

Inside and Outside the Local Judicial Space in Qing: An Analysis of Rent Resistance Cases in the Han-Reclamation District of Northern Taiwan

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ABSTRACT

The Dan-Xin Archives, a collection of case files in the Danshui and Xinzhu local court during the Qing Dynasty, abound with historical records of local administration and judicial activities in northern Taiwan. Analyzing five “core cases”, including the rent resistance case of D22202 in the Archives, Mark A. Allee tried to interpret how the local court integrates disparate groups within society by way of judicial activities. However, Allee investigated so little institutional practice of political, economic and legal spaces in northern Taiwan that he couldn't provide us with a persuasive explanation relating the relationship between law and social change in Qing.

In comparison to Allee's analysis on this case of D22202, this paper analyzes fifteen rent resistance cases (including D22202) in the same geographic zone, namely the Han-Reclamation District. With the help of a new analytical frame—“a social history study of law,” the author reinterprets the institutional causes of these cases and the practical logic in the judicial space. On the one hand, in light of the land reclamation process in Han-Reclamation District, the author clarifies the true causes of the case D22202 and other cases, and explains these diverse relationships among legal disputes, economic and political contradictions. On the other hand, this paper examines the litigation process of these cases in terms of relevant social context. It depicts the interactive logics of magistrate, clerk, runner, accuser and the accused inside and outside the local judicial space. In conclusion, the author finds that local magistrate generally doesn't adjudicate these cases according to contract terms or legal facts, but actively manipulates his legal practice in order to maintain social order.

Keywords: Da-Xiao-Zu-Ie, Dan-Xin Archives, Land Litigation, Land Reclamation, Social History of Law