maritime route was also more important from much earlier than many people realize, as Tansen Sen skillfully demonstrates in his chapter on "Buddhism and the Maritime Crossings" in the Wong and Heldt volume (39–62). For example, in a seventh- or eighth–century collection containing biographies of Chinese Buddhist monks who travelled to India, in thirty-six out of sixty cases they went by sea (50–51). Xinjiang was never the only Silk Road. But it will probably always be the classic Silk Road of our imagination, and Valerie Hansen has written a wonderful introduction to it.

The Confucian-Legalist State: A New Theory of Chinese History. By Dingxin Zhao. Oxford: Oxford University Press, 2015. 472 pp. $85, £54.99 (cloth), $84.99, £52.24 (ebook).

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Dingxin Zhao presents a sweeping account of the emergence of the Confucian-Legalist state and its consolidation in Chinese history. Zhao aims at "a theory of historical change" (Chapter 1), but also offers a theory of the impossibility of change. Dramatic change took place when Western Zhou feudalism was transformed through incessant warfare and Legalist reforms in the Spring and Autumn and Warring States periods (Chapters 2–8) into the Confucian-Legalist state in the early Han dynasty (Chapter 9). Once formed, the Confucian-Legalist state was resilient against challenges for two millennia (Chapters 10–13). Zhao insists on "the impossibility of an indigenous creation" of constitutionalism or capitalism (370, also 353, 284). However, his meticulous empirical discussions also open up potentials for unsanctioned "interstitial developments" (329, 346). Zhao's book thus accounts for more historical change and contingencies than he may have intended.

Zhao develops "a theory of historical change" that goes "beyond Spencer's, Weber's, [and] Mann's" (48). He does so first by "adding competitive/conflict logics to Michael Mann's version of Weberian structural analysis and mechanism-based explanations" (4), and second by adopting Mann's four sources of power, namely ideological, political, military, and economic (10). The theory then seeks to explain two principal research questions. The first is "how and why China was unified and developed into a bureaucratic empire under the state of Qin" (6). The second is how the Confucian-Legalist state that emerged in the Western Han "showed such resilience" until the nineteenth century (6).

Zhao's answer to the first question points to the "dominance of military competition" which "subdued all the other power actors" (11). "War-driven dynamism" eventually culminated in both absolutism and unification (Part III). Zhao's answer to the second question zooms in on the Han dynasty's turn to ideological power. The Han learned the lesson that the Qin's Legalist model was unstable because the very strength of the state "freed it from checks and balances by other societal actors" (263). Han's Emperor Wu developed "a synthesized ideology" of "imperial Confucianism" (279) that gave moral legitimacy to otherwise instrumental Legalist ruling methods (292). This "amalgam of political and ideological power" allowed Chinese emperors to simultaneously "strengthen state authority and… penetrate the society" (282) and "curbed military power [and] marginalized economic power" (15). This ruling structure did not just convert warlords-turned-emperors (Chapter 10) and semi-nomadic invaders (Chapter 11), but also subdued potentially "state-weakening" Buddhism (304, Chapters 10 and 12) and commercialization (Chapter 13). As a result, the Confucian-Legalist state remained resilient until the nineteenth century.

In highlighting the Confucian-Legalist state's persistence, Zhao's "new theory of Chinese history" paradoxically confirms age-old theories, such as Jin Guantao and Liu Qingfeng's

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discussion of China's "ultra-stable equilibrium structure" (xi) and the nineteenth-century Eurocentric thesis of "Europe's 'success' and China's 'failure'" (351). Although Zhao rejects the old claim of Chinese stagnation (349, 352), this book supports the long-held position that China could not indigenously develop rights, freedom, constitutionalism, nationalism, and capitalism "before the arrival of the West" (370).

