation of the Chosŏn elite. Since the details of this particular case necessitated action in both of those areas, the co-operative’s leaders intended the public revelation of the private settlement to serve as a display of their solidarity before the law and local society. 37 In comparing the responses of the Hŏ family and the merchants in these two cases, we observe how the legal politics of publicising settlements interfaced with the interests of a variety of local audiences in different ways.

*The Testimony of Hŏ To and the Relationship between Ritual and Law*

When Hŏ To first testified before the Namwŏn magistrate, he presented an elaborate argument to discourage the magistrate from continuing the case. The centerpiece of his argument lay in the claim that Hamjang’s case had exposed a glitch in the state’s ritual and legal systems. Hŏ To argued that the timing of burial rites and autopsy examinations overlapped irreconcilably. The goal here was to force the magistrate to make a choice: between ritual and law, which would he privilege? The argumentative strategy of the Hŏ family raises questions about received understandings of the relationship between the concepts of ritual and law during the Chosŏn period. Can the Hŏ family’s argument be explained through established notions of that relationship?

The Confucian notion of ritual (ye 礼)38 was, both in its philosophical origins and in the political discourse of Chosŏn, a conceptual instrument for ordering the state and everything that the state oversaw. It prescribed proper standards of behaviour for relationships that existed at various levels of society. Ritual was a concept that presented an ideal vision of sociality where interpersonal relationships naturally adhered to certain normative standards — extensive reinforcement from the state in the form of recourse to punishment was discouraged.39 The concept presupposed a society of hierarchical divisions between those of varying ranks, while the concrete implementation of ritual involved reflecting these relationships in official state structures.40 Finally, the ritual concept also designated concrete rites, the contents of which reflected the ideal social order. Rites expressed and reinforced the ritual agent’s position in a particular relationship.41

The Confucian concept of ritual was not a completely static one, though it certainly held onto the basic meanings listed above. Confucian think-
ers subject to different social and historical conditions — or even to simple differences of opinion — provided unique interpretations of the concept. For example, one finds particular nuances in the definitions provided by such formative Confucians as Mencius 孟子 (c. 371–c. 289 BCE), Xunzi 荀子 (c. 300–c. 230 BCE), and Confucius 孔子 (551–479 BCE) himself. Confucius understood ritual largely in the terms outlined above: the promotion of the political and social class system, a set of guidelines for effective political rule, and a set of moral codes for interpersonal behaviour. Mencius, in no way denying Confucius' understanding, nonetheless also understood ritual both as an innate impulse to moral goodness and as the outward expression of that impulse. To be sure, Xunzi took a different position, seeing ritual as a necessary corrective to the flaws of human nature, which he saw as defective. In short, people had work at ritual to ensure that they developed out of their ingrained tendencies to wrongdoing. To be sure, Xunzi also adhered to the previous viewpoints of ritual as the stratification of society, the stipulation of moral guidelines for human relationships, and the securing of stable politics.

Confucian thought and practice occupied an important position in the lives of the Chosŏn elite. Confucian officials and philosophers attempted to order society according to the principles of Confucian ritual. The central court hosted recurring debates about the concept of ritual and its application to society during the Chosŏn period. As a consequence, the notion of ritual did not remain static throughout the Chosŏn — different philosophers offered various interpretations in response to emerging political, social, and intellectual trends. Though it is well beyond the scope of this paper to provide details on all of these developments, a general sketch of the contours of these debates follow.

Different ritual programs were developed for the Chosŏn Royal House and the social elite. Rites for the former were outlined in the Kukcho oryeŭi 國朝五禮儀, which specified five separate categories of rituals to be performed on appropriate occasions. Rites for the latter were spelled out in the Cha jya karye 朱子家禮. That document, penned initially by the Song dynasty thinker Zhu Xi (1130–1200 CE), described the proper procedures and constituent rituals for the four broad rites of capping, marriage, funerals, and ancestor memorials.

To be sure, the specific contents of the notion of ritual did not remain static throughout the Chosŏn dynasty. Some of the fiercest political debates in this period focused on the interpretation and performance of various rituals under divergent circumstances — a phenomenon that Henry Em interprets as part of Chosŏn’s constant effort to define its own position within an international tributary system that hinged on China. Moreover, the ritual manuals listed above were amended, revised, or re-interpreted over time. Nearly three centuries after the publication of the Kukcho oryeŭi (1474), King Yŏngjo (r. 1724–76) published a revision in the form of the Kukcho sok oryeŭi 國朝續五禮儀 in (1744), introducing important changes into the state’s ritual program. Commentaries and addenda to the Cha jya karye likewise emerged alongside new questions concerning the concrete application of certain rituals to the Chosŏn context.

Kim Changaeng’s Karye chinnam 家禮輯覽, completed in 1599, provides a formative example in that it helped encourage the serious and formal study of ritual at the time. With such continued debate about the application of Confucian rituals to the Chosŏn context, present-day scholars such as Chi Tuhwan have taken particular interest in that developmental process and the various intellectual conflicts that arose because of those changes.
The concept of law (pŏb 法), as articulated by early Chinese thinkers, concerned formal regulations to determine and execute punishments. In this sense, law was a limited concept that did not positively prescribe behaviours and practices for subjects of the state — a function common in modern positive law.18 Confucius himself did not speak of punitive law or concrete punishments in terms of pŏb (C. fa), but rather in terms of xing 哲 (K. hyŏng) — that term later developed into the philosophical tradition focused on the category of pŏb.19 Pŏb, though distinct from ritual, simultaneously shared much with ritual. For example, law was also considered a ‘scripted performance’ meant to bring order to society.20 However, a key difference lay in the fact that law worked on a person rather than with and through that person. Therefore, law’s social effects were not integrative in the same sense as ritual.21

What sources and guidelines form the corpus of law in the Chosŏn period? Chosŏn law was characterised by its centralisation and standardisation. The state developed, printed, and revised law codes to suit emerging conditions within the boundaries of the state. There is a long history of legal development throughout the Chosŏn, beginning with the initial adoption of the Da Ming Lu 大明律, continuing on to the creation of the Chosŏn Kyŏnggukchŏn 朝鮮經國典 shortly thereafter, passing through many other iterations before concluding with the publication of the Taejŏn hoet’onga 大典會通. The Da Ming Lu served as a prototype for penal law in Chosŏn but was sporadically revised to suit local conditions.22

Early Confucian thinkers expressed varying positions on the relationship between ritual and law. Confucius, though not expressing his view through the term ‘law’ itself, saw punishment as a legitimate response to a violation of ritual, provided the punishment was proportionate to the offender’s position within society. Mencius’s view largely mirrored that of Confucius, seeing the execution of law as response to a failure of ritual. Mencius further discouraged the excessive use of law and advocated for the curtailing of punishments, seeing them as less desirable than the force of moral suasion. Xunzi, on the other hand, advocated for both ritual and law as constructive tools for the ordering of state and society. Xunzi further supported the notion that law and punishment itself was based in ritual.23 Note the contrast with the position of Confucius, who argued that the ideal for any government was the sparing use of laws, that any state could consider it a mark of distinction if they rarely resorted to punishment.24

Chosŏn-era scholars held similarly varying views of the relationship between ritual and law. A comparison of the views of two scholars — Sŏngho Yi Ik 李瀷 and Tasan Chŏng Yagyong 丁若鏞 — yields a workable overview of those viewpoints. Yi Ik took the viewpoint that law and punishment played a supporting role to ritual. For him, ritual guided the person’s heart toward proper social conduct, while the latter was called on to regulate the person as an external force when necessary. In effect, his approach recognised the limitations of the human condition, that both methods might be necessary from time to time.25 On the other hand, Chŏng Yagyong understood ritual and law as equivalent forces rather than distinct and complementary ones. Chŏng still viewed ritual as a ‘civilising idea’ and law as an ‘exhortation to good behaviour based on the threat of punishment’; however, he also pointed out that such formative figures as the Duke of Zhou 周公 (c. 11th century BCE) viewed law as a form of ritual in itself and espoused that same outlook.26

18 Wang and Solum argue that many of the functions of modern positive law were actually encompassed by the concept of yu. Ritual predominantly served the function of dictating what actions people ought to take and what claims and responsibilities law placed on the behaviour of individuals. Therefore, the concept of modern positive law refers to a broader set of guidelines than the notion of pŏb (or fa in Chinese). For a full discussion, see Linghao Wang and Lawrence B. Solum, ‘Confucian Virtue Jurisprudence,’ in eds Amalia Amaya and Hock Lai Ho, Law, Virtue, and Justice (Oxford: Hart Publishing, 2012), pp.119–20.
21 Hall and Ames, Thinking Through Confucius, p.172.
26 Hall and Ames, Thinking Through Confucius, p.172.
61 Shaw eventually challenged Hahm’s thesis. Shaw provided an interpretation that emphasised a certain symbiosis between ritual and law. The two functioned separately but complementarily, such that when ritual’s purview ended, law came into force. He notes that many representative Chosŏn statepersons supported legalism, rather than Confucianism, as a basis for governance. This perspective appears to have been shaped by a desire to encourage Confucian practice and to rectify lapses in moral conduct among the elite at times. William Shaw, Legal Norms in a Confucian State (Berkeley: University of California Press, 1981), pp. 14–21.

62 Kim founds her analysis on the Confucian dictum of ‘Ritual Rules, Law Follows’ (Yi ju pŏp ch’ong 禮主法從), which expressed the ideal relationship between these forces. A critical aspect of this arrangement rested in the fact that the punishments prescribed for various crimes were seen as morally appropriate. Furthermore, these characterisations demonstrate how it was possible for the statepersons of this period to simultaneously abhor punishment, which was an ideal of socio-legal relations, and nevertheless pursue it at the same time, which was seen as necessary for the state to function properly. Marie Seong-Hak Kim, Law and Custom in Korea: Comparative Legal History (Cambridge: Cambridge University Press, 2012), pp. 41–59.

63 Though the Namwŏn magistrate never reveals the precise reactions of the Hŏ family to the exhumation, it may be worth examining an analogous incident to provide some perspective. William Rowe, in his research on the Chinese city of Hankow during the late Imperial period, describes the reactions of those who exhumed the bodies and the efforts of the authorities to its ideal relationship. In between law and ritual there was ‘another space’ for ritual. The autopsy procedures — standards enshrined as legal guidelines — acted neither independently of nor subordinately to ritual in Hamjang’s case. Instead, those procedures actually threatened to undermine the proper exercise of ritual. The actual content of the state’s codes did not always live up to its ideal relationship. In between law and ritual there was ‘another space’ that emerged from time to time, when the less well-reconciled components of the state’s codes informed everyday practice.

When the Hŏ family argued with the Namwŏn magistrate that the case should be closed, they relied explicitly on the notion that legal codes might interfere with ritual codes on certain occasions. The argument they presented suggested that their own situation involved a confusion of the typical relationship between ritual and law. They found it possible to imagine such a conflict. The autopsy procedures — standards enshrined as legal guidelines — acted neither independently of nor subordinately to ritual in Hamjang’s case. However, those procedures actually threatened to undermine the proper exercise of ritual. The actual content of the state’s codes did not always live up to its ideal relationship. In between law and ritual there was ‘another space’ that emerged from time to time, when the less well-reconciled components of the state’s codes informed everyday practice.

A couple of omissions from the case records deserve attention. First, at no point did the Namwŏn magistrate provide a substantive response to the Hŏ family’s argument. He never attempted to reconcile the contradiction on the basis of fact or logic. He cited no precedents, he summoned no personal knowledge of ritual procedure or texts, nor did he seriously consider the possibility that the Hŏ family felt sincerely concerned about their ritual duties. In fact, it seems that he simply tried to dodge the question and vilify the actions of Hamjang’s kin as pure strategy. If the magistrate intended to continue the

personally attended by both the prefect and the magistrate.’ Rowe’s source material evidently describes the reactions of those who exhumed the bodies and the efforts of the authorities to organise a purification ritual for them. The question remains whether the Hŏ family felt similarly shaken after Hamjang’s exhumation. William Rowe, Hankow: Conflict and Community in a Chinese City, 1796–1895 (Stanford: Stanford University Press, 1989), p. 293.

investigation without hindrance, he might have issued a full rebuttal to Hŏ To’s testimony and thereby put all doubts to rest. However, it seems that the logical substance of Hŏ To’s argument was not easily overcome, leaving the magistrate no choice but to quash the discussion by fiat.

Second, the Namwŏn magistrate carefully glossed over the fact that he had to spoil the fruits of ritual to complete his investigation. The case records clearly and repeatedly mention that the Hŏ family completed the burial rites up to and including the mountain burial. The circumstances thus required a full exhumation. How might the Hŏ family have responded to a forceful intrusion on their ritual products, even if they initially completed those rituals with strategic intent? Unsurprisingly, the case records provide no description of the Hŏ family’s reactions. This particular question therefore remains a matter of pure speculation. We can only reflect the matter against debates held within the Chosŏn court about the appropriateness of exhumation. Many cases from this period required the disinterring of bodies. As a result, various Chosŏn kings convened scholars to debate the precise circumstances under which such a procedure might be justified. Though the state ultimately recognised these procedures, it remains questionable whether the families of the exhumed viewed them with a similar degree of tolerance (even if, as with Hamjang’s case, they may have acted with strategic intent).

In sum, the case of Hŏ Hamjang presents an instance where concrete circumstances enabled the articulation of a contradiction between the Chosŏn state’s ritual and legal systems. Confucian scholars held idealised notions of how ritual and law each played distinct but mutually supportive roles; however, these codes of conduct may not have been so well-reconciled in all cases. They complemented each other on many occasions, but ran foul of each other in certain others. In the latter case, peculiar and interesting forms of everyday conflict, such as Hamjang’s case, became a possibility. Rather than viewing the Chosŏn state apparatus as a well-integrated system, it seems more effective to view the state as a generator of order and conflict. Though many statesmen and élite professed the ideal that ritual and law existed in a complementary relationship, in reality the task of eliminating every last contradiction presented a near impossibility. Whether those contradictions emerged because of conflicts in timing, or limitations on the availability of material resources, or some other principle, can only be discerned by the terms of each individual case.

Matthew Lauer
Korea Foundation Postdoctoral Fellow
Harvard University
Korea Institute (AY 2017-18)
matthew_lauer@fas.harvard.edu

65 Janet M. Theiss makes a similar point with regard to Qing China in her book Disgraceful Matters: The Politics of Chastity in Eighteenth-Century China. Theiss explains how the state’s encouragement of conformity to such virtues as chastity and loyalty often placed contradictory demands on the subjects of the Qing state and therefore resulted in bitter legal struggles in everyday life. Theiss writes: ‘[Previous studies into the Qing chastity cult emphasise] the coherence of the state’s agenda and its effects. In contrast, I begin by looking for process rather than paradigm, asking questions of why and how chastity became politically important in the Qing, what it meant to rulers, officials, moralists, and ordinary women and men, and how it influenced political culture and social practice. By examining not just how the state imagined moral order but how the concept of chastity actually worked in policy making, courtroom interactions, and family and community conflicts, this study highlights the contradictions in the state’s goals, the messiness of their implementation, and their unintended consequences ... A focus on these processes reveals that while the state certainly desired to impose a uniform vision of gender order, its own laws and policies were fraught with contradictions and reflected compromises with popular mores, most critically with women’s own views of virtue.’ Janet Theiss, Disgraceful Matters: The Politics of Chastity in Eighteenth-Century China (Berkeley: University of California Press, 2004), pp.8–9.
CONFLICT AND THE ABORIGINAL-BOUNDARY POLICY OF THE QING EMPIRE: THE PURPLE ABORIGINAL-BOUNDARY MAP OF 1784

Lin Yu-ju 林玉茹

Introduction

Once Taiwan was incorporated into the Qing empire in 1684, there was a massive influx of Han immigrants from the Chinese mainland. They invaded the living space of the aborigines, resulting in continual disputes. There were even incidents of major social unrest and anti-Qing rebellions involving the aboriginal regions.

