

consequently becomes disappointed; she takes *ceteris-paribus* results for an alleged reality which only a *mutatis-mutandis* approach can explain. Both seem to be common misunderstandings. Many an older researcher, however, when reading Ms Ball's stimulating study, might ruefully be reminded of Martin Heideggers' brilliant definition of science as (reviewer's translation) "the inquiring steadfastness in the midst of a continuously hiding entity in the universe".

HANS H. GLISMANN
Institut für Weltwirtschaft
Kiel, West Germany

***The Vietnamese Tradition of Human Rights.* By Ta Van Tai.** Indochina Research Monograph No. 4. Berkeley: University of California Press, Institute of East Asian Studies, 1988. 293 pp. Notes, Bibliography, Index.

This study of traditional Vietnam's performance in the various categories of human rights relies on the law codes of the Vietnamese dynasties (mainly the Lê, 1428–1788, and the Nguyễn, 1802–1945) as documentary evidence of their commitment or lack of it to human rights values. Using present-day international human rights standards as tools for data compilation and analysis, the author discusses Vietnam's ancient heritage of justice, equity, and rule of law, by examining in turn the guarantees offered by the traditional legal system for the integrity of the person, the equality of treatment, and the implementation of civil, political, economic, social and cultural rights.

Given the benevolent character that Confucian dynastic states purported to attain in their government, their legal norms, not surprisingly, measured up to those of today's international human rights law. The question remains, though, to know how far they were actually enforced, and whether they were watered down in practice. Ta Van Tai, nevertheless, rejects the stereotyped image of "Oriental despotism" in reference to ancient Vietnam. He concludes that not only was a deeply entrenched tradition of respect for human rights fostered by the successive Vietnamese dynasties, but the standards which exceeded modern ones in certain regards were promoted in the past, insofar as many economic and social rights had been raised to the level of enforceable claims. He substantiates his arguments with a wide range of historical facts, adduced to appraise the actual scope of application of, or resistance to, the statutory laws of the state. Fortunately, this treatment contributes

to a large extent in validating an approach which would have been at the most presumptive, had it consisted only in considering the interaction of human and legal affairs under the exclusive light of the modern concept of universal human rights.

Ta Van Tai does in fact go beyond the framework of a legal history, which his book is primarily concerned with, and endeavours to present in detail relevant political, economic, cultural and religious aspects of life in traditional Vietnamese society that, as he declares “are rarely available in a general history book” (p. 44). He nevertheless errs in accuracy on occasion. For instance, he forgets to mention and explain, among the *causes célèbres* involving the crimes against the security of the state (pp. 93–98), the posthumous impeachment in 1835–36 of the once governors General Lê Van Duyêt and Lê Chât. Concerning discrimination against ethnic minorities, he supposes that the 1499 imperial edict banning inter-racial marriage between Vietnamese and women of the Cham race was based on national security reasons (p. 137) : thus he seems to be unaware that this edict, preceded by the 1374 decree forbidding the Vietnamese from learning the Cham language, followed by the 1509 massacre of the Cham community in and around Hà-noi, belonged in fact to a series of measures taken to curb the extension of Cham cultural influence. He is mistaken in saying that the Phan Thanh Gian delegation was sent to France in 1838 (p. 170), as Phan did not participate in this embassy, which actually took place only two years later in 1840. Finally, he writes with little discernment that “a message from Dang Duc Tuân, a Vietnamese priest, prompted Tu-Duc to reconsider his policy towards the Catholics”, and that the emperor “had this priest join . . . in the negotiation that led to the 1862 peace treaty with France” (p. 173). Besides the fact that it would have been impossible at that time for a Catholic priest to play such a preponderant role at Tu-Duc’s court, the only mention to be found of a Dang Duc Tuân in the Nguyễn chronicles pertains to a successful candidate at the end of the military examinations held in 1869.

All these are minor oversights. The importance of this book resides in the thoroughness with which it explores, in depth, how the Vietnamese dynasties handled issues relating to the rights and duties of their subjects. However critical this reviewer may have appeared, his remarks should therefore not obscure the fact that this work constitutes a true piece of scholarship.

NGUYEN THE ANH
Centre National de la Recherche Scientifique
(Péninsule Indochinoise)
Paris