In Zhao's view, historical change finally took place after 1911 (Concluding Remarks). He contends that "[t]he single biggest rupture between imperial and modern China is the virtually irreversible decline of Confucianism" (372), which, in turn, has given "Westernization… its most unreserved expression in today's China" (373).[1] However, the decline of Confucianism does not necessarily mean the end of the exceptionally robust Confucian-Legalist state. Zhao's major contribution is his in-depth explication of how the Confucian-Legalist state was more Legalist than Confucian. Even the civil-service examination, conventionally taken as a Confucian hallmark, was Confucian only in the use of Confucian canons but Legalist in the selection and control of officials (308). Thus, it would be more accurate to argue instead that the Chinese Communist Party (CCP) has only pushed the Confucian-Legalist state to its logical conclusion. Compared with the imperial state that did not have the infrastructural capacity to penetrate below the county level, the current party-state has the capacity to exercise direct rule down to the household level (more below). The Chinese state is thus more dominant over the society and the economy today than in imperial times.

If the historical Confucian-Legalist state was not nearly as omnipotent as the current CCP state, then Chinese history could in fact be more open-ended. Zhao dismisses the recent wave of Tilly-inspired comparative historical works that suggest that China's divergence from Europe was contingent.[2] He sees history as more "directional and patterned" than "nonteleological and… contingent" (5): "Europe developed in the direction of constitutional government and industrial capitalism; China, toward a bureaucratic empire" (12). He disputes "balanced comparisons" because any similarities between China and Europe must be "superficial" (7). Zhao disagrees with many scholars, but devotes special attention to my comparison of ancient China and early modern Europe[3] (throughout Part III) and Kenneth Pomeranz's comparison of Jiangnan and England (chapter 13).[4] Let me illustrate how Zhao's analysis is in fact very consistent with mine and Pomeranz's—and on his own terms.

Zhao's proclaimed contention with my work is particularly puzzling because he adopts a similar Tillyan theoretical-methodological approach and makes a similar Tillyan state-formation argument. Zhao's "dialectic of competition and institutionalization" (29) is an endorsement of my "paired comparisons of *un*common cases" which simultaneously examines how "the [structural] pressure of war compelled similar causal mechanisms across time and space," how "recurrent causal mechanisms combine[d] differently with varying initial and environmental conditions to produce radically different outcomes," and how "the initial differences became increasingly magnified through path dependence" (Hui, 8, 142). Moreover, Zhao's observation that the early timing in the development of state centralization explains why political power trumped economic power in

[1] I am unable to understand why Zhao makes this completely unsupported claim, especially in light of President Xi Jinping's campaigns to wipe out "Western" ideas. When this statement is read together with the Preface, it may be that Zhao shares the May Fourth thinking that the Confucian-Legalist state is to blame for China's "backwardness" (ix) and that all-out westernization is China's only future (Concluding Remarks).

[2] The most notable examples are Kenneth Pomeranz, Peter Perdue, Bin Wong, James Lee, Alice Miller, among others. See Daniel Little, "Charles Tilly's Influence on the China Field," June 11, 2008, http://thechinabeat.blogspot.hk/2008/06/charles-tillys-influence-on-china-field.html.

[3] Victoria Tin-bor Hui, *War and State Formation in Ancient China and Early Modern Europe* (New York: Cambridge University Press, 2005).

[4] Kenneth Pomeranz, *The Great Divergence: Europe, China, and The Making of the Modern World Economy* (Princeton: Princeton University Press, 2000).

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China (217) is a reaffirmation of my thesis that "the relative timing" of trade expansion and "system formation" (Hui, 141–42) is what shaped the initial adoption of self-strengthening reforms (mobilization of the wherewithal of war by improving state capacity) in ancient China but self-weakening expedients (mobilization by reliance on intermediate resource-holders such as military entrepreneurs, mercenary armies and international financiers) in early modern Europe.[5] In addition, Zhao's analysis of how "war-driven dynamism" produced Qin's absolutism and unification (Part III) is a confirmation of my argument that the intensity of war contributed to "coercive transformation of both international competition and state formation" in ancient China (Hui, 50).[6]

What, then, explains Zhao's declared disagreement? A closer reading between the lines, especially of the lengthy footnotes, reveals that the devil is in the detailed definitions. Like me, Zhao is not averse to "using Western terms to discuss Chinese institutions" (57).[7] He adopts Weber's ideal-type approach and sees every ideal-type as representing "a wide range of phenomena" "occurring in very different times and places" (30n9; 56n33). As various institutions are "cumulatively developmental" (10), he champions "minimalist definitions" and eschews "expansive definitions" because the latter are "naturally ahistorical" (56n33; 321).