In 1721, the first anti-Qing rebellion, known as the Zhu Yigui Incident 朱一貴事件, broke out. During the insurgency, the biggest worry for the Qing court was its inability to grasp the situation in the hillside regions and that of 'raw savages' (sheng fan 生番), who were aboriginal groups that had not submitted to Qing authority.1 In 1722, after the incident had been suppressed, Jiaoluo Manbao 觉羅滿保 (1673–1725), the governor-general of Fujian and Zhejiang provinces, implemented a quarantine policy: he closed the hillsides to immigration and demarcated a boundary (fengsan huajie 封山劃界). This was the first time that an aboriginal boundary (fanjie 番界) was established in Taiwan. Later, the Qing court repeatedly delineated the ‘aboriginal-boundary site’, sometimes piling up stones or digging boundary trenches, called ‘earth-oxen ditches’ (tuniugou 土牛溝).2 On the other hand, during the reign of Qianlong, policies about Han reclamation of the uncultivated lands of ‘cooked savages’ (shu fan 熟番), who were deemed ‘civilised’ aborigines or plains aborigines, mostly from the Pingpu group), changed significantly.3 In 1745, Gao Shan 高山 (dates unknown), the Fujian commissioner, proposed an ethnic separation policy.4 In an attempt to keep the Han and the raw aborigines separate, the aboriginal boundary was gradually transformed into a three-layered system following an ethnic spatial layout, with demarcations for Han, plains aborigines and raw aborigines respectively.5

Acknowledgement: I thank Jia-Huei Ke for research assistance.

1 Wang Huifen 王慧芬, Qingdai Taiwan de fanjie zhengce 清代臺灣的番界政策 (Taipei: Guoli Taiwan daxue lishixue yanjiusuo, 2000), p.38.
2 There were two categories of Taiwan indigenes — ‘raw’ and ‘cooked’ — on which, see Emma Jinhuo Teng, Taiwan’s Imagined Geography: Chinese Colonial Travel Writing and Pictures, 1683–1895 (Cambridge: Harvard University Asia Center, 2004), pp.123–48.
4 Shepherd, Statecraft and Political Economy, pp.18–19; Shi Tianfu, Qingdai Taiwan de diyu shehui, p.131.
5 'Chen Taiwan shiyi shu' 陳臺灣事宜疏, in Qing zoushu xuanhui 清奏疏選彙, Taiwan wenxian congkan 臺灣文獻叢刊 [hereafter Wencong] no.256 (Taipei: Taiwan yinhang jingjishi, p.41.
6 On the evolution of this system, see Shi Tianfu, Qingdai Taiwan de diyu shehui, pp.65–116, and Ke Zhiming 科志明, Fantou jia 番頭家 (Taipei: Zhongyangyuan shehuisuo, 2001), Pt 1.
Under Qianlong, the ethnic separation policies not only gradually matured but the aboriginal boundary was changed several times in response to the evolving status quo; the revised lines were drawn on the maps. In 1790, Wu Lana 伍拉納 (1739–95), the governor-general of Fujian and Zhejiang provinces, pointed out that four cadastral surveys had been conducted on lands outside the frontier in 1750, 1760, 1784, and 1790. These redefined the boundaries on the maps using red, blue, purple, and green lines. Each new map retained the former aboriginal-boundary lines on the maps multiplied.

Of these maps, the Taiwan aboriginal-boundary map of the mid-Qianlong period (hereafter the 'blue-line map') was, for a long time, the only aboriginal-boundary map available to researchers. Earlier scholars on the aboriginal boundary mostly used it as a basis for reconstruction and discussion. However, there are many mistakes on the blue-line map.

The Map and Description of Reclaimed and Prohibited Paddy and Dry Land in Taiwan (hereafter the 'purple-line map') has only recently been rediscovered. Studies suggest that this map represents the third aboriginal boundary drawn during the Qianlong reign. Created as a traditional landscape-style painting in 1784, and drawn in ink and colour on paper, it is a huge subject map almost 6.7 metres in length. This map covers the area south from Xiaku stream 下苦溪 (now Shiwien stream 土文溪, Pingtung county 屏東縣) and north to Sandiao She (tribe) 三貂社 (now Sandiaojiao 三貂角/Cape Santiago, New Taipei City). The drawing follows traditional directionality, with 'up' indicating east and left indicating north; landscape-style paintings are orientated along a horizontal axis.

Compared with other maps of the same period, the major distinguishing feature is its 14,000-word description, which helps us understand how the Qing empire established order on the frontier by designating the boundary of the aboriginal territory. It also offers deeper insights into land development, frontier society, and ethnic relationships outside the boundaries of the Qing territory during the Qianlong period.

In addition, as Su Feng-nan 蘇峰楠 observes, this map used the blue-line map as a blueprint and was drawn with reference to other versions. Wu Lana had said that it should be based on previously archived maps with new purple lines painted on. Thus, the context suggests that the map was drawn in 1784, after the cadastral survey on lands outside the aboriginal boundary ordered by Fuleihun 富勒渾 (?–1796), the governor-general of Fujian and Zhejiang.

As Ke Zhiming 柯志明 points out, the cadastral survey was decreed due to the Lin Dan Incident 林淡案, which occurred in Danshui subprefecture (淡水廳) in 1783. However, the results of the cadastral survey were not finalised by the court, due to the second large-scale anti-Qing rebellion in Taiwan — the Lin Shuangwen Incident 林爽文事件. To deal with problems arising from the incident, the Qian government separated the property of the Han and the aborigines. Property held by Han was taxable; aboriginal lands were not. The rest was absorbed into the uncultivated lands belonging to the garrisons of indigenes (番屯番屯). For this reason, even though the purple-line map was not approved and finalised by the Qing court, it was the blueprint before the garrison system of indigenes was implemented in 1790. Through the map, we can reconstruct the ideas and imperial territorial policy of the local officials of Fujian and Zhejiang.
In sum, regarding the purple-line map, this paper describes why fighting in Taiwan led the Qing empire to continually revise its aboriginal-boundary policy and the demarcation of the frontier. First, it explains the course of the Lin Dan Incident; second, it analyses the kinds of policies that were made by the central and local government in response to the incident; and finally, it illustrates the evolution of the new boundary and its historical meaning.

**The Course of the Lin Dan Incident**

At the end of the Kangxi period, the foothills were becoming a blind spot for Qing governance, since many instances of anti-Qing rebellion occurred there and there was continual conflict between the Han and the aborigines. Luohan Men 羅漢門 and Binlang Lin 檳榔林 in the Xia Danshui 下淡水 area, where Zhu Yigui (1689/90–1721) and Du Junying 杜君英 (1667–1721) rose in rebellion, were both located in the new reclamation area on the frontier. On the other hand, officials were often punished or impeached by their superiors because of harm caused by the aborigines. Therefore, to exercise its ruling authority and to maintain law and order, the Qing court delineated clear boundaries between the Han settlers and the aborigines in an attempt to separate their living areas and prevent further Han encroachment onto the aboriginal territories.

During the reign of the Qianlong emperor, the number of Han immigrants from the Chinese mainland spiked. They continually invaded the aboriginal territories along the hills. The Qing court changed its policy into one protecting aboriginal land rights and forbidding Han reclamation. However, because of aborigine attacks, the need for societal order, and the Fujian demand for rice, the Qing court could not reach a firm decision on whether to continue reclamation or stop it. Meanwhile, the aboriginal boundary continued to move eastward. In 1751, disputes between the plains aborigines and the Han over reclamation occurred in the lands of Shuishalian She 水沙連社 and Beitou She 北投社, with the latter leading to a disaster called the Neiao Incident 内凹事件. Beitou She even elicited raw aborigines to kill 22 Han and seven soldiers of Liushunan post 柳樹湳汛 in Neiao She 内凹社. After this incident, the governor-general of Fujian and Zhejiang provinces, Kaer Jishan 喀爾吉善 (?–1757), was afraid that illegal reclamation outside the boundary would cause major social unrest. He thus commanded all Taiwan local officials to investigate and survey the border comprehensively, and to forbid illegal reclamation and banish those who engaged in it. This cadastral survey was not completely finished until 1760 because of personnel changes, and the resulting map also re-delineated the blue lines.

The blue lines defined the aboriginal boundary between Zhanghua county 彰化縣 and Danshui subprefecture, which was located north of Huwei stream 虎尾溪 and stretched to the Balian harbour 八連港 area. But, after the boundary was delineated, people began to demand that officials repeatedly confirm the actual area, which caused conflicts between the Han and the aborigines to extend gradually northwards. In the 1750s, such conflicts had mostly occurred in Zhanghua county, but, in the 1760s, they transferred to the north central area of Danshui subprefecture. Furthermore, the disputes also changed from centreing on illegal reclamation of the inner regions (jienei 界內) to illegal reclamation of the outer regions (jiewai 界外). In 1766, in today’s Shihu township 西湖鄉, Miaoli county 苗栗縣, the Youwunai 友武乃
According to the relevant memorials, the property rights of She lands included the private lands (番社私有地番社私有地, private lands (fanshekungyuti番社私有地)), and private lands of aboriginal interpreters (番社私有地番社秘密地). Those lands belonged to She or interpreters themselves.

The incident occurred at Huangnitang 黃泥塘, Wushulin 烏樹林 (today’s Longtan township 羅潭鄉, Taoyuan county 桃園縣), Malingpu 馬陵埔 and Wulingpu 武陵埔, which were all located outside the blue lines. These areas were ‘close to the mountains, [and so] raw savages usually haunt them and there is cause for concern’. In 1768, Duan Jie 段玠 (dates unknown), the sub-prefect of Danshui subprefecture hired a local militia of 40 to man each guard post (隘ai) in Huangnitang and Wushulin, and gave them ‘tokens’ (paichuo牌戳), which allowed them to open up uncultivated land around the guard posts to raise food for rations. In 1778, Feng Sheng 鳳生 (dates unknown) recruited Lin Dan (dates unknown) and two other Han settlers to reclaim Malingpu in partnership, and decided that, once the crops were well established, they would pay a fixed rent. From 1780 to 1781, Lin Dan and his co-workers recruited 20 more people to reclaim the land together—in a kind of business partnership. In 1781, Asheng 張昂 (dates unknown) also recruited Lin Dan and Lai Li 賴力 (dates unknown) to open up lands in Wulingpu. Then, Lin Dan called seven people to share his stock again. However, Zhang Ang 張昂 (dates unknown), who was the head of the militia guard post in Wushulin, refused to return the land because his uncle already had an acknowledgement of the right to reclaim Wulingpu from Fang Sheng’s father, Zhi Muliu 知母六 (dates unknown). For this reason, he filed a lawsuit in Danshui subprefecture. However, the sub-prefect of Danshui, Li Junming 李俊民 (dates unknown), determined that Zhang Ang should return this land to Feng Sheng, who could then recruit other tenants to cultivate it. He also determined that the farms near the guard posts should be given to the militia for the cultivation of food for rations.

It is, thus, clear that since the 1760s the local government no longer assigned civilised aborigines to man the guard posts along the hills in Danshui subprefecture, but hired Han instead. On the one hand, the fact that the government had appropriated the land outside the boundary for plains aborigines in 1746, allowing them to farm for self-sufficiency, established a precedent. It meant that this area was reserved for Xiaoli She霄裡社, the judgement of the sub-prefect of Danshui gave the land to the aborigines for protecting them. Therefore, Xiaoli She’s plains aborigines recruited mostly Han tenants to reclaim lands. They often worked in partnership, so they could gather more than 20 people together and become strong enough to compete with the Han who defended the frontier. That is, they became the two unstable groups on the frontier.

However, the judgements of local officials did not satisfy those who guarded the frontier, and these events triggered fighting with weapons between militia and tenants working on the aborigines’ lands. On 16 July 1783, raw aborigines killed the villagers of Houke 鬱殼 precisely because of such outer-region illegal reclamation.
Figure 1
as Han tenants flocked to Wulingpu, Zhang Ang took guarding the frontier as an excuse to ask the tenants to pay him in food to be used as rations. The tenants ignored his request. Both sides raised a clamour and all left. On 17 July, Lin Dan and other Han tenants, amounting to fifteen people, who were all shareholders in the reclamation of aboriginal lands, went to the guard post with weapons, to destroy houses and to make trouble while the Han militia were escorting villagers into the mountains to fell trees. Although the local constable (xiangbao) shouted at them to leave, after Zhang Ang and the others had gone home, they formed a gang of ten people to argue with the Han tenants. They then injured the Han tenants, who later showed their wounds to the sub-district magistrate of Zhuqian. On 18 July, with Lin Yun and Lin Dan as leaders, 21 tenants (also shareholders themselves) fought with members of the militia. As a result, four members of the militia, including Zheng Ang, were killed; Lin Yun and Lin Dan burned their bodies. The sub-prefect, Ma Mingbiao, reported that he then ‘went to investigate this case and arrested the ringleaders’. He held a trial, determining that Lin Yun and Lin Dan had both committed crimes.

In sum, the Lin Dan Incident was nothing more than a case of fighting among militia and tenants based on conflicts over reclamation in the outer region of Danshui subprefecture. Although this case involved 42 people, and killing of four, it did not last a long time, nor did it extend to other areas. Why, then, did it cause the governor-general of Fujian and Zhejiang provinces, Ful-hun, to carry out a cadastral survey of all lands of the outer regions and to delineate a new boundary?

The Making of Relevant Policies by Local Officials in Response to the Lin Dan Incident

The Lin Dan Incident started as just a small-scale, local fight on the frontier. For this reason, the Qianlong emperor had extremely little confidence in the local officials of Fujian and Taiwan and strictly enforced policies on Taiwan. Thus, the local officials had to properly handle the aftermath of the incident. In 1782, large-scale fighting between Zhengzhou and Quanzhou immigrants broke out in Zhanghua county. The incident had a huge impact on society; more than 200 people were executed on the spot by local officials. Yade 雅德 (?–1801), the governor of Fujian province; Mu Helin 穆和藺 (dates unknown), the Taiwan intendant; and Jin Changui 金蟾桂 (dates unknown), the Taiwan commander-in-chief, had been severely reprimanded by the Qianlong emperor for simply sending the prefect and lieutenant to investigate instead of being at the scene in person. The prefect of Taiwan, Sutai 蘇泰 (dates unknown), was impeached for adopting a ‘peacemaking approach’ (quanyu hexi 勸諭和息) to the case. He was considered to have disregarded the overall situation and been lenient on the criminals because he tried to stop the fighting instead of promptly arresting those involved; he was to be delivered to the Ministry of Punishment for impeachment. The rest of the magistrates and military officials were also impeached and investigated.

