

「經義折獄與傳統法律」研討會

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預擬發表論文與學者名錄

本表順序，大體依發表論文題目之主題與涉及年代而排定

Patterns of legal reasoning through the hexagrams of the “Book of Changes” (*Yijing*).

Judgments conforming to the “meaning of the Classics” (*jingyi*) usually refer to the Annals (*Chunqiu*), sometime to the Book of rites (*Li ji*) or the Book of odes (*Shijing*)— in other words, they refer to narratives, or at least rely on sequences whose syntax and logic are linguistic. However, one can find here and there, in short treatises, or in writings by legal officials, who more often than not worked in central Boards, strange statements and notations on justice referring to hexagrams of the Book of Changes, or to glosses appended to them. In this case, a graphical scheme, instead of a linguistic sequence, gives shape to the reasoning. As for the content, these are not legal decisions, but schemes and models of the state of mind, and moral disposition and behavioral attitude that the judge should evince when confronted to various cases. Examples of the legal meaning of some hexagrams will be given, with questions about the influence this strange method might have had on judicial practice and codification. Attempts will be made to situate these legal works amidst genres of the legal literature, such as historical cases aimed at teaching the judge to use of punishments with care (*shenxing*). However, their tight connection with an authoritative Classic and the interpretive techniques to reveal its normative meaning suggest parallels with “judgments after the Annals,” and thus present another side of legal reasoning “after the meaning of the Classics.”