Zhao's key terms, the "Confucian-Legalist state" and the "bureaucracy," involve just such cumulative development, ranging from the rudimentary form to the full-fledged form. Although the Confucian-Legalist state already emerged in Western Han, it was periodically "destroyed" (305) in subsequent centuries and became "fully developed only a millennium later during the Song dynasty" (275). (As I argued above, the system reached its logical conclusion only under the CCP.)

The term "bureaucracy" is even more loaded. Zhao claims that he defines "bureaucracy in standard Weberian terms, that is, as a system of administration in which tasks are performed according to prescribed rules" (63). Strictly speaking, the ideal-type barely became "a full-fledged reality" only in the United Kingdom in the nineteenth century "when the possibility of arbitrary intervention on the part of the ruler [had] been eliminated by the introduction of a set of standard operating procedures subject to the strictures of a formalized, impersonal administrative law" (Ertman, cited in Hui, 183). Such an expansive definition would disqualify most bureaucracies past and present, including not only China's historical bureaucracies, but also European bureaucracies for most of history and China's party-dominated bureaucracy today. To facilitate comparison, it makes sense for Zhao to take the minimalist definition and proclaim that "bureaucratic administration is not a marker of modernity" (44).

It becomes a problem, however, when Zhao switches freely between the minimalist and expansive definitions. For instance, Zhao challenges Kiser and Cai's argument of war-driven

[5] My book has such extensive discussions of "initial and environment conditions" (Hui, *War and State Formation*, 50–52, 139–42, 195–207) that I do not know why Zhao would misread it as "a simple actor-centered analysis" (242). Zhao's dispute with this statement is taken out of context: "'European rulers… did not employ the whole repertoire of the logic of domination' as Hui has claimed" (191). The mechanisms in my book "embody both agency and structure." Thus, "[s]elf-strengthening reforms are structural to the extent that they are compelled by international competition, but they are also agential in that their successful pursuit requires institutional innovations" (Hui, 23).

[6] Zhao also has the mistaken belief that my analysis of state-society bargains "clearly implies that the state of Qin produced better warriors because the Legalist reforms in Qin had given people better access to justice, more economic and citizenship rights, and more freedom of expression" (198). In fact, I argue that the early development of self-strengthening reforms allowed warring states rulers to erode earlier state-society bargains and dominate the society (Hui, *War and State Formation*, Chapter 4). Moreover, Qin's use of carrots and sticks not only "created enthusiastic support for expansionism," but also "served as substitutes for constitutional bargains" (Hui, *War and State Formation*, 48).

[7] Some historians refuse to even use the term "states" to refer to Asian polities. See Geoff Wade, ed., *Asian Expansions: The Historical Experiences of Polity Expansion in Asia* (Abingdon and New York: Routledge, 2014) and my review in *The Newsletter* of the International Institute for Asian Studies, 2015 (http://newbooks.asia/review/asian-expansions).

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bureaucratization by noting that "the Western Zhou court had… developed a rudimentary bureaucracy" ahead of the dawn of endemic conflict (65, 88). Yet, successive chapters clearly argue that war compelled all warring states to develop the "full-fledged bureaucratically governed territorial states" (107).

Zhao similarly makes ancient Chinese and early modern European states incomparable by definitional fiat. While he adopts Tilly's trans-historical definition of states as "coercion-wielding organizations" (3), he also believes that "a *guo* was very different from the modern concept" (93) because "none of the warring states regarded… the others as sovereign, independent equals" so that "[a]nnexation of one state's territory by another was never regarded as a violation of interstate norm" (247n83).[8] Yet, he negates this dispute by noting that the normative notion of sovereignty was "basically disregarded by the 'great powers'" in Europe as well (246n74).[9]

For Zhao, ancient Chinese states were not territorial states also because they lacked nationalism (92, 94, 107, 201, 241). He observes that scholars and strategists "would serve whichever ruler offered them better rewards" (107, 201). However, he omits to mention that military entrepreneurs, international financiers, and university-educated elites in Europe likewise offered their service to the highest bidders. One also wonders if Zhao's expansive definition would fail even today's China, given that so many of China's brightest minds prefer to work at Western institutions over even China's top-ranking institutions.

