sudden demise? If the post-Abbas Safavid project had included a greater variety of components, and their interests were closely intertwined each other, why could it not effectively react to the challenges of the Afghan invasion? Certainly we should not easily combine various events and trends seen in the late Safavid era with the fall of Isfahan. Nevertheless the question is still relevant in order for us to have a clearer picture of the transformation process of the project over the post-Abbas period. It is regrettable that the author's emphasis on the continuity of the Safavid project tends to obscure profound changes occurring in the project and eventually leading to the fall of the dynasty.

Safavid Iran is essential reading for all historians of pre-modern Iran and will be a useful work of reference for students of Safavid Iran. It should be of interest as well to all scholars working on imperial integration of different ethnic and religious elements, whatever region or period is concerned.

Delivering Justice in Qing China: Civil Trials in the Magistrate's Court.
By Linxia Liang. Oxford: Oxford University Press, 2007. Pp. 300.
ISBN 10: 0197263992; 13: 978-0197263990.
Reviewed by Zhiqiang Wang, Fudan University
E-mail zhqwang@fudan.edu.cn
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Delivering Justice in Qing China provides an account of the features of civil judicial administration in Qing China based on a meticulous empirical study of magisterial archives. Because the author makes a general statement of the structure and principal arguments of the book in the introductory chapter (pp. 10–11), this review will dispense with an introduction of contents, and instead place emphasis upon the book's substantial contributions and controversial points.

Foremost, this book represents a substantial and productive use of local archives in the study of Chinese legal history. Efforts of this sort can be traced back to the path-breaker Dai Yanhui, who during 1970s edited the Dan-Xin archives and offered depictions of the local administration of Taiwan in imperial China.[1] Since then, David Buxbaum, Mark A. Allee, Madeleine Zelin, Philip C. C. Huang, Matthew Sommer, Malissa Macauley, Shiga Shūzō, Terada Hiroaki, Deng Jianpeng, and Wu Peilin, *inter alios* have carried out research about imperial Chinese law by utilizing legal archives in various counties such as Dan-Xin, Baodi, Ba, Zigong, Huangyan and Nanbu. The book under review here does much to reinforce this trend, in that it illustrates local civil justice by way of a maximized use of local case records, especially those of Baodi.

The author's contribution lies in both empirical research and constructive analysis. By examining the details of the civil lawsuit process, furnishing an array of case categories concerning land, debts and marriage, and explaining the bases of decision-making, she has taken up issues neglected by prior works. Her study demonstrates that civil transactions and affairs