The Qianlong emperor considered the fighting was triggered by the local officials neglecting their duty and being lenient on criminals. Therefore, whenever Taiwan encountered any security threats, everyone from high-ranking officials, such as the Taiwan intendant, to prefects and other civil
and military officials, were required to go to the scene in person, and execute the criminals on the spot, to serve as a major deterrent. In September 1782, the new governor-general of Fujian and Zhejiang provinces, Fulehun, was also told several times to immediately go to Fujian and make every effort to rectify the situation. In October, the former Fujian provincial administrative commissioner Yang Tinghua 杨廷樺 (1735–87) was put in charge of the aftermath of the fighting between Zhangzhou and Quanzhou immigrants; he was acquainted with the Taiwan situation, having lived in Fujian for a long time. He was asked to report on the outlaws to the Qianlong emperor directly.\(^{33}\)

However, apart from this large-scale fighting, other groups, such as the Prince (Zhanghua Wangye 王爺會) brotherhood and the Small Knives brotherhood (Xiaodao 小刀會), had shown up one after another. There was also a rumour about gangsters planning to revolt near Fengshan county. This all led to the Qianlong emperor repeatedly stating: ‘As long as the security problems are still unsolved, we should not be lenient to the lawbreakers’.\(^{34}\)

The Qianlong emperor emphasised again in October 1783:

People in Taiwan are tough and engage easily in affrays. Since last year’s heavy penalties, I thought offenders would be deterred; now, however, the prisoners in this case were still very numerous. Clearly, Taiwan is isolated, located overseas and far away from the provincial capital, and political affairs have long been neglected. We must make more efforts to rectify this.\(^{35}\)

Under this pressure, the prefects, who had been warned several times, eventually considered every instance of small-scale fighting as a serious crime, and called for more severe retribution. The governor of Fujian province, Yade, responded with this claim from the Qianlong emperor and expressed his opinion about the Lin Dan Incident:

How can we allow those unruly people to break the laws overseas? Moreover, the fighting between Zhangzhou and Quanzhou immigrants in Zhanghua and Zhuluo Counties has just come to an end with severe punishments; there has also been fighting in Danshui. These lawbreakers were not deterred by the former incident at all; thus we must consider this as a major crime, and strict verdicts are needed.\(^{36}\)

In accordance with the policy of calling for more severe punishments, the Lin Dan Incident was dealt with in the same way as the fighting between Zhangzhou and Quanzhou immigrants in Zhanghua county had been a year ago: the leader of the lawbreakers was executed on the spot. The Taiwan intendant, Yang Tinghua, the sub-prefect of Danshui subprefecture, Ma Mingbiao, and the north-route lieutenant, Zuo Ying 左瑛 (dates unknown) were all impeached due to their poor handling of and tardy response to the incident.\(^{37}\) In particular, Yang Tinghua was demoted and turned over to the Ministry of Punishment because he ‘did not show up at the scene after receiving the report’, but only dispatched the sub-prefect, Ma Mingbiao, to investigate. His position was filled by the prefect of Zhangzhou, Li Junyuan 李浚原 (dates unknown), on 17 November.\(^{38}\)

However, on 7 December, Yang Tinghua reported to the Qianlong emperor that he had conducted a survey of Danshui subprefecture regarding the situation of the reclaimed lands involved in the Lin Dan Incident. After receiving the report, the emperor changed his mind and allowed Yang Tinghua to stay in Taiwan to assist with the aftermath due to his familiarity with the area. This was an opportunity for Yang to redeem himself by assisting the new
Taiwan commander-in-chief, Chai Daji 柴大紀 (1732–88), with post-incident measures. This led him to approach the cadastral survey and demarcation of lands in an earnest and diligent fashion, making the purple-line map more accurate and detailed than its blue-line predecessor.

After the incident, A-Sheng and the Han tenants were sentenced to a beating of 20 blows each, with the exception of the aboriginal interpreter due to illness. The 42 lawbreakers were punished more severely. The most important problem of how to deal with the disputed lands (fenzheng di 紛爭地) was still unresolved.

In November 1783, Yang Tinghua and Zuo Ying arrived in the outer regions that stretched from Wushulin to Wulingpu to conduct a cadastral survey and discovered that the paddy and dry lands were not the same as recorded. They found there were 547 jia in total.39 These disputed lands were to be handled as before: apart from the dry land of the aborigines in Malingpu, which still belonged to A-Sheng, the rest were all to become government land or to be classed as prohibited regions.40 The frontier of Wushulin again recruited 20 locals in order to defend both reclaimed and uncultivated paddy and dry land. Because this area was close to the territories of the raw savages, the local officials had set the boundary below the guard post in Kanding 基隆. Therefore, reclamation had been permanently forbidden in this region.

The paddy and dry lands in another part of the region — from Anpingzhen 安平鎮 (Taoyuan Pingzhen 桃園平鎮) to Shuzaiyuan 舜仔園 (today’s Pingzhen city, Longtan township, and Daxi township) — were now designated as government land, regardless of their classification as reclaimed or uncultivated. The tenants of these confiscated lands thus had to pay rent to the government (sometimes new tenants were sought).41 If the government granted the land to the aborigines, then rent was paid to them. Besides the disputed lands, the reclaimed and uncultivated paddy and dry lands outside the frontier in Anpingzhen were also resumed by the government because Yang Tinghua considered them unsuitable for the aborigines; expelling the tenants might cause them to lose their residences. Therefore, he adopted a policy of following the example of official manors (guanzhuang 官莊), and asked the tenants to pay rent as a fixed quota of the harvest; these lands could not be reclaimed by the aborigines and the Han.42 In other words, on account of the Lin Dan Incident, all the aboriginal lands in the outer regions in Xiaoli She were confiscated by the government, which was the biggest loss sustained due to the fighting between Han tenants and Han militia.43 Confiscating the aboriginal lands in the outer regions became the main pattern of punishment of the aborigines by the Qing court. As for the Han tenants, they retained their right to be tenants; the only difference was that the proprietorship of the land had been transferred from the aborigines to the government.

_Cadastral Surveys on Lands Outside the Boundaries and the Redefinition of the Purple-Line Aboriginal Boundary_

In addition to the punishment of people involved in the Lin Dan Incident, cadastral surveys were carried out on the lands located outside the blue lines, and a new boundary to the frontier was delimited. After consulting Huang Shijian 黃仕簡 (1722–89), the Fujian admiral who was in good standing with the Qianlong emperor, the governor-general of Fujian and Zhejiang provinces, Fuleihun, decided that the cause of the incident was a reclamation dis-
pute over the lands in the outer regions.  

Thus, he appointed Yang Tinghua to conduct cadastral surveys in Danshui subprefecture. On 13 February 1784, the governor-general more formally petitioned for a comprehensive boundary survey on the lands outside the frontier in Taiwan. He pointed out:

I investigated all counties of Taiwan that are close to the regions of ‘raw savages’. Although boundaries are set, lands both inside and outside of the boundaries are uncultivated. Owing to the gradual population growth, reclamation disputes are not uncommon. The Lin Dan Incident is evidence of this. The court has to do cadastral surveys in Taiwan ... According to the report of Yang Tinghua, who is conducting a cadastral survey in Danshui subprefecture, the regions that lie between the Han and the aborigines in the rest of the counties must implement comprehensive surveys and delineate the boundaries in order to prevent fighting.

Thus, it can be seen that the cadastral survey on lands outside of the blue-line boundary and the drawing of the purple-line aboriginal boundary were indeed triggered by the Lin Dan Incident. The officials of Fujian and Taiwan also agreed that due to the gradual increase of population pressure, reclamation disputes over lands near the aboriginal boundary had become the key cause of unrest on the frontier. Therefore, it was necessary for the Qing government to undertake cadastral surveys and demarcation of the lands outside of the boundaries. In other words, the redefinition of the aboriginal boundary denoted by the purple lines was caused by reclamation deputes along the frontier; it was not merely due to the aborigine attacks that had characterised the reigns of Kangxi and Yongzheng.

Surveys and re-demarcation necessarily involved clarifying land ownership, and, as Fuleihun pointed out, in order to prevent any trouble, it was essential to select staff members who were conscientious, understood how to deal with local affairs in detail, and who would not be careless. Thus, the governor-general continued to engage Yang Tinghua, who was staying in Taiwan on imperial orders and, as stated, was motivated to make a great effort to manage these surveys well. In conjunction with Chai Daji, the newly appointed Taiwan commander-in-chief, Yang Tinghua immediately took proper charge of the staff, personally visited every place, investigated landownership and measures, and recognised which areas should be prohibited from reclamation or should be reclaimed, as well as drawing the map for reporting.

The Fujian admiral Huang Shijian led troops to Taiwan in 1782 due to the Zhangzhou-Quanzhou conflict and acquitted himself well, earning the praise of the Qianlong emperor. In the winter of 1783, he was called to Beijing for an imperial audience. *Qing Gaozong shilu xuanji*, pp.267–69.


46 Ibid., p.309.

47 Zhongguo diyi lishi dang’anguan 中國第一歷史檔案館 et al., eds, *Ming-Qing gongcang Taiwan dang’an huibian* 明清宮藏臺灣檔案匯編, Vol.69 (Beijing: Jiuzhou chubanshe, 2009), p.416.
and outer regions, and who then drew the map that was submitted to the Qing court with detailed explanations. Therefore, on the purple-line map and in its descriptions, each subprefecture and county are pieced together very clearly. As for the descriptions, the calligraphy describing the area north of Zhanghua county and south of Zhuluo county is obviously dissimilar and represents different hands (see Fig. 1). It should be noted that this map was a draft made after cadastral surveys; it was not redrawn by the imperial painter nor finalised by the Qing court.

Second, the blue-line map made in 1760 functioned as the basis of the purple-line map. During the reign of Qianlong, it had gradually emerged as a template. Once the officials defined the new aboriginal boundary, they followed the previous map, redrawing and revising it. Until 1790, the border included the guard posts of the indigenes, drawn as green lines on the map and finally delimited. Even the huge maps in the Daoguang period depicted the area along the hills quite clearly, but the aboriginal boundary was not drawn in.49

Not only did Yang Tinghua personally investigate the locations involved in the Lin Dan Incident and have cadastral surveys conducted in advance of his arrival, Pan Kai, the sub-prefect, also conducted cadastral surveys on the paddy and dry lands of the outer regions in Danshui subprefecture.50 Therefore, the artificial scenery in Danshui subprefecture, especially the Taipei basin, was drawn in more detail, and even the inner regions of the blue lines also saw many new names added. In contrast, the inner regions south of Zhanghua county approximately followed the blue-line map, and were not changed much. However, although the purple-line map used the blue-line map as its basis, it did not employ the same painting style, and was more detailed. In the Zhanghua county area of the map, much of the calligraphy was written upside down, which means the inspector investigated this region from the perspective of the sea. This figure also reflects practical experience and the actual drawing process.

Fourth, the Qing court delimited the aboriginal boundary three times between 1750 and 1784. In 1750, the red-line map saw a partial adjustment of the boundary of 1722: it was restricted to the region south of Dajia stream 大甲溪, including Zhanghua, Zhuluo, Taiwan, and Fengshan counties, while Danshui subprefecture only added six boundaries; lines were not drawn and it had not changed much.51 In 1760, on the blue-line map, owing to the official cadastral survey’s focus on Zhanghua county and Danshui subprefecture, blue lines were drawn north of Zhanghua county, while red lines were drawn from Fengshan county to Zhanghua county. However, both red and blue lines were drawn only for some areas; in contrast, purple lines were redrawn on the map from south to north. Thus, it can be said that the first comprehensive aboriginal boundary lines ran through western Taiwan.

This new aboriginal boundary from South Xiaku stream in Fengshan county to North Balian harbour in Danshui subprefecture represented a redefinition of the inner regions and outer regions by the Qing court. In addition to the purple lines from south to north, boundary markers and guard posts were marked along the border. Whereas the blue-line map had boundary markers and locations that were often unclear or incomplete, the purple-line map had carefully drawn new or old boundaries. A total of seventeen old boundaries within the blue lines and 81 new delimitations within the purple lines were drawn.52 Most of the new delimitations were located in Zhanghua...
county and Danshui subprefecture; the latter added 30 delimitations. This not only reflected the fact that the subprefecture was a newly reclaimed area, but also implied that the Qing court, in determining the new aboriginal boundary, still adopted a lenient attitude toward the gradual reclamation of outer regions, and mostly acknowledged the reality of the situation.

Along the hills, the guard posts were substantially adjusted. According to the purple-line map, after setting the new aboriginal boundary, 29 old guard posts were assigned to the inner regions, therefore 35 new guard posts had to be deployed on the purple lines. Fengshan county’s guard posts did not change, but from Taiwan county to Danshui subprefecture along the border, 35 new guard posts were established.53 There were two types of new guard posts. One was an existing guard post that was switched to the new aboriginal boundary, as seen in such annotations as the ‘Tianluo Jue transferred guard post’ of Taiwan county or ‘Huzaikeng post removed to here’ of Zhanghua county. The other type was new guard posts established in new places — all the guard posts in Zhuluo county and Danshui subprefecture. It is clear that the aboriginal boundary mainly moved eastward, rather than the guard posts simply being shifted. New guard posts were mostly located in these two developing areas.

The establishment of the aboriginal boundary denoted by purple lines clearly divided the areas along the hills into two districts. One comprised outer regions, which were forbidden to Han immigration and reclamation, and the other comprised inner regions, which were newly reclaimed areas recognised as legitimate. The areas east of the purple lines were outer regions; all cultivated paddy and dry land or uncultivated wasteland would uniformly be taken out of cultivation. The aboriginal boundary was still demarcated by natural features, such as the bases of hills, big streams, and old ditches. The main criteria for land being delimited as the outer regions were: being very close to the foothills, the proximity of raw savages, or being separated by only one stream from the mountains.

Xiangsanpo was a special case. It was delimited as part of the outer regions because it was difficult to control, although the terms ‘distant from raw savages’ and ‘isolated appearances of raw savages’ were used in its classification. For instance, the Yangmei plain 楊梅埔 in Danshui subprefecture was absolutely undeveloped and was surveyed as consisting of 120 jia of wasteland, but, because it was far away from raw aborigines it was allowed to be reclaimed and absorbed into the inner regions. In other words, ever since the Kangxi period, preventing aborigine attacks and isolating raw aborigines remained a principle for cadastral survey and demarcation of the aboriginal boundary. However, the determination of the distance from raw aborigines was pragmatic and flexible, and, therefore, a large amount of wasteland was allowed to be absorbed directly into the new reclamation area rather than just recognising the existing extent of reclamation.

Except for a few lands that were taken out of cultivation, the cadastral surveys of 1784 mostly accepted the existing situation and delimited lands outside the blue lines that had been reclaimed since 1760 as inner regions marked inside the purple lines. The cadastral survey for the aboriginal boundary was obviously not intended to punish illegal immigration and restore the original demarcation line; rather, it recognised the state of reclamation and absorbed the people and lands of the frontier into the state’s territory and put them under the control of the Qing court.54 In particular, the areas where
Disposal of lands in new inner regions generally took place in two ways. One was a continuation of past practice, in which all disputed lands were confiscated by officials without exception. The other was the regulation of lands in the outer regions through cadastral survey and demarcation. Once they had been formally delimited as state territory and taxes imposed, they became new reclamation areas. Land ownership rights of plains aborigines on the frontier, as well as the tenancy relationships between tribes, indigenes and Han settlers, were also confirmed. Thus, as John Shepherd has pointed out, the formation of the frontier policy was the Qing court’s response to changes in Taiwan’s social and economic situation, and was the result of rational calculation based on constant estimations of the national defence strategy, control costs, and tax revenue potential.