In addition, Zhao faults me for using the terms "bargains/bargaining," "constitutionalism," "freedom of expression," and "citizenship rights." Such a complaint is justifiable only when one judges ancient Chinese developments by expansive definitions or twentieth-century standards, but not when one consistently employs minimalist definitions. "Bargaining" does not mean "collective bargaining" as it is known today (199). According to Tilly, "even forceful repression of rebellions… ordinarily involved both a set of agreements with those who cooperated in the pacification and public affirmation of the peaceful means by which ordinary citizens could rightfully seek redress of the state's errors and injustices" (cited in Hui, 170). As such, "bargains" are concessions (Hui, 45) and "citizenship rights" are "recognized enforceable claims on the state that are by-products of state-society bargaining over the means of war" (cited in Hui, 168). Similarly, "freedom of expression" should not be seen in the modern sense (176), but in the minimalist sense that scholars and strategists could openly criticize rulers and even advocate tyrannicide without worrying about their heads (Hui, 173–77). Given that "freedoms" and "rights" are developmental phenomena like the "bureaucracy," why is it acceptable to coin "rudimentary bureaucracy" (88, 133) but not "nascent constitutional rights" (70)?

Indeed, Zhao is not hesitant to use the same terms. He observes that Western Zhou rulers were not "despotic" and city-dwellers had "privileges" and "right," even "an exit option" as "an important source of 'political freedom'" (68, 75, 80). He then laments that, after Qin's unification, "state power was no longer effectively checked by societal forces" (263). Although imperial scholar-officials were worse off than their ancient predecessors, Zhao continues to apply similar terms. In examining the status of scholar-officials in the Confucian-Legalist state, he highlights a "state-elite alliance" (274) that "looked somewhat like the modern constitutional monarchy" (284) with "checks and balances between the emperor and his bureaucrats" (292) in which scholar-officials had "some freedom to express views" (275–76) and "the right to criticize an emperor" (286). This is despite the fact that those who exercised this "freedom" or "right" were "not in any sense political actors with considerable autonomy" (276) and were "hardly likely to form a single interest group in opposition to the state" (308). Most of all, they risked not just their own lives (284), but

[8] For "markers of sovereignty," see Hui, *War and State Formation*, 5–6. Zhao also contends that Qi was not a co-hegemon with Qin. He argues that Qin initiated many more conflicts and slaughtered many more enemy soldiers than Qi (226–27). However, such indicators measure only aggressiveness, not capabilities.

[9] For a discussion of sovereignty norms, see Hui, *War and State Formation*, 154–56.

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also the lives of their immediate and extended families. If Zhao follows very minimalist definitions in his own analysis, he should not impose the standards of "a modern civil society" (71) on other authors' works.

Zhao has a strikingly similar quarrel with Pomeranz's comparison of England's and Jiangnan's potentials for developing modern capitalism. He faults Pomeranz for giving the false "impression that China and England were on a common path" when the two had very different conditions and institutions (352). Although China did have a "market economy," it "could not possibly have created an industrial revolution" (352) because the breakthrough to industrial capitalism required "profit-making manufacturing by private enterprises" (358). Zhao maintains that the "nature of the Confucian-Legalist state determined that neither inventions nor scientific discoveries would yield wealth, prestige or authority" (363). However, he contradicts himself by noting that "many of the technologies crucial for capitalist development" in Europe in fact originated from China (361), most notably, the movable type printing press, the compass, and gunpowder, all of which significantly contributed to the rise of West (347n1; 363n76). China did not lack inventors and scientists either. In fact, many Chinese inventors and scientists were Confucian scholars, such as Shen Kuo (1031–95), who is dubbed "the greatest scientist in the history of China" (363n75). What, then, explains the impossibility of breakthrough?

