A Remarkable Example of Research on the "Dan-Xin Archives":

An Initial Reading of Tai Yan-Hui's "Rural Government in Taiwan During the Qing Dynasty" with Select Excerpts and Postscript

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Abstract

The author wrote this article originally as a mere book review of the monumental classic "The Rural Government of Taiwan during the Qing Dynasty," (the"Book") written by the late Professor Yan-Hui Tai. The editor of "Legal History Review" then graciously included it in the section titled "Commentary". As the Book is said to have done a methodologically remarkable job integrating different academic disciplines, it is certain to inspire further studies along the same line. This article references relevant discussions and analyses in the Book. A review of the Book effectively includes an analysis of a methodology for reconstructing the rural government of Taiwan during the Qing Dynasty from the perspectives of legal sociology and comparative legal history.

The rural areas as referred to in the Book are congregations of CUN, LI, BAO, JIE, XIANG, ZHUANG and LIAN ZHUANG of Han people (who had emigrated to Taiwan from the mainland provinces of China), under the XIAN (or TING). These rural areas also include the "AI¨ and "TUN" which possessed self-defense capabilities and which were derivatives of the ordinary rural areas. Professor Tai was of the view that LI, BAO, XIANG and AU were created by the Ya-Man for the purposes of collecting

taxes and maintaining peace and order, while ZHUANG and LIAN ZHUANG were autonomous entities that developed naturally. The Book provides detailed descriptions and analyses of the nominations, granting of written appointments (recognition by Ya-Man of XIAN and TING) and functions of various positions comprising the rural autonomous entities.

The Book exceeds its predecessors in that it references a large numbers of judicial files called Dan Xin Archives (the "DX Archives"). In the case of nomination of rural positions, Professor Dai cited tens of cases from the DX Archives in support of his analysis. Containing frequent references to the DX Archives by Professor Dai as the basis for his analysis, the Book has become remarkable example of successful use of these valuable documents.

The Book defines the congregations of JIE, ZHUANG and LIAN ZHUANG as autonomous entities. However, these autonomous entities also perform functions delegated by the imperial government agencies of XIAN (or TING) and their superiors of the provincial level agencies (with semblance to the modern day SHENG (province) or XIAN (county), which also handle matters delegated by its superior office of the SHENG (province) or ZHONG YANG (central government).

Professor Tai noted that the rural autonomous entities or the clan heads had powers of a judicial nature as regards minor criminal and civil matters. Specifically Professor Tai noted that when a civil matter or minor criminal matter was brought before the magistrate, the magistrate would frequently order the parties to approach their clan elders, publicly respected persons and persons holding positions of the autonomous entities for mediation. People would also frequently approach such personnel for mediation before bringing the matter before the magistrate. As Professor Tai appropriately pointed out, this was because the imperial official could not be bothered, people did not wish to disrupt the civic harmonic order, and because litigation cost more money and energy.

With regard to the YA-MEN of the XIAN or TING, Professor Dai dedicated a significant number of pages to the roles of the clerk and runners of the YA-MEN. Professor Dai quoted the saying of Ye Shi of the Sung Dynasty, "The positions of the imperial officials are not inheritable but those of their clerks are." It was inferred from that saying that such clerkship was an object for sale and succession during the Qing Dynasty and that the YA-MEN was dominated by the clerks or the runners of the YA-MEN who engaged in large-scale corrupt practices.

On the whole, the viewpoints presented in the Book mirror or authenticate those conveyed in previous publications by mainland Chinese or foreign scholars on the rural governments of China during the Qing Dynasty. This is attributable to the fact that the Han congregations on Taiwan were comprised primarily of immigrants from the mainland provinces of Fujian and Guangdong. These immigrants brought with them the rural system and organizational culture of the mainland. The legal history of rural Taiwan during the Qing Dynasty and that of other mainland Chinese provinces share the same root and are inseparable.

The scholarship demonstrated by Professor Tai in dealing with the nature of the ownership of land (YE) in Taiwan from a comparative legal history prospective reminds us of another famous legal historian NiidaNobulu, who is also a graduate of Tokyo University. Both Professor Dai and Niida Nobulu studied under Professor Nakada Kaoro, who was an authority on Chinese legal history at Tokyo University, and were greatly influenced by him. In a certain sense, Professor Tai and Mr. Nobulu both adopted Professor Nakada's scholastic style in the research of comparative legal history.

Keywords：
Qing Dynasty, Taiwan Rural Government, Jie and Zhuang, Ai, Tun, various positions comprising the rural autonomous entities, Mu-yu, Jia ding, Li-chai(clerk), Da Zu Hu, Xiao Zu Hu,

congregation of Han people, One estate with two tiers of ownership, Dan Xin Archives, Ya-yi(runners of YA-MEN), Ya-Men, Autonomous Rural entities.