**Conclusion**

Earlier scholarship on the aboriginal boundary mostly used the blue-line map as a basis for discussion, and it rarely focused on the relationship between the fighting, cadastral surveys, and the aboriginal-boundary map drawing. This article uses the rediscovered purple-line map as a lens to explain why fighting in Taiwan led the Qing empire to frequently revise its frontier policy, and to reconstruct the ideas and imperial territorial policy of the local officials of Fujian and Taiwan.

Since the reign of the Kangxi emperor, land reclamation on the frontier was usually a sore spot for Taiwan public security. The Qing court, therefore, adopted the policy of closing the hillsides to reclamation and demarcating boundaries in order to isolate raw aborigines from the Han settlers. However, the aboriginal-boundary delineation was unable to stop encroachment by the Han and plains aborigines onto the forbidden territory. Before the Lin Shuangwen Incident in 1786, disputes and conflicts between the Han and the aborigines were frequent, and even led to major social unrest and anti-Qing rebellions involving the aboriginal regions.

In early-Qing Taiwan, local officials often adopted the strategies of cadastral survey and demarcation in order to resolve the tensions and crises on the frontier. During the reign of the Qianlong emperor, four aboriginal boundaries were drawn — in red, blue, purple, and green — which successively moved eastward. Thus, although the policy of cadastral survey and demarcation emphasised the principal of isolating raw aborigines, it did not punish immigrants for illegally crossing into the territory of the aborigines. Rather, the Qing court accepted the existing situation and redefined the obscure frontier, leading the newly reclaimed lands of the outer regions to be fully integrated into the state’s territory. Every new demarcation allowed the Han and the aborigines working on the frontier to confirm their land ownership and reclamation rights, changing the lands formally and legally from outer regions into inner regions.

The reclamation along the frontier potentially yielded huge profits, and, therefore, these areas became spaces of competition among vagrants, frontier militia, and strongmen, resulting in continual disputes. In 1783, in Danshui subprefecture, the Lin Dan Incident occurred — fighting between
the guard posts militia and the Han tenants reclaiming the outer region. Despite its small scale, the Qianlong emperor insisted on a thorough investigation, and Fuleihun, the governor-general of Fujian and Zhejiang provinces, ordered all Taiwan counties and subprefectures to conduct cadastral surveys and demarcation in the following year. One result was ‘The Map and Description of Reclaimed and Prohibited Paddy and Dry Land in Taiwan’, which added the first purple lines delimiting the aboriginal boundary from south to north in western Taiwan. In 1784, in addition to drawing a purple line on the map, boundary markers were erected and guard posts established, removed, or re-established along the border. In other words, the purple lines of the aboriginal boundary were drawn in order to prevent aborigine attacks and isolate the raw aborigines. However, the determination of boundaries could be relatively pragmatic and flexible, and sometimes a large amount of wasteland was directly absorbed into the new reclamation area; demarcation was not only recognition of facts on the ground. Ye Ruiping has claimed that Qing rule in Taiwan during this period was security-oriented and deliberately non-expansive; however, through the purple-line map, we can see that, in fact, the frontier policy of the Qing court was more active and expansive.58

SINO-MONGOLICA REMOTA

Igor de Rachewiltz

The present collection of critical remarks on early Mongolian and Sino-Mongolian documents (inscriptions, manuscripts and printed texts) of the 13th and 14th centuries is the outcome of much reading and writing on the subject over many decades. They are addressed mainly to philologists and students of Preclassical Mongolian, but sinologues working on the language and literary culture of the Yuan period (including the reigns of the first four khan, 1206–1368) can also benefit. It is assumed that the reader, besides knowing Chinese and written Mongolian, is also acquainted with the documents in question and has access to photocopies of the original texts. In any event, I shall constantly provide references to the transcriptions/transliterations of these texts published by L. Ligeti, D. Tumurtogoo & G. Ceegegdiri, F.W. Cleaves, D. Cerensodnom & M. Taube, and others, and their translations when available. The texts are arranged in chronological order.

The ‘Stone of Chingis’

The so-called ‘Stone of Chingis’ is the inscribed stele celebrating the victory of Činggis Qan’s nephew Yisüngge (c. 1190–c. 1270) in an archery contest that Činggis held at a place near the Imil and (Black) Irtysh rivers in present-day northern Xinjiang on his return journey to Mongolia after the great campaign against Khwarezm (1218–24). It was in all probability the same area between the old territory of the Uighurs and the Naimans where he and his army had encamped en route to the West in the summer of 1119.1 There he set up his ordo again in the summer of 1224, engaging in the usual activities of hunting, archery contests, etc., and holding a great feast. In the archery contest, Prince Yisüngge, the second son of Činggis’ younger brother (Joči) Qasar (1164–c. 1213) — himself a great archer — shot an arrow to the distance of 335 aldas or fathoms equivalent to 536 metres. The text, roughly carved
on the two-metre high granite stone now at the Hermitage Museum in St. Petersburg reads:

When Činggis Qan, having subdued the Sartaγul (= Central Asian Muslim) people, set up camp, and the noblemen of the entire Mongol nation gathered at Buqa Sočiγai, at the long-distance shooting Yisüngge shot an arrow to the distance of 335 fathoms.

Most of the problems associated with the decipherment of the inscription derive from the fact the stone was not inscribed by a professional carver; the stone surface was not smoothed properly before the text was inscribed; and that the text was subsequently damaged by the breaking of the stone which occurred accidentally while the stele was being transported from the east Baikal region to St. Petersburg in 1829–32. Fortunately, only two letters of two separate words in the inscription were obliterated. More than a century and a half of assiduous work on the part of a dozen scholars from various nations has yielded a reconstruction of the full original text and an interpretation that is both thorough and reliable. The Mongolian text is no longer a problem.

The main problem concerning this interesting monument, which (it should be mentioned) is unique of its kind in the history of Mongolian epigraphy, is the dating of its erection and inscription. The latter was, of course, made when the stele was erected, but was it erected in Central Asia at the time of the event it celebrates, that is, in the summer of 1224, thus making it the first monument in Uighur-Mongolian script and, indeed, the very first specimen of this script that has come down to us? As is known, according to the Chinese sources the then illiterate Mongols adopted the Uighur alphabet at the very beginning of the thirteenth century (1204), some twenty years before the archery contest, and adapted it, almost without a change, to their own language. In 1206, together with a major reform of the military system, Činggis created a rudimentary ‘tent administration’, with recording and bookkeeping duties, which clearly required the use of the new script. The officer in charge was the newly appointed adjudicator (jaryūči) Šigi Qutuqu, who, as a child, had been adopted by Činggis’ mother Hö’elün. All of Činggis Qan’s sons had received personal tuition in the Uighur-Mongolian script by the Uighur Tatar Tonga, a former seel-keeper and secretary of the khan of the Naiman tribe and the very man who reputedly introduced the Uighur script to the Mongols. The rudimentary administration run by Šigi Qutuqu was the precursor of the later court Secretariat which, in the latter part of Činggis’ life and during the reign of his successor Ögödei Qaγan (1229–41), was headed by the (? Uighur) official Çin(g)qai (c. 1169–1252) and the sini-cised Khitan Yelü Chucai (1189–1243), the former being in charge of all matters entailing the use of the Uighur script, hence the adoption on the part of the Mongol court administration of Uighur chancellery practices and procedures in drafting documents, etc. Yelü Chucai was in charge of all Chinese matters to be dealt with by the Secretariat, as well as acting also as court astrologer-astronomer using both Arabic-Persian and Chinese techniques. As the chief ‘Chinese’ scribe, he drafted official letters in that language and was probably the one who sanctioned the use of vernacular Chinese in the official correspondence and imperial edicts.

Now, the ‘Stone of Chingis’ or, more correctly, the ‘Stele of Yisüngge’, was discovered some time before 1818 among the ruins of two medieval Mongolian settlements on the rivers Khirkhira and Kondui, both affluents of the Urulyungui, itself a left tributary of the Argun River. Some five kilometres
upstream from the Khirkhira site a few ancient kurgans were found, that is, large burial mounds or tumuli, and it was near them, according to local informers, that stood the stele which by 1818 had already been removed and stored in the nearby village of Nerchinskiĭ Zavod. Later investigations by Russian scholars confirmed that Yisüngge’s stele originally stood on a granite base in a ravine at the Khirkhira site and in the area of the kurgans linked to the medieval Mongolian settlement, which further excavations revealed to be a large township with its citadel, palatial buildings and workmen’s dwellings. Further research identified the whole area as the centre of the former domain or apanage of Joči Qasar, of his sons and their descendants in southeastern Transbaikalia, that is, in the region of the Argun and Hulun Lake (or Dalai Nör), where the borders of Russia, China and Mongolia converge. Prince Yisüngge presumably returned there late in 1224 or early in 1225 after the great campaign in the West. When he died more than forty years later, he was buried (one assumes) with the inscribed granite stele erected near his tomb as a memorial to his skill as the best Mongol archer and his great feat in Central Asia in Činggis Qan’s time.

The problem, then, in Pelliot’s words, is the following:

Whatever reading [of the place-name ‘Buqa-(s)učiqai – I.R.] we may adopt, it is difficult to account for the region where the ‘stone of Chingiz-khan’ was found, presumably in situ: the stone was discovered in the basin of the Argun, i.e., far to the east of the track which Chingiz followed on his way back from the Ili region to his ordo. I have no solution to proffer for this question, which former inquirers have ignored.

The point raised by Pelliot is pertinent since it has a direct bearing on the dating of the inscription. Excluding the very remote possibility that the stone was cut and inscribed in Central Asia and carted all the way to Transbaikalia, there are only two likely scenarios. One, that the stone was cut and erected immediately after Yisüngge’s return to his family domain — an unusual practice for a Mongol at the time, but not impossible. If so, that would date it from 1224–25. The other, that the stone was erected after his death, that is, c. 1270, as a funerary monument, to honour and perpetuate his memory by recording the most outstanding achievement of his life.

While there is no certain way to find out which of the two alternatives is more likely to have occurred, Pelliot was of the opinion that the stele probably dated from 1225. He therefore was in favour of the first alternative but gave no reason for it. For my part, I am entirely in agreement with Pelliot, my main reason being that the granite stele is, as an inscribed memorial stone, very ‘primitive’, completely lacking in polish and roughly incised. Had it been erected and inscribed in or about 1270, it would have undoubtedly been executed more professionally. Nevertheless, after Yisüngge’s death it would still make a fitting gravestone and epitaph for a personage whose major claim to fame was that extraordinary bow shot.

To this general consideration we must add certain orthographic features of the text, viz. the use of the Uighur letter z to render the Mongolian final s in the words Čingga and aldas in the first and fourth lines, whereas the final s of the word ulus in the second line is rendered with the Uighur letter s. The verb ontud- ‘to shoot an arrow at a long distance’ is spelt differently in the fourth and fifth lines (ontuDur-un and onDutulaγ-a, where D is the Uighur d and t the Uighur t, that is, the two letters are used interchangeably). The diacritic points added to the letters n and γ are used erratically, and q has two
dots, as in Uighur, when it should have none in the Uighur-Mongolian script. There is, therefore, a definite Uighur influence on the orthography, which is a characteristic of Mongolian epigraphies and documents throughout the Mongol-Yuan period, except for the Uighur  主 used, inconsistently, also for the Mongolian final 末. Thus all the formal (material) and textual features of the monument point to an earlier rather than later date.

In conclusion, I think we can safely say that in all likelihood the stele of Yisüngge was erected in Qasar's family domain in 1224 or 1225 and that it remained in situ until the beginning of the 19th century, eventually finding its way, somewhat worse for wear, to the Hermitage Museum in St. Petersburg where it can still be admired today. Consequently we may, indeed, continue to regard it as the first surviving example of an ancient Mongolian commemorative stele as well as the first specimen of Uighur-Mongolian script still extant.10

The Sino-Mongolian Inscription of 1240

The Mongolian text of the Empress Töregene's edict of 1240 is only three lines long and comes immediately after the Chinese text of the edict (11 lines in vernacular officialese).11 It is purely formulaic in contents, warning any transgressor and using a phraseology employed in numerous other documents of the early Mongol period.12 Contrary to F.W. Cleaves' opinion, I do not think that it is the end of a longer text in Mongolian and, moreover, incomplete.13 The transcription of the Mongolian text is the following:

[1] ane minu üge busi bolyay-san kümün
[2] yeke erke alday-situ boltuyai ane
[3] bižig qulaýana jil

Please note that 1) the text lacks any punctuation, 2) in the first line the separation of  主 from  bolyay, and in the second line the separation of situ from  alday are simply orthographic peculiarities: the two words should be read bolyaysan and aldaysitu respectively, and 3) the same applies to the reading  ane (ane) = ene in the first and second lines.14 If one ignores these orthographic features and punctuates the text, I would at present read the same text as follows:

[1] Ene minu üge. Busi bolyaysan kümün

I would also offer a new literal interpretation of the text, as follows:

[1] This [is] my word (= order). [Any] person who has contravened [it]
[2] shall be guilty of great arrogance (= lese-majesty) [and will die]. This
[3] Writ [was issued by me in] the Year of the Rat (= 1240).

