

BOOK REVIEWS

EDUARD J. M. KROKER, Die amtliche Sammlung chinesischer Rechtsgewohnheiten, Untersuchungsbericht über Gewohnheiten in Zivil- und Handelssachen. 民商事習慣調查報告錄 3 Bände. 282, 280, 162 pages. Verlag Gerhard Kaffke, Bergen-Enkheim bei Frankfurt/M., 1965.

The law codes of China, from the Han time down to the present, have been the subject of numerous studies; large parts of the codes are also available in translations. We gained the impression that China had developed only a criminal law, no civil or commercial law, at least not before the present century. The research done by Niita Noboru convinced us later that civil and commercial affairs were subject to governmental regulations in T'ang and Sung times and probably even before that period. But nothing which can be compared with Near Eastern or Indonesian *adat* law, had been known. In the 1920's, however, the Chinese government began to show an interest in customary law, because it was hoped that the planned new, modern codes could profit from a knowledge of customary law. This interest led to an official inquiry. The results of this inquiry were published in 1930. Although the value of this publication was recognized by some legal specialists, the publication soon became quite rare and Mr. Kroker has the merit to be the first scholar who has paid attention to this book. After a number of special studies in several journals, Kroker has now provided us with a complete and richly annotated translation. It cannot be my aim to evaluate in this journal the importance of this translation for students of comparative law; but I believe that the folklorist can learn much from this work, so that it deserves our attention. Edwin Loeb has once proposed the hypothesis that legal proverbs served as law codes in societies which do not have a script. His idea can be expanded to say that even in a society in which codified law exists, areas not of interest to the government and its agencies may remain the field of legal proverbs. Thus, the area of civil and commercial law which only marginally interested a Chinese government, and in which most of the complaints were not brought to the judge but rather settled by some form of arbitration, remained in China largely an area of legal proverbs. The book contains many of these. It can be seen that they vary in the wording, sometimes in the style, but hardly in content. As we now, through this work, know these legal proverbs, it should be possible to find them in the historical literature. Thus far, not even Chu Chieh-fan 朱介凡, the greatest living specialist in proverbs (see his 1965 中国諺語論), who mentions modern legal proverbs (p. 157), seems to have found

historical examples.

W. Eberhard

EDWIN CAPERS KIRKLAND: A Bibliography of South Asian Folklore. Indiana University Publications, Folklore Institute Monograph Series, No. 21, and Asian Folklore Studies Monographs, No. 4. Bloomington (Indiana), 1966. XVI, 292 pages. US \$ 10.00.

Area-wise this bibliography covers India, Pakistan, Nepal, Tibet, Ceylon, Bhutan, and Sikkim, as stated in the Introduction. The author tells us that he included "all types of folklore, no just folk literature" and his division of "folklore" comprises the following types: art, ballad, belief, charm, crafts, custom, dance, demonology, drama, epigram, fable, festival, game, gesture, legend, magic, medicine, music, myth, place name, omen, proverb, religion, rhyme, riddle, rite, ritual, song speech, superstition, tale and witchcraft (Introd., p. VIII).

In the main body of his bibliography the author proceeded by listing the authors' surnames throughout the book and thus arriving at the respectable number of 6581. To this main part of the book had to be given 236 pages. The Index (p. 237-292) lists "all the geographical, linguistic, tribal, ethnic and type notations found under the items in the main body". The author has undertaken an enormous and complicated task, not the least precarious problem being that of the transcription. He has decided in favor of "popular" spelling, which uses Roman letters to render the words as they sound.

The author admits with appreciable frankness that the greatest problem which he was confronted with, was the much deplored vagueness of the term "folklore". In our opinion however, the pragmatic way he followed is safe enough and will satisfy even those for whom folklore is practically the same as cultural anthropology. He did his double indexing "to make the bibliography readily useful to different disciplines, such as anthropology, ethnology, folklore, and sociology, which have different approaches" (Introd., p. IX). Of course, considerably more prospective users of the bibliography could be named, e.g., musicologists, students of the science of religion, of art history, etc. We cannot expect from this one author to settle first for this one particular book the ticklish question of what folklore is, of what it includes and includes not. Whether Tibet belongs to South Asia or not rather to Central Asia, the geographers may decide.

Undoubtedly many scholars of Indian culture and life will be grateful to Prof. Kirkland for having done this tremendous amount of painstaking bibliographical spade-work which will greatly facilitate further studies in various fields of Indian studies.

M.E.