Zhao draws from Mann's sources of power and maintains that "Chinese merchants lacked the political, ideological, and military autonomy that their European counterparts had quite early acquired" (353; also 369–71). Zhao is adamant that no social and economic actors ever enjoyed political, ideological, and military autonomy. Zhao puts his magnifying glass over what the Confucian-Legalist state could do in subjugating the society. It is just as important to see what the imperial state could *not* do given its very circumscribed capacity. Indeed, Zhao's footnotes offer a hidden tale of "interstitial spaces" where even marginal or censured social actors could retain pockets of unintended autonomy (33n17; 346n110). If even court bureaucrats who operated directly under the nose of the emperor can be said to enjoy some "freedom" and "right," then Chinese merchants who operated partially outside of the emperor's radar must have enjoyed a certain level of autonomy, especially within their local networks.

As noted earlier, the historical centralized bureaucracy did not have the infrastructural capacity to penetrate below the county level. As a result, the local gentry were situated at what Zhao refers to as "the intersection between state and society" (336). According to the literature on state-society relations, such a structural location usually affords considerable autonomy to the actors involved.[10] It may be said that the gentry were composed of not merchants but scholars. Yet, in China's wealthier regions (of which Jiangnan was the most prosperous), scholars and merchants increasingly converged. It is not just that merchants had the means "for their children to receive Confucian education and become gentry-officials" (370); scholarly families also "turned… to business activities" as they found it increasingly difficult to earn official positions (363n94). Although the profit-making motive was incompatible with Confucian virtues (359n58), "practical-minded members of the gentry increasingly participated in profit-making activities" (354) and helped to "erode the Confucian disdain for commerce" (371n128).

The fused gentry formed of Confucian scholars and "honorable merchants" no doubt loyally served the state in providing local service and maintaining local order in normal times (370). When rebellions sprang up in turbulent times, however, "interstitial development" could take over. The local gentry would be called upon to organize "self-defense" (298n5) and "local militias" (339n61). While some of them would remain devoted to the court, others would become local strongmen, even warlords (298n5). It is precisely because the local scholars-cum-merchants

[10] See, e.g., Theda Skocpol, *States and Social Revolutions: Comparative Analysis of France, Russia and China* (New York: Cambridge University Press, 1979).

gentry commanded so much political, military, and ideological autonomy below the county level that the CCP had to eradicate this layer of indirect rule and imposed direct rule after 1949. Thus, the condition for "the interstitial rise of the bourgeoisie in premodern Europe" (33n17) was not missing in imperial China.

Zhao eventually resorts to historical contingency: "Industrial capitalism stumbled into our path… as unintended consequences of Europe's never well-institutionalized elite competition and conflict, which again and again altered the power alignment of Europe's elites and yielded room for the emergence of new elements conducive to the rise of industrial capitalism and nation-states" (359). Remarkably, this observation about Europe's "never-institutionalized elite competition" (362) is another endorsement of my argument that the adoption of self-weakening expedients—the reliance on immediate resource-holders—resulted in state *de*formation rather than state formation in early modern Europe (Hui, Chapter 4).

This review aims to demonstrate that Zhao's theory of historical change has room for more change. In order to maintain consistency, it brackets other important but less related issues, for example, the adoption of Tan Qixiang's maps in the front,[11] the use of the term "Zhou dynasty" (3), the presupposition of disunion as chaos (298, 310), and the presumption of the steppe as "barren land" (324) with "no competing civilization" (86).

Today's CCP eagerly promotes traditional culture to regain ideological power. If we follow Zhao's proclaimed impossibility of change, then the Confucian-Legalist state may well become even more consolidated and despotic which seems to be the current direction under President Xi Jinping. However, if we follow Zhao's search for "interstitial spaces," then there may still be some hope for democratic change. Indeed, if Chinese history contains elements conducive to constitutionalism, rights, and freedom, there may be potential for "interstitial development" in the party's claim to "democracy with Chinese characteristics."

[11] Compare the maps of the Han, Tang, and Ming dynasties in Zhao's book with those in Patricia Buckley Ebrey, *The Cambridge Illustrated History of China* (New York: Cambridge University Press, 2010).

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