I take the first three words as a single proposition and not as the direct object of what follows as previously done by Cleaves and myself.15

The major bone of contention is the first two words of the second line, viz.  yeke erke. Cleaves does not transcribe and translate the word  erke; Ligeti transcribes it as 'eregü (?)' (punishment'); Dobu has 'enke' adding in a note 'This word is unreadable'; Saitō transcribes it as 'änkä' adding in a footnote 'änkä?' (all these scholars read the preceding word  yeke or yükä 'great' or 'greatly'); de Rachewiltz reads  yeke erke and translates '[by] the supreme power', explain-
ing further ‘which I presume refers to Heaven rather than to the qayán of the Mongol state’; Tumurtogoo transcribes the two words also as yeke erke.16

However, it has escaped all the above transcribers and translators that the term erke, the primary meaning of which is ‘power’, has in Preclassical Mongolian also the extended meaning of ‘arrogance’. In the Mongolian version of the Xiaojing 孝經 or Classic of Filial Piety, which I believe dates from the early Yuan period, that is from the second half of the thirteenth century, the word erkeben (= erke-ben) ‘his arrogance (or pride)’ occurs twice, erke rendering in both cases the term jiao 驕 ‘proud, arrogant’ of the Xiaojing.17 In Classical and Literary Mongolian, as well as in the modern dialects erke also occurs with the meanings of ‘arbitrary, wilful, capricious; disobedience, insubordination, defiance’ and the like.18

As for alday siti, I think that A. Mostaert (in Cleaves, ‘Sino-Mongolian Inscription of 1240’, p.70, n.5) is right in regarding it as an adjective in -tu of aldayi, but I do not share his opinion that the latter may be a deverbal noun in -si (see Poppe, Grammar, 818) of *alday- = alda- ‘to lose, fail, err’ and, by extension, ‘to make a serious mistake, to commit a crime’, hence ‘an offence, a crime (‘a mistake liable to punishment’). In Mongolian there is no attested occurrence of a verb alday-, however, except for this single instance. This, I believe is because alday is not a Mongolian word but a Turkic deverbal noun formed on tu. alda- or alta- ‘to deceive, cheat, mislead’ (= mo. alda- ‘to fail, err, etc.’) and meaning ‘fraud, deceit’. See Wilhelm Radloff, Versuch eines Wörterbuchs der Türk-Dialekte, I-IV (St. Petersburg: IAN, 1893–1911), Vol.1/1, p.414, and p.413, s.v. alday; V.M. Nadelyaev et al., Drevnetyurkskiĭ slovar’ (Leningrad: ’Nauka’, 1969), p.34b; Clauson, Etymological Dictionary, p.133a; Doerfer, Elemente, no. 533. Alday does correspond to mo. aldal ‘mistake, punishable crime’, as Mostaert, loc.cit., correctly says, but this is not relevant here insofar as aldal does not come into the picture. The word aldaysitu is simply an aberrant form of mo. aldasitu (alda- + -si- + -tu) due to a Central Asian scribe-secretary (of Turkic language background?) with an imperfect knowledge of Mongolian who mistakenly coined this Turko-Mongolian hybrid term meaning ‘who has (committed) a crime (liable to punishment)’, viz. ‘guilty of a capital offence’. Aldasi ‘crime, criminal (= capital) offence’ is a technical term one frequently encounters in the historical and legal-administrative literature of the Mongol-Yuan period in Chinese. See Cleaves, op.cit., pp.70–71, where several citations clearly indicate that under the first Mongol rulers the aldasi-offence entailed capital punishment.19 Therefore, the very concise, formulaic and somewhat ungrammatical Mongol validation and caveat at the end of the imperial edict of 1240 may be understood in plain English as follows:

This is my order. Anyone who contravenes it shall be guilty of lese-majesty and will die. This Writ was issued by me in the Year of the Rat (= 1240). Alternatively:

‘Anyone who contravenes this order of mine shall be guilty of lese-majesty, etc.

1 For a comprehensive survey of the history and identification of the stele, as well as for relevant remarks on the interpretation of the five lines of the Mongol text of the inscription see Igor de Rachewiltz, ‘Some Remarks on the Stele of Yisüngge’ in eds Walther Heissig et al. Tractata altaica Denis Siner sexagenario optime de rebus altaicis merito dedicata (Wiesbaden: Otto Harrassowitz, 1976), pp.487–508. In view of the fact that the editors of Tractata altaica failed to send the proofs of the above article to the author, the article contains a large number of misprints as well as a few statements that require correction. In the Appendix of the present article the reader will find a fairly complete list of corrections which is indispensable. However, these do not include the new data and interpretations contained in the present article. The ‘recreational’ army halt and victory celebration on the return journey of Činggis Qan in the summer of 1224 is recorded by Rašīd al-Dīn, but the passage in question is misunderstood in W.M. Thackston (trans.), Rashiduddin Fazlullah’s Jami‘u’t-tawarikh: Compendium of Chronicles. A History of the Mongols (Cambridge, Mass.: Harvard University, 1998), Vol.2, p.260. Cf. Igor de Rachewiltz, ‘The Dating of the Secret History of the Mongols: A Re-interpretation,’ Ural-Altaische Jahrbücher, N.F. 22 (2008): 150–84, at p.164, n.51, and Igor de Rachewiltz (trans. & comm.), The Secret History of the Mongols. A Mongolian Epic Chronicle of the Thirteenth Century, I–III (Leiden: Brill, 2004–13), Vol.3, pp.105–06. From the same Persian source, we learn that Činggis was back at his ordo in northern Mongolia in February of 1225. See Thackston, op.cit., p.261. (I take this opportunity to correct two typographical errors in de Rachewiltz ‘The Dating’, p.164, l. 6: for ‘contexts’ read ‘contests’; same page, l. 5 from bottom: for ‘258’ read ‘260’. Also on p.170, l. 9, for ‘9 May’ read ‘11 March’.)

2 The second element of the place name is mutilated, the first letter being obliterated by the crack in the stone. The full form of the name is preserved however by Rašīd al-Dīn as Buqa Sučïγu (or Sučïqu) — a Uighur Turkic name (we are in Uighur-speaking territory) — meaning ‘(Place where) the bull shies away from’. The name on the stele appears to be the Mongolian version of the Turkic, that is Buqa (S)očiγai or ‘(Place where) the bull startles’. Buqa is in the singular but can also be used with a meaning of plurality; and the semantic range of tu. sučï- and mo. soči- include ‘to be frightened, to startle, to rear and jump about, to shy away from’. Clearly we are dealing with the same placename. Cf. de Rachewiltz, ‘Some Remarks’, pp.488–89.


In the inscription the two lines (1 and 4) with the names of Činggis Qan and Yisüngge are placed higher, and in the case of the former also separated from the rest, as a sign of respect. However, the one with Yisüngge’s name is less elevated than the first line. Cf. de Rachewiltz, ‘Some Remarks’, pp.487–91 and notes, and Igor de Rachewiltz and Volker Rybatzki, Introduction to Altaic Philology (Leiden: Brill, 2010), pp.161–65. (Please note the following two corrigenda: p.164, l. 16, for ‘words’ read ‘letters’, and l. 8 from bottom, for ‘q’ read ‘q’.)

4 This is true for the meaning of the text. There is, however, still disagreement among scholars regarding the correct reading of the last word of the inscription: is it ointudulaγ-a (Ligeti, de Rachewiltz and Rybatzki, Street and others) or ointudlaγ-a (Tumurtogoo, Dobu, Orlovskaya)? A close inspection of the monument reveals that while the whole inside circle of the letter u of -tu- which was encapsulated, as it were, within the body of the t (written like the Uighur d,

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and trade; and, if we believe in the Tibetan-influenced Mongolian historiography, a ‘dual-order’ system of government based on civil-administrative and religious principles introduced also by Qubilai under Tibetan Lamaist influence. The efficient postal-relay system (jam) introduced by Ögödei ensured better communications between the central government and the four khanates (ulus) but by itself it could not enforce the authority of the kaghan on the khanates after Möngke’s death in 1259. Perhaps the most striking aspect of the dichotomy of the Mongol empire is the lack from its very beginning of a unifying internal structure to avoid the political and administrative separation of the khanates from the imperial capital and seat of government at Daidu (Peking). Throughout the Yuan dynasty the imperial authority exercised by the khagans was virtually restricted to China, Tibet and Mongolia (and only, in the case of Mongolia, after Ariq Böke’s submission in 1264), the khans of the individual ulus being de facto independent rulers in their domains, and often at odds with each other.

6 Not in the city of Nerchinsk as incorrectly stated in de Rachewiltz and Rybatzki, Introduction, p.160.

7 See de Rachewiltz, ‘Some Remarks’, pp.492–93. Since 2009 Russian archaeologists from Vladivostok, Irkutsk and Chita have been carrying out excavations at the Mongolian 13th–14th cc. necropolis at Okoshki and the Kondui and Kirkhira sites. See the provisional report of this investigation in Rossiskaya arkeologiya, 2014, no.2, pp.62–75. In a personal communication of 18 May 2016, Prof. Dr Nikolay Kradin of the Institute of History, Archaeology and Ethnology, Far-Eastern Branch of the Russian Academy of Sciences, Vladivostok, informed me that in 2013–14 the archaeological team excavated one platform and a kurgan at the Kirkhira site. He and his colleagues hope to publish the results of these diggings in 2016, as well as a preliminary report of the excavations conducted at the Kondui site in 2014. Work is still in progress and they expect to complete the excavation of the palace pavilion in 2016. Dr Kradin has confirmed that 1) the original location of Yisüngge’s stele is still unknown, and 2) the kurgan of Yisüngge has not yet been identified. According to information collected locally in the 19th c. the stele was found in the area of the kurgans in the Okoshki cemetery two km north of Khirkhira, or in the lowland beyond it. However, Yisüngge himself, being a close relative of Činggis Qan, may have actually been buried in a secret location. Furthermore, Dr Kradin stresses the importance of a detailed survey of the Khirkhira site which he suggests may be undertaken in the spring of 2017, and points out that the chronology of the two settlements must be revised. He now thinks that the Khirkhira site may have been built before Kondui and that it was there that Yisüngge had his palace, but it is too early to reach a definite conclusion before all the carbon dating tests are completed in 2016–17.


9 Pelliot, loc. cit.

10 The statement on the dating of the stele in de Rachewiltz, Secret History, Vol.3, p.106, must be revised accordingly.


13 See Cleaves, ‘Sino-Mongolian Inscription of 1240’, p.64: ‘As for the Mongolian text, it consists of only three lines, presumably, the last three of a Bīčig which probably did not consist of more than a dozen lines in all. Even the three lines which have been preserved seem not to be complete, for the text terminates with the words qulaγana †il “rat year”, rather than the usual formula which includes the day and the month of the year as well as the name of the place where the Bīčig was written’.

I believe that the three lines in Mongolian are a brief validation of the Chinese text of the edict with the customary warning in case of transgression and nothing more. See de Rachewiltz, ‘Töregene’s Edict of 1240’, pp.61–62.


15 Cf. the other occurrences of this formula cited in Cleaves, ‘Mongolian Documents’, p.49, n.19, as well as the beginning of the ‘safe conduct of Abaya’ of 1267 or 1279 in Mostaert et Cleaves, ‘Trois documents mongols’, p.433, and the important note 1 on pp.434–36. In the present instance the word *ane* (= *ene*) ‘this’ is used instead of the name of the sovereign, that is Empress Töregene, who issued the edict. However, one cannot exclude the possibility that the former translations which make ‘this my word’ the object of ‘contravene’ are the correct ones since the text allows both interpretations.


18 The meaning ‘to act arbitrarily’ (eφerkejÿ yabu-) of erke is found in the Qorin nigetü tayilburi toli (Changjiakou: Research Institute on Mongolian Language, Literature and History of Inner Mongolia, 1979. [It contains all the Mongol words and definitions of the Qayan-u bičigsen Manju iügen-u toli bičig of 1717.], p.75b. Cf. kalm. erko ‘arbitrary’ (Gustaf J. Ramstedt, Kalmückisches Wörterbuch [Helsinki: Suomalais-Ugrilainen Seura, 1935, sev. reprints], p.125a); Konstantin F. Golstunskiï, Mongol’sko-russkiĭ slovar’ (St. Petersburg: St. Petersburg University, 1895–1901, incl. supplements), Vol.1, p.113b, has among others: ‘disobedience, insubordination, defiance’; Ferdinand D. Lessing, gen. ed., Mongolian-English Dictionary, compiled by M. Haltod, J. Gombojab Hangin, S. Kassatkin and F.D. Lessing. Corrected reprinting (Bloomington: The Mongolia Society, Inc., 1982), p.329b, gives as secondary meanings of erke ‘self-willed, willed, wilful, wayward, capricious; spoiled (of children); wilfulness, waywardness, capriciousness’. The meaning of ‘arbitrariness’ in tu. erk, corresponding to mo. erke, is well attested. See Clauson, Etymological Dictionary, p.220b: ‘freedom to decide for oneself without being subject to the authority of others’. In fact, in a Turfan text we find the very expression uluy erk (= mo. yeke erke) which Clauson, loc.cit., renders ‘a large measure of independence’, that is, ‘a great independence (from other authorities)’. Cf. Radloff, Versuch, Vol.1/1, p.776, s.v. ärk (3) ‘wilfulness’. In Manchu the same word (erki < mo. erke) was used with the meaning of ‘self-willed, arbitrary’. See Doerfer, Elemente, no.65. From the above it is clear that from the beginning the term erke could be used to define the ‘legitimate’ power of the established authority as well the ‘arbitrary’ power of the individual, the latter being inseparable from ‘arrogance’, ‘insubordination’ and ‘disobedience’. This is a fairly common phenomenon in many languages. Cf., for example, the English word ‘pride’ meaning both ‘self-respect’ and ‘arrogance’; French ‘amour-propre’ meaning also ‘self-respect’ and ‘vanity, conceit’; etc.

19 Although in later (post Qubilai Qayán) regulations the ‘aldasi-offence’ no longer entailed a mandatory capital punishment but could in certain cases by commuted to the confiscation of the culprit’s property (see Ratchnevsky, Code, Vol.2, p.87, n.3), there is no doubt that, as stated earlier, such reduction of punishment did not apply under the early rulers. Especially so in the case of an aldasi-offence of gross insubordination or lese-majesty (yeke erke) where the subject disobeyed an imperial rescript. In my translation of this compound I expressly use the expression lese-majesty because it concerns an affront to the sovereign by an official or individual daring to interfere with (lit., ‘disturb’) the printing of the Taoist Canon (Daozangjing) sponsored by the Mongol court. See Cleaves, ‘Sino-Mongolian Inscription of 1240’, pp.65ff. I should add, pace Ratchnevsky, that the Lixue zhinan (吏學指南) by Xu Yuanrui (徐元瑞, 1391), edited by Li Zhenhua (李振華, Taipei: Wenhai chubanshe, 1979), p.64, clearly states that ‘to be adjudged an aldasi-offence’ meant ‘to be adjudged a capital offence’. There is no mention of a commutation to a fine or to the confiscation of property: as a general rule, aldasi meant capital punishment right into the fourteenth century. In practice, of course, some ‘accommodation’ may well have been reached and leniency applied by the enforcing authority, but hardly in a case of lese-majesty.
MORE ABOUT THE STORY OF CINGGIS-QAN AND THE PEACE-LOVING RHINOCEROS

Igor de Rachewiltz

In recent years two important new contributions to the history and lore of the chüeh-tuan 角端 have appeared in Japan and the United States respectively. They are Etani Toshiyuki’s article ‘Gen-shi no “kaku tan” setsuwa to sono haika’ 角端 (On the chüeh-tuan Legend of Yüan-shih and Its Historical Background) published in 1965,1 and Chun-chiang Yen’s article ‘The Chüeh-tuan as Word, Art Motif and Legend’, published in 1969.2 Etani’s work is a very careful survey of the major Chinese sources on the famous episode concerning Cinggis-qan, Yeh-lü Ch’u-ts’ai and the chüeh-tuan. His conclusion is that Yeh-lü Ch’u-ts’ai 耶律楚材, who was both a political adviser of Cinggis-qan and a Buddhist believer, invented the whole story of the encounter with the chüeh-tuan for the following reasons: 1) to prevent the Mongol conqueror from becoming further involved, politically and militarily, in western and southern Asia, at a time when the situation in the eastern regions, that is, in China, was becoming increasingly difficult for the Mongols; 2) to persuade Cinggis-qan to stop the wanton destruction of human lives that his army had been carrying out in the course of the Western Campaign.3 For his part, Yen treats the whole episode as legendary; however, in his interesting paper he traces the literary antecedents of the chüeh-tuan and shows how the chüeh-tuan ‘as art motif and legend reflects aspects of totemism, divine power, literary imagery, and the use of narrative’.4 Furthermore, through careful and painstaking linguistic analysis, Yen convincingly demonstrates that the chüeh-tuan does not represent a mythical ‘unicorn’, as most Chinese scholars would have it, but a rhinoceros. He reconstructs the word chüeh-tuan as *kark tuań, which corresponds to Greek kartázōnos or *kargázōnos, Persian kargadān, Arabic karkadann or karkaddan, all going back to Sanskrit khaḍga-dhenu-, and all meaning ‘rhinoceros’.

Acknowledgements

This paper was first published in A.R. Davis, A.D. Stefanowska (eds), Austrina: Essays in Commemoration of the 25th Anniversary of the Founding of the Oriental Society of Australia (Oriental Society of Australia, 1982).
With regard to Etani’s contribution, it should be mentioned that other scholars before him, even though ignorant of Yeh-lü Ch’u-ts’ai’s Buddhist faith, had already suggested that the story of the chüeh-tuan was devised by him for the express purpose of sparing human lives. The identification of the chüeh-tuan with a rhinoceros had also been proposed many years ago (by Lauffer), but on different grounds as we shall presently see. Nevertheless, Etani’s and Yen’s investigations have refined considerably our understanding of the entire chüeh-tuan problem. Recently, Herbert Franke has discussed the story in the context of portents and mirabilia associated with the rise of the Yüan dynasty. It still remains to determine, by reviewing the contemporary sources and other relevant material, what could be the truth behind the “legendary” account of the encounter with the chüeh-tuan. It may also be interesting to find out how the story of Cinggis-qan and the chüeh-tuan is reported in some of the later Mongol sources. This is what I propose to do in the following pages. To some extent, I shall have to tread on ground already covered by previous investigators, including myself, but this is inevitable.

In the Chinese literary tradition the chüeh-tuan is a legendary animal closely related to the ch’êl-lin 麒麟 or unicorn. It is, in fact, with the latter that we find it associated in Ssu-ma Hsiang-ju’s (d.118/117 B.C.) ‘Shang-lin fu’ 上林賦. According to Chang I 張揖 (3rd cent. A.D.), the chüeh-tuan has the body of an ox (the ch’êl-lin has that of a deer), and a single horn that can be used for making bows. Huo P’u 郭璞 (276–324), on the other hand, states that it resembles a swine, with a horn on its nose suitable for making bows, adding further that Li Ling 李陵 (d.74 BC) once sent ten such bows as a present to Su Wu 蘇武 (140–60 B.C.). According to the Hou-Han-shu chi-chieh 侯漢書集解, among the animals found in the country of the Hsien-pi there were ‘chüeh-tuan oxen’ 角端牛 whose horns were used for making bows, which were then popularly known as ‘chüeh-tuan bows’ 角端弓. That the chüeh-tuan resembles a swine, with a horn which is good for making bows, is also stated by Hsü Shen 許慎 (2nd cent. A.D.). Finally, we learn from the Sung-shu 孫盛 that the chüeh-tuan can travel eighteen thousand li a day, that it is a polyglot, and that it appears in conjunction with a virtuous ruler.

From the above references to the use of the horn of the chüeh-tuan in the manufacture of bows, it is clear that we are dealing here with a real animal, which Berthold Lauffer had no hesitation in identifying with the one-horned rhinoceros of India (Rhinoceros unicornis). According to this scholar, the term tuan 端, or chüeh-tuan, is a counterpart of the word ‘monoceros’. On the other hand, the resemblance to the swine points also to the wild pig and Burton Watson renders chüeh-tuan in fact as ‘boar’ in his translation of the ‘Shang-lin fu’.

As a symbol, the chüeh-tuan, no doubt because of its resemblance to the benevolent unicorn, acquired over the centuries similar characteristics of goodness and wisdom and, like the unicorn, came to be regarded, at least from the fifth century onwards, as an auspicious creature.

Returning now to the famous apparition in Cinggis-qan’s lifetime, we read in Yeh-lü Ch’u-ts’ai’s biography in the Yüan-shih the following account:

In [the year] chia-shen (1224), when the Emperor (that is, Cinggis-qan), having reached Eastern India, was encamped at the Iron Gate Pass, a one-horned animal with a body like a deer’s, but with a horse’s tail and green in colour, addressed the imperial bodyguard in human speech saying, ‘Your master should return home as soon as possible!’ The Emperor questioned Ch’u-ts’ai about it. He replied ‘This is an auspicious animal called chüeh-tuan. It is capable...
of speaking all the world’s languages, it loves life and abhors bloodshed. This is a happy omen sent down by Heaven to warn Your Majesty. You are Heaven’s eldest son, and all the men under Heaven are your children. Pray accept the will of Heaven and preserve the people’s lives.’ That very same day the Emperor withdrew the army’. Brief references to this event are found in other sections of the Yuan-shih; in one of them the compilers added the comment: ‘the significance (of the apparition) was the Heaven warned him (that is, Cinggis-qan) to stop the carnage’.”

As both Etani and Yen have correctly pointed out, Sung Lien 宋濂 (1310–81) and his colleagues in compiling the above account followed Sung Tzu-chen’s (1186/7–1266/7) version of the episode as narrated in the latter’s memorial inscription for Yeh-lü Ch’u-ts’ai. This runs as follows:

“When the Emperor was encamped at the Iron Gate Pass in Eastern India, his body-guard saw an animal with a deer’s body, a horse’s tail, green, and with a single horn. Being capable of human speech, it said ‘Your master should return home as soon as possible!’ The Emperor, amazed, questioned His Excellency (that is, Yeh-lü Ch’u-ts’ai), who replied, ‘This animal is called chuēh-tuan. It [can] travel eighteen thousand li a day and it knows all the foreign languages. It is a symbol of abhorrence to bloodshed that Heaven Above has sent to warn Your Majesty. Pray accept the will of Heaven and spare the people’s lives in these few [remaining] countries, thus giving full effect to Your Majesty’s infinite blessings.’ That very same day the Emperor issued the order for the army to withdraw.”

No date is given for this event in the inscription; however, as it follows the mention of a comet seen in the west in the fifth month of the year Jen-wu (11 June–10 July 1222), one would assume that it occurred after June–July 1222. Both Ch’u-ts’ai’s biography and the Annals of T’ai-ts’u record it s.a. chiên-shen/1224. Although the Yuan-shih, following a general error in chronology, places the events of 1219–23 one year too late, Cinggis-qan had actually crossed the Iron Gate (present Buzgala Pass, 88 kilometres south of Shahr-i-sabr, formerly Kesh, in Uzbekistan) already in autumn 1222 on his return journey to Mongolia. Thus the date we can infer from Sung Tzu-chen’s version (and about which more later) would not disagree with what we know of Cinggis’s movements at the time.

No reference to this extraordinary encounter is found in Yeh-lü Ch’u-ts’ai’s works, or in the Hsi-yu chi 西遊記, the Sheng-wu ch’in-cheng lu 聖武親征錄 and the Secret History of the Mongols. It is, however, reported by other authors of the Mongol period whose accounts are not mentioned by Yen. Most of them are quoted in Etani’s article. The first in chronological order is probably Chou Mi’s 周密 (1230–1310) story in the Kuei-hsin ts’a-chih. It is entitled ‘Hsi-cheng i-wen’ 西征異聞 or ‘Strange Reports on the Western Campaign’ and it is ascribed to Ch’en Kang-chung, that is, Ch’en Fu 陳剛中, M. Chen (1230–1303). His account is essentially the same as that of Sung’s inscription; Ch’en only adds that the creature was ‘several tens of丈 high, with a horn similar to the rhinoceros’ and ‘a wonder like spirits and ghosts’.

Another account of the same story, by far the most interesting, is that by Yeh-liu liu-ch’i 耶律柳溪, a grandson of Ch’u-ts’ai and a contemporary of Chou Mi and Ch’en Fu. Two lines from one of his poems, together with his own commentary, are quoted by Sheng Ju-tzu 盛如椊 (fl. second half of the 13th cent.) in his Shu-chai lao-hsüeh ts’ung-t’an. They run as follows: ‘The chuēhtuan, symbolising good fortunes, caused the imperial camp to move. In the
Western Regions, subdued and punished, peace was restored. Liu-ch’i’s commentary says:

The chieh-tuan travels eighteen thousand li a day and it is capable of speaking and understanding all foreign languages. Formerly, our August Emperor Sheng-tsu (that is, Cinggis-qan) took the field to punish the Western Regions.

In the summer of the year hsün-ssu (1221), when he was encamped at the Iron Gate Pass, my late grandmother, the Chief of the Secretariat, presented the following memorial to him:

On the evening of the twentieth day of the fifth month (11 July 1221), your personal attendants while climbing a mountain saw a strange animal which had two eyes like torches, a scaly five-coloured body, a single horn on top of its head, and was empowered with speech. This is the chieh-tuan. We should prepare an offering and sacrifice to it in the place where it appeared.

According to what they say, the chieh-tuan is auspicious. This is a spiritual being sent down by Heaven as a good omen.

In his nien-p’u of Yeh-lü Ch’u-ts’ai, Wang Kuo-wei (1877–1927) quoted the above story in support of the statement in the Yüan-shih to the effect that Cinggis pitched camp at the Iron Gate in the summer of 1221.

Thus, the apparition of the chieh-tuan occurred in the fifth month of the year hsün-ssu, just at the time when T’ai-tsu was about to march southwards and two years before he [actually] withdrew his army. Sung Chou-ch’en (cf. T‘ao T‘ung-i) erroneously combined [these two events, that is, the apparition of the chieh-tuan and the withdrawal of the army]; therefore, later people (that is, authors) suspected [this story] to be spurious. This is because they did not examine Liu-ch’i’s account.

Now we know from the Persian sources that Cinggis crossed the Amu-Darya on his way to Balkh in the spring of 1221 and the did not cross it again until autumn 1222, when he finally returned to Samarqand. Although the location of the imperial encampment in the summer of 1221 is not positively known, it was beyond doubt south of the Amu. Liu-ch’i, therefore, appears to be incorrect with regard to the date. His error is the same as that made by Yeh-lü Ch’u-ts’ai’s son Chu-ju in the note to the preface of his ‘Nine Elegies to Celebrate the Victory’ (‘K’ai-ko yüeh-tz’u chiu shou’), where we read: ‘Formerly, our August Emperor T’ai-tsu took the field to punish the Western Regions. In the summer of the year hsün-ssu, when he was encamped at the Iron Gate pass, etc., etc.’ Although the event to which Chu refers is Kou Meng-yü’s mission to Cinggis-qan, which did actually take place in 1221, the location is incorrect. This is due, I believe, to the general error in chronology for the year 1219–23 that I mentioned earlier. Cinggis-qan’s stay at the Iron Gate Pass to which our Chinese sources refer was in 1220. We know that Cinggis spent the summer of this year in the neighbourhood of Nasaf (modern Karshi), that is, in the proximity of the Iron Gate, before advancing on Tirmidh (modern Termiz) in the autumn. He did not cross the Iron Gate again until the autumn of 1222.

To complete our survey of Yüan sources relating to the chieh-tuan episode we should briefly mention the account in Su Ti’ien-chüeh’s (1294–1352) Yüan-ch’ao ming-ch’en shih-lüeh, just at the time when T’ai-tsu was about to march southwards and two years before he actually withdrew his army. Sung Chou-ch’en (that is, Sung Tzu-ch’en) erroneously combined [these two events, that is, the apparition of the chieh-tuan and the withdrawal of the army]; therefore, later people (that is, authors) suspected [this story] to be spurious. This is because they did not examine Liu-ch’i’s account.

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'Western India' instead of 'Eastern India' and that it contains additional literary embellishments. T’ao’s account has been translated and discussed by Yen.34 The later Chinese compilations on the history of the Mongol dynasty quote the story of the chüeh-tuan either from the inscription or from Yeh-lü Ch’u-ts’ai’s biography with little or no variation.

Of the Western scholars, Abel Rémusat translated the account of the chüeh-tuan in the Yüan-shih lei-pien biography of Yeh-lü Ch’u-ts’ai (based on the Yüan-shih), without commenting on it. Bretschneider merely reports the incident, extracting it from the Annals of T’ai-tsu in the Yüan-shih, and translates chüeh-tuan as ‘upright horn’.35 Wieger calls the chüeh-tuan ‘Règle Cornue’ and makes the incident — to which he refers as Yeh-lü Ch’u-ts’ai’s ‘Farce del Licorne’ — occur in the year 1222, at the time of Cinggis-qan’s attempt to reach Tibet.36 Wieger’s idea of placing this event on the Himalayas was probably influenced by D’Ohsson, who mentions it in connection with the conqueror’s plan of returning to Mongolia via India and Tibet.38 In order to reconcile the date 1222 with the location given in the Chinese sources, Wieger states that the ‘Portes de Fer’ mentioned in these sources are not those of Kesh, but probably those near Leh. I do not know of any mountain pass by the same name in this region, and presume that Wieger means the Karakoram Pass. In any case his suggestion is unfounded, since Cinggis’ troops never went as far as Kashmir and Ladakh. From the Persian historians we learn in fact that Cinggis gave up his plan of returning home through India while he was still on the Indus at the beginning of 1222. The reasons were, according to Rašīd al-Din, the difficulty of crossing rugged mountains and dense forests, the bad climate and drinking water, and the reports that the Tanguts had revolted.39 According to Jūzjānī, whose account has particular relevance for us, Cinggis-qan was taking the omens, in the Mongolian traditional way, by examining the shoulder-blades of sheep in his encampment at Gībārī (or Gīrī), near Peshāwar?, when he received the news of the Tanguts’ rebellion. This and the contrary advice of the soothsayers dissuaded him from proceeding further into India.40 Krause and Haenisch, in their respective translations of the passage relating to the chüeh-tuan in the Annals of T’ai-tsu in the Yüan-shih, have both rendered chüeh-tuan as ‘Einhorn’ without commenting on the story.41

What the truth is behind the story of the chüeh-tuan is difficult to say. The Ch’ing scholar Ch’eng T’ung-wen (程同文) (a chin-shih) of 1799) rejected it as spurious, claiming that it was fabricated, presumably by Sung Tzu-chen, in order to add glory to Yeh-lü Ch’u-ts’ai.42 Although Ch’eng’s arguments in support of his statement are all debatable, the story of the chüeh-tuan may of course be entirely devoid of truth. Most other scholars, as we have seen, either reject it or do not comment upon it. For my part, I am inclined to believe that a real incident occurred which gave origin to it and which was later distorted and magnified. It is, indeed, not only possible, but likely, that some Mongol soldiers saw a rhinoceros. This explanation was suggested long ago by Hung Chün (洪鈞) (1840–93),43 but it seems to have escaped the notice of both Chinese and Western historians.

Such a sighting may well have taken place during the Mongol raid into the Punjab in the winter of 1221–22. Although on its way to extinction, the one-horned rhinoceros of India was still to be found in the Punjab and Sind in the fourteenth century, and in the region of Peshāwar as late as the fifteenth century.44 The report of such a sighting could have easily been distorted and
exaggerated by the witnesses themselves, to whom the animal was quite unfamiliar. If so, Yeh-lü Ch’u-ts’ai’s subsequent interpretation of the incident, as related by his grandson Liu-ch’i, is perfectly plausible, even if the location and date in the latter’s account are not to be relied upon. We must not forget that one of Ch’u-ts’ai’s main functions at court at the time was that of soothsayer, as evident from his biographies and from his own writings.46 He no doubt belonged to the category of non-shamanic soothsayers called in Mongolian tölgecin or ‘diviners’, which included specialists in divinatory arts from different countries. Ch’u-ts’ai, of course, practised divination using Chinese traditional methods.47 His interpretation of the incident would have naturally been influenced by his literary background, and his identification of the animal seen by the Mongol soldiers with the chüeh-tuan, rather than with the chi-lin unicorn, finds its logical explanation in the fact that the former is endowed by tradition with the ability to cover large distances. Since at the time Cinggis-qan was considering the invasion of new countries and further bloodshed, the ‘message’ of the chüeh-tuan — like the chi-lin a symbol of universal love — could only be one of non-violence and restraint. It is very doubtful that Yeh-lü Ch’u-ts’ai’s advice alone would have been sufficient to deter Cinggis-qan and make him alter his military plans, but together with other factors it would have certainly played its part. As mentioned earlier, Jūzjānī specifically mentions as one of the reasons for his withdrawal from India the contrary advice of the soothsayers, whereas Rašīd al Dīn speaks of bad climate and drinking water, physical obstacles and certain political considerations.

Now, Sung Tzu-chen’s account of the incident is not doubt intended to enhance the role and prestige of Yeh-lü Ch’u-ts’ai and to credit him, indirectly, with the withdrawal of the Mongol army and the sparing of countless human lives. However, the circumstantial evidence that I have presented and discussed indicates that it cannot be dismissed purely on this ground. And if, as I think, the strange creature sighted by the Mongol soldiers was a Rhinoceros unicornis, how very appropriate — even if unwittingly so — was Ch’u-ts’ai’s designation of chüeh-tuan, a term that only recently, thanks to Chun-Chiang Yen, has been definitively recognised as being the Chinese transcription of the ancient Indian nae of the rhinoceros. This survey would be incomplete without some references to the Mongolian versions of our story. To review and discuss all the variants of the chüeh-tuan episode in Mongol literature from the 17th century onward — there are unfortunately no earlier references — would take us too far. Therefore, I shall limit myself to two major Mongolian historical works, one of the seventeenth and the other of the eighteenth century, which I think deserve attention.

In his article Etani has already quoted47 from the first of these, namely the celebrated chronicle Erdeni-yin tobo (full title: Qad-un ündüsud erdeni-yin tobo or Precious Historical Summary of the Origins of Khans) by the Ordos prince Sarayang-secen (1604–?) completed in 1662. In this work the episode of the encounter with the chüeh-tuan is related as follows:

Thereupon, when he (=Cinggis-qan), following the same course, rode against India, on crossing the mountain defile called the Candanarang (‘Brilliant Peak’) Pass, he came upon a wild animal, called the seru (‘rhinoceros’), which had a single horn on top of its head. It made obeisance, bending its knees three times before the Lord. While everyone marvelled at it, the lord spoke thus and said,
That vajra-seat of India is said to be the country where the sublime Buddhas and Bodhisattvas, and the powerful Holy Rulers of the past were born. Now, why does this speechless animal make obeisance thus, like a man? If we go there (that is, to India), we will perhaps be punished [by Heaven]? Could Heaven Above, my father, have warned me?" He wheeled round and returned home.49

Sayang-secen’s ultimate source was almost certainly a Chinese work, but I do not know which one. The story, transposed into a Mongolian Buddhist milieu (via Tibetan?) has been embellished and in the course of transmission has acquired a thoroughly Buddhist flavour. In the Erdeni-yin tobci the event is placed s.a. 1206, an error due, I think, to a miscalculation of a duodenary cycle.45

In a later version of the story found in the Altan tobci (Golden Historical Summary) of Mergen-gegen of the Uurat, who flourished in the middle of the eighteenth century,46 the chüeh-tuan episode is related as follows:

In the Year of the Blue Ape (1224), when Cinggis-qan set out to conquer the Tangyund nation, Qasar set out [with him] leading the army as general. Upon reaching the Iron Gate, while they were halting [there], the soldiers discussed among themselves the fact that one night [some of them] had seen a creature with a body like that of a deer, a horse’s tail, and green in colour, which, speaking in Mongolian had said, ‘Qayan, go back quickly!’ On that occasion, the chief secretary Aluun-Cusai (=Yeh-lü Ch’u-ts’ai) memorialised [the Throne as follows:] ‘This supernatural animal can speak in human tongue. It is called kiyuu-tuvan (=chüeh-tuan). It is Heaven that has spoken through it. If the Qayan, complying with the intention of Heaven, withdraws the army, it will be real wisdom.’ Qasar said, ‘If you, secretary Cusai, find it difficult to proceed, [then] you withdraw your own person (that is, you yourself turn back)! Why do you interfere in (lit. ruin) important government affairs making up lies and dissuading the Qayan? I am over sixty years old, and have been to various countries, but I have never seen it or heard of it. Whence came the so-called kiyuu-tuvan that day and became the messenger of Heaven? [Do you think that] Qasar will also be deceived by this fabrication of yours? So he greatly railed [at him]. [However,] as Cinggis had long since recognised the wisdom of Aluun-Cusai, he regarded Qasar’s behaviour as improper and, after reprimanding him, withdrew the great army.51

Although both Sayang-secen’s and Megen-gegen’s versions are of no use to us in interpreting the original account of the encounter with the chüeh-tuan, they are excellent examples of Mongol historiography and of the way the native chronicler adapts the raw material of history to his own purposes. Megen-gegen’s immediate source was the account on the chüeh-tuan in the Yüan-shih.52 However, his Altan tobci being essentially a historic-genological work on Qasar and his descendants, the story of the chüeh-tuan, duly modified, has become but an anecdote characterising the personality of Cinggis’ famous brother.

In conclusion, I think we can safely assume that the historical encounter with the chüeh-tuan/rhinoceros — if, as it is likely, such an encounter did take place — was regarded by those immediately affected by it (Cinggis-qan, Yeh-lü Ch’u-ts’ai) merely as a ‘sign’ or augury concerning an important matter at hand, that is, Cinggis’ army movements in 1221–22. For the Chinese literati and historians of the Mongol period, the whole episode became an example of the civilising influence of the sinified adviser of Cinggis-qan, and of the triumph of benevolence and wisdom over military thinking — hence 48 For the Mongol text and a discussion of its reading see Appendix 1.
49 That is, the event has been registered under the Year of the Tiger 1206 instead of the Year of the Tiger 1218. The same chronological error involving a full twelve-year cycle is found in the Secret History of the Mongols §§199 (1205 for 1217), 237 (1206 for 1218) and 239 (1207 for 1218/19). See I. de Rachewiltz in Papers on Far Eastern History, 21 (March 1980), p.36, n.199; P. Pelliot, Notes critiques d’histoire kalmouke. Texte (Paris, 1960), p.60, n.58.
52 See Heissig, op. cit., p.179.
Franke, op. cit., p.42, writes: 'One point concerning the unicorn story deserves attention: All sources agree that the unicorn somehow stopped Chinggis Khan's advance into India, which is in contradiction with the idea that Chinggis Khan was destined to rule the whole world. This is surprising because ... also Buddhist ideology provided Chinggis Khan and his descendants with a legitimation to rule the universe.'

an excellent illustration of the Confucian ideal in practice. At the same time it provided also, but to a lesser extent, the literary imagery traditionally associated with the coming of a sagacious ruler in a period of turmoil. In the later Mongolian chronicles, the story has acquired a Buddhist gnomic tinge totally absent in the original, or, as in Mergen-gegen’s version, it is used largely as a background for the fictional characterisation of popular heroes. Nevertheless, one dominant element in the various versions is the wisdom of Cinggis-qan as exemplified by his compliance with Heaven’s command. This would explain, in my view, why a story like this, in which Cinggis is shown as actually arresting his progress and withdrawing from India, is quoted in works that strive to justify, on pseudo-historical and ideological grounds, the claim of Cinggis and his descendants to universal rule. In other words, the better judgement displayed by Cinggis on that occasion, far from prejudicing his right, is a further indication that he had the prudence and wisdom one would expect in a man who was destined to become the world leader.
Appendix 1

Tendece mön tere yabudal-iyar-iyan Enedkeg-tür morilar-un Cid
γarang-un (read) Candanarang-un) daba γ-a kemekü kötel-i daban odtala: [37r] nigen oroi-
dur-iyan γa γa eber-tei: serü neretü görögesün güyüjü iregseger: ejen-ü emüne urban-ta ebüdüg-iyen bokircu mörgön abai: tegün-i qotala ayiqaldun büküi-e:ejen eyin jarli
bolurun: tere Enedkeg-ün vcir(-tu) sa urin kemekü:
eren-ü degedü burqan bodisung-nar erketen  boydás qad-un törösgen oron gele: edüge ene kelen aman ügei görögesün ber: eyin kümün metü mörgökü anu yên: kerbe kürbüsü genüher bolqu yên bolumu: degere tengri ecige minu idqaysan bolbau kemeged eggegerejü qarin urbaju bayubai:: See E. Hae-
taidschi der Ordus (St Petersburg, 1829), p.88, 1.15–p.90, 1.3 (text), pp.89–91 (translation; J.R. Krueger (tr.), Sagang Sechen. History of the Eastern Mongols to 1662 (Erdeni-yin Tobci), The Mongolia Society Occasional Papers 2 (1967), p.61; by the same author, Poetical Passages in the Erdeni-yin Tobci (‘s-Gravenhage, 1961), p.78. My translation diverges on several points from that of Kruger. I have amended the ‘Cidyarang-un dabáy-a’ of the text (36v30) to ‘Candanarang-un dabáy-a’, which I have rendered as ‘Brillian Peak Pass’. This requires an expla-
nation. Schmidt’s text (p.88, 1.16) has Cadanaring, which is also the reading of the Ch’ien-lung printed edition and the Peking Palace MS edited by Haenisch. See E. Haenisch, Der Kienlung-Druck des mongolischen Geschichtswerkes Erdeni yin Tobci von Sagang Secen (Wiesbaden, 1959), ch.3, 33a5; Qad-un ündüsün-ü erdeni-yin tobciya, ‘Eine Pekinger Palasthandschrift’ (Wiesbaden, 1966), ch.3 35v2. According to Schmidt, op. cit., p.386, n48, Cadanaring ‘ist vermuthlich eine Corruption oder fehlerhafte Schreibung des Sanskritnamens Tschandanâdri ‘Gebirge der Sandelbäume’, womit das Malaja-Gebirge im Western Hindu-
stan’s verstanden wird’. While the reading Cidqarang of the Urga MS is also found in two of the three Ordos MSS of the Erdeni-yin tobci formerly in the possession of the Rev. A. Mostaert (see Erdeni-yin tobci. Mongolian Chronicle by Sayang Secen, Scripta Mongolica II, Cambridge, Mass., 1956, v.iii, p.83 [41a] 1.6, and v.iv, p.96 1.4), the reading Cadanaring is supported by other Mongol-
ian chronicles where the same story is found, in usually shorter and modi-
fied versions, such as the Sira tuyuji, the Altan küdün mingyan gegesütü bicig of Guosi Dharma (1739), and the Bolor erike of Rasipungsu (1774/5). The MSS of the Sira tuyuji give Cadanaring (not ‘Cada-

naring. See Bolor erike, Mongolian Chronicle by Rasipungsu, Scripta Mongolica III. (Cambridge, Mass., 1959), v.i, p.167 [66a], 1.5 and v.iv, p.116 [112], 1.4. Now, the reading in MS Ordos A of the Erdeni-yin tobci is Cindanaring (see Scripta Mongolica II, v.ii, p.94 [47b], 1.4) and in the ‘Qaracin’ text of the same work it is Citanaring (or Cidanaring). See Fujioka Katsuji, ‘Karachin’ hon Mōkogenryū 藤岡勝二:喀喇沁本蒙古源流 (Tokyo, 1940), ch.2, p.28. The reading Citanar-
ing is also attested in the Meng-ku yüan-lu, where we read ‘the ridge of the Ch’i-t’a-na-ling defile’. See Sheng Tseng-chih and Chang Erh-t’ien, Meng-ku yüan-lu chien-cheng 沈曾植,張爾田: 蒙古源流笺證 (1934 ed.) c.3, 23b; cf. E. Haenisch, Monggo Han Sai Da Sekiyen, die Mandschu-fassung von Secen Sagang’s
mongolische Geschichte (Leipzig, 1933), p.45; citanaring. The readings in the three MSS of the Erdeni-yin tobei in the State Library of Ulan-Bator given by C. Nasunbaljur (Ts. Nasanbaljir), Sagang secen. Erdeni-yin tobei (Ulan-Bator, 1958), p.112, n.27, are Cadana-ring (or Caday-ring?), Cadananner (or Cadayaring?) and Cadananrang (or Cadayaring?). I think that Cadananner and Cadananrang are actually to be read Cadanaring and Cadanarrang. All these texts reflect an alternance C[n]danaring~Ca[n]danaring. Although cindan~candan are well attested Mongolian forms of Sanskrit candana 'sandalwood' — see P. Aalto. 'Notes on the Altan Gerel,' Studia Orientalia (Helsinki) XIV, 6 (1950), p.17 — I do not think that Schmidt is correct in suggesting that this name is a corruption of Candanādri. In the first place, the form Candanādri does not seem to be attested as such. The correct designation of the Malaya (Western Ghāṭs) is Candanagiri. See M. Monier-Williams, A Sanskrit–English Dictionary (new ed., Oxford 1899; rep. 1960), p.386b. This leads me to suspect that Candanādri — grammatically a perfectly correct name (candana + adri ‘mountain’) — was made up by Schmidt himself. Secondly, even if this were another name for the Malaya (which I do not exclude), the identification with the mountain of the story is untenable on purely geographic grounds, the Western Ghāṭs being too far to the south. However, canda(n) occurs in Mongolian also as a transcription of candra ‘brilliant, shining’. See, e.g. Raghu Vira, Mongol–Sanskrit Dictionary with a Sanskrit–Mongol Index (New Delhi, 1958), p.110. Now we have in Sanskrit the term candrāgra (‘brilliant peak(ed)’ (Monier-Williams, op. cit., p.387c) which is, of course, an excellent definition of a mountain. I am of the opinion that Cidqarang (Cidγarang) is a scribal error for Ca[n]danarang. This could have easily happened, since –qa- (γa-) and –ana- are indistinguishable in Mongolian script when the diacritic points are omitted. Candanarang may be regarded as a Mongolised form of Candrāgra, and ‘Candanarang-un dabaya’ may then be rendered as ‘Pass of the Brilliant Peak’. I doubt whether such a peak can be identified with any existing mountain; it was probably a name chosen by the pious author of the Mongolian version of the story who no doubt wished to find a fitting epithet for the place of the mystical encounter. His choice of a Sanskrit term was prompted by his knowledge that the encounter took place in India. My interpretation is to some extent supported by the Hor chos ‘byun, a work that draws heavily on Sayang-secen’s chronicle and which, in its account of the story, defines the location simply as ‘a high mountain pass’. As in the Erdeni-yin tobei, the event is placed s.a. 1206. See G. Huth. Geschichte des Buddhismus in der Mongolei, Zweiter Teil (Strassburg, 1896), pp.25–26. Sayang-secen calls the animal seru, incorrectly read ‘Ssaru’ (=saru) by Schmidt, op. cit., p.89, and Fujioka, loc. cit. Seru, and not sery (=serii) as in F.D. Lessing (ed.), Mongolian–English Dictionary (Berkeley, 1960), p.691b, is a loanword from Tibetan (bse-ra). Its original meaning is ‘rhinoceros’, but later it came to designate a species of deer or antelope. For a rather detailed discussion of bse-ra > seru, see Laufer, op. cit., pp.120–24.
ON A RECENTLY DISCOVERED MS. OF ČINGGIS-QAṬ'AN’S PRECEPTS TO HIS YOUNGER BROTHERS AND SONS

Igor de Rachewiltz

Činggis-qan’s wise sayings or precepts (bilig), as distinct from his formal pronouncements, rules and regulations which eventually made up the now largely lost corpus of Činggiside laws (yeke jaṣay), have come down to us as individual collections, and in the body of larger works such as historical chronicles.

In either form, Činggis’ aphorisms, opinions and practical advice on statecraft and life in general, are usually expressed in alliterative verse, with connecting passages in (often rhythmic) prose, and are set in the context of poetic dialogues between the emperor and members of his family and/or faithful companions (nököd), at a feast (qurim), during a military campaign, or on other occasions.

These wise sayings (hereafter biligs) attributed to the great Mongol conqueror have a long and interesting history, and even though they contain obvious interpolations and later additions, it seems that much of their content is genuine and dating from the thirteenth century.

Anecdotes illustrating Činggis’ prudence and sagacity, and stories — true or semi-fictional — concerning his special relationship with some of his brothers (for example, Qasar), sons, wives and companions (Boγorču in particular), no doubt circulated among the Mongols already in his lifetime. His remarkable deeds and feats of arms were declaimed and sung in the Mongol tents. As for his biligs, they were, appraently, duly recorded by specially appointed officials — a practice that must have been introduced in the latter part of his life.

Soon after Činggis’ death, these stories, songs and biligs became part of a growing body of traditions about the now legendary figure of the emperor from which Mongol bards and chroniclers were to draw both inspiration and information in the following decades. The biligs in particular were quoted and recited at the Mongol court, and we know that proficiency in bilig-lore was so highly regarded that Temür-Ōlǰeitü reputedly gained the throne in 1294 over his rival because he knew the biligs of Činggis-qan better and could declaim them with a pure accent.
As is known, the preservation of the Secret History of the Mongols, its rich psychological content and the intimate details of Mongol life so vividly described in it are totally absent in the Yuan dynasty in 1368. The records, as well as epic songs, narratives and legends handed down orally (and hence further elaborated in the course of transmission), were collected and used by the learned lamas and chroniclers of the seventeenth and eighteenth centuries in their works. Thanks to their labour, part at least of the ancient literary heritage has reached us, albeit often in Buddhist garb and in a form reflecting the outlook and biases of the post-Yuan Mongol feudal society.

Besides the 'original' material preserved in the Secret History and in the works of the Persian authors (Raśīd al-Dīn in particular), and odd references in Western medieval records, our knowledge of the Činggis-qan Saga derives entirely from these later rifacimenti and the still (?) living oral tradition. Only in recent decades, however, have scholars been able to undertake a systematic survey of the seventeenth and eighteenth century chronicles, and of Mongolian literature in general, largely thanks to the greater availability of primary source material, including oral traditions, and the discovery, in several countries, of numerous manuscripts and blockprints of previously unknown works, and of different versions of known ones.

Therefore, we are now in the fortunate position of approaching the complex problems raised by the reconstruction of the Činggis-qan Saga in a way that would have not been possible thirty years ago. In this virtually unexplored field of research, a comparative study of the extant versions of Činggis' biligs is clearly of prime importance. Among the most famous biligs are the ‘Holy Činggis–qayan’s precepts to this younger brothers and sons’, of which various versions are known. One of these was published by A. Popov as early as 1836 in his Mongolian Chrestomathy. Another version was edited by C. Zemcarano and published in Urga in 1915. It is now a bibliographical rarity. W. Kotwicz discussed both these versions, translating excerpts from them, in an article which appeared in 1923. The following year, the Mongoly ulus–un sudur bičig–ün küriyeleng of Ulan-Bator published the Činggis boyda–yin durasaqal–un tegübüri, which contains Činggis’ biligs extracted from Raspunsuy’s Bolor erike. A second edition of the Tegübüri was published by the Mongoly bičig–ün qoriya of Peking in 1926. This was translated into Japanese by Yamamoto Mamoru in 1941. Some of the biligs from the Bolor erike were rendered into German by W. Heissig in 1962.
published by Popov is in the Royal Library, Copenhagen,
and similar MSS are known to exist in other collections.26

At the beginning of 1975, a MS of these biligs formerly belonging to the
great Polish Mongolist J.S. Kowalewski (1801–78), was discovered by the late
Professor Y. Rintchen in Vilnius University Library.27 The MS, entitled Činggis
boyda-yin suryal-un jarly-un dam bayyalysan debter, or Book That Has
Handed Down the Instructions of Činggis the Holy One, is described by Rintchen in
his article ‘Manuscrits mongols de la collection du professeur J. Kowalewski à

Like other MSS in the same collection, this too is a copy made for Kow-
alewski by a Mongol scribe in Transbaikalia and dates from the first quarter
of the nineteenth century. It is written on bluish paper of Russian origin, and
it is bound into a book 15 cm x 12.5 cm.28

With regard to the contents of the MS, Rintchen quotes in his article some
of Činggis’ biligs in transcription, and a colophon (âyarvardi neretü qayan-u
uliger quuli bayyalysan Sastir tégisũ) which actually belongs to another
work.29 All the biligs quoted by Rintchen appear, with minor differences, in
Popov’s work.30 In a letter to me dated 17–19 January 1977, Rintchen wrote:

I think among these unknown Mongol manuscripts of the first quarter of
the XIX century copied by Mongol scribes for Professor Kowalewski it would be
very interesting for you and for the Mongolists of the world a book of Chingis
khan’s aphorisms all rhymed and showing his great poetical and improvisative
talent, his high ethical and philosophical level, indispensable in my opinion for
all the kings and emperors not only of his time but also of nowadays.

I am sure, the manuscript unknown in the Northern and South Mongolia after
the annihilation of all monastic and hereditary libraries of Mongol intellectuals
and nobles ..., is one of the most interesting monuments of the earlier Mongol
literature remonting [sic] to the XIII century.

I hope the Vilnius university would procure you a microfilm of the book of
Chings khan’s aphorisms and you might publish it with a translation which
would show to the world readers in English a quite unknown aspect of the great
Mongol Emperor, who was my nayaçu, because my late mother descended from
the line of Čoytü qungtayji of Qalq-a.31

In view of the above and in compliance with Professor Rintchen’s wish,
I immediately wrote to Vilnius University Library requesting a microfilm of
the MS in question. This was kindly supplied and I was thus able to examine
the text of the Vilnius MS and compare it with the other texts of the same
work available to me.32

The Činggis boyda-yin surväl-un jarly-un dam bayyalysan debter occupies the
first fourteen leaves of a ‘book’ containing other Mongol texts. The leaves are
numbered 1 to 14 in Arabic numbers (= pp. lr–14r in my pagination). Each page
contains seven lines of text. Various scribal errors and omissions have been
subsequently corrected, either by the copyist himself or by a later hand, and
a number of alternative readings have been inserted between the lines, also
by an unknown hand.

The version of the biligs contained in the Vilnius MS is essentially the
same as that published by Popov. However, quite a few readings are at vari-
ance with Popov’s text, but agree with those found in the Copenhagen MS.
Conversely, some readings are at variance with the Copenhagen MS but
agree with Popov’s text. Other differences between these three texts can be
explained by the fact that in the Vilnius MS some words, or groups of words,

study of Mongolian language and customs. See W. Hung in Harvard Journal of Asiatic Studies 14 (1951), pp. 452, 460. For other ‘unfa-
vourable influences’ on the preservation of Mongol literary monuments, see Žamcaro, op. cit., pp. 3, 5–6. The extent of the loss can
be gauged by the fact that of all the Mongol works printed in China in the thirteenth and
fourteenth centuries, only one virtually com-
plete book has physically survived to this
day; of several others, mostly Buddhist texts,
we only have fragments. See my forthcoming
study ‘The Preclassical Mongolian Version of
the Hsitse-ching’ in Zentralasiatische Studien.
It should be pointed out, however, that a
number of ancient Mongol texts may have
perished in comparatively recent times as a
result of civil wars and other catastrophes.
See Žamcaro, op. cit., pp. 3, 58; W. Heissig,
A Lost Civilization. The Mongols Rediscovered,

12 Cf. W. Heissig, Die mongolischen Handschriften-
reste aus Olon sûme innere Mongolei (16.–17.

13 Cf. B. Laufer, ‘Skizze der mongolischen Litera-
tur’, Keleti Szemle 8 (1907), p. 239; Žamcaro,
op. cit., pp. 4, 6 et passim; W. Heissig, Die Fami-
lien- und Kirchengeschichtsschreibung der Mon-
golei i. 16.–18. Jahrhundert (Wiesbaden, 1959),
pp. 57, 60, 100 ff.

14 See Poppe, op. cit., p. 9. Cf. Heissig,
op. cit., p. 6.

15 A special tribute must be paid to Prof. W.
Heissig of Bonn for his painstaking search
for, collection of, and description of Mon-
golian MSS, books and documents scattered
throughout the world.

16 Part of a bilig addressed to Boyorcu is appar-
ently among the Khara-khotó documents in
Leningrad (Doc. G110). See P.K. Kozlov and W.
Munkuyev in L. Ligeti (ed.), Mongolian Studies
(Amsterdam and Budapest, 1970), p. 343. It
is to be hoped that this interesting fragment
will be published before too long.

17 I am not giving the Mongolian title of these
biligs as it varies somewhat from version to
version. See below and nn. 18, 19, 25.

18 A. Popov, Mongol’skaya krestomatiya dlya
načynuajčikh obučat’šya mongol’skomu yazyku
(Kazan, 1836), pp. 54–65. No Mongolian title.

19 Under the title Sutta boyda Činggis-qayun-u
altan suryal orosiba. See B. Laufer, Očerk
mongol’skoi literatury, per. V.A. Kazakeviča,
pod red. i s pred. B.A. Vladimirov (Lening-
rad, 1927), p. XIII; R.A. Rupen in Harvard
Cf. Heissig, Bolur erike, p. 67 and n. 58.
This work is not available to me.

20 ‘Iz pounčen Čingis-khana’. See above, nn. 4
and 5. Kotwicz’s article is also not available.

21 Unavailable to me. On this edition, see
Heissig, op. cit., p. 1 and n. 1, et passim. For the
biligs contained therein, see below, n. 22.
have been left out by a careless copyist; and, occasionally, the same material has been rearranged somewhat differently.

Thus, even though the Vilnius MS does not actually provide a new version of Činggis’ ‘Precepts to his younger brothers and sons’, it may certainly help in preparing a new edition of the biligs which will take into account all the variae lectiones offered by the extant MSS.

Two samples from the text of the Vilnius MS, namely the passages in pp.1r,-3r, 3 and 13v,3–14r,7, are given in transcription at the end of this article, followed by the variae lectiones found in Popov’s edition (P) and the Copenhagen MS (C). For the present purpose, I have ignored all alliteration in the three texts. Obvious orthographic mistakes in our MS (for example, boydan for boyda, t̪aγyaγu for t̪aγyaγa) have been tacitly corrected. However, in a few cases I have preferred to retain the original form and insert my correction — usually an additional letter or syllable — within square brackets (for example, asay[u]γu, qar[бу]basu). In the case of a doubtful word, I have given the correct form, or suggested emendation, in square brackets following the word in question (for example, öni [?onî]. The alternative readings inserted between the lines of the MS are given in parentheses following the word(s) to which they refer.

**Transcription**


[3r] üli boluyu:41 kümün kediü-ber sayin t̪erβesü suruyalyγ-ača42 über-e seγen üli boluyu44 kemen jarlyk boluyun aγiyu : :

[13v,3] Činggis-qayen jarlyh bolurun: t̪orγyosu46 töbsin-iγer abasü: t̪orγ-yin ejen qayen seγen mergen bolbasu47 t̪orγeβilüγen eγeβe eκiβi bolbasu48 t̪orγ yosu49 medekü

[14r] t̪usimel50 bolbasu:51 türiγel ügei dayisun-u daraγu čeγir-tü52 bolbasu: t̪en üγen on dayysta γerγi53 kœvgün54 ači55 üri56 anu56 mendü bolbasu: delekü-γin ķerγeti mœγkü t̪eγri bieγekü57 bögesü58 t̪ensel ügei yekę jirγalang59 tere bui60 kemen uγilüγen61 aγiyu: Činggis-qayen62 deγ∫üer63 köβögüd-iyen65 soyun suruyalyγ jarlyh imu tegüβe:66 : : :
ON A RECENTLY DISCOVERED MS. OF ČINGGIS-QΓAN’S PRECEPTS TO HIS YOUNGER BROTHERS AND SONS

Variae Lectiones

1. P, C köbegüd-tür-iyen
2. P erke-dür oroyulqu kele
   C erke-dür-iyen oroyulqu kele
3. C alayyan-dayan
4. P toyaququ
   C toyoyaququ
5. P, C ilayyu
6. P, C ildebesü
7. P ildun-dur
   C ildu-dur
8. P bolbaçu
9. P ayulγatan
   C ayuγčin
10. P, C ilayyu
11. P, C jilidebesü
12. P olan kümün-eçe
    C tög tämen-eçe
13. C yosu-yi
15. P, C kötlö
16. P örgen
17. P, C ulum
18. P čoke
19. C kürümüi
20. C dayamui
22. C om.
23. P, C sonamui
24. C dabamui
25. C getelesi
26. C getelkü
27. P getülügie
   C getelügie
28. C getelmüi
29. P, C gńen
30. P bspiel
31. P, C kemegdekü
32. P buruyayi-ı
33. P, C medegdekü

34. C sečen-eče
35. P suryadaququ
   C surutuyai
36. C mösü
37. C onamui
38. P ödün ügei
40. P qarbuju
41. C bolamui
42. C suryayalı ügei ber
43. C öber-iyen
44. C bolamui
45. P, C yosun
46. after bolbasu P adds terigülegsen
   aq-a degüü tegüs bolbasu
47. after bolbasu C adds törögsen aq-a
   degüü tegüs bolbasu
48. P, C yosun-i
49. P täsumel-dü  C tüsimed
50. C bspiel bolbasu
51. C ċerig-tei
52. C qatan
53. P köbegün
54. C ači yači
55. P ür-e
   C ür-e-tei
56. P aq C om.
57. P, C ñegekü
58. P bolbasu
59. C jirγalang-un sayin
60. C bspiel f-a
61. P üyülegsen
62. C bolai
63. P boyda Činggis-qayan
64. P degüü-ner
65. P köbegüd-iyen
66. C om. last sentence. The colophon quoted by
   Rintchen, op. cit., p.115, does not belong to this
   MS, but to the one immediately following it in
   The colophon is on p.26v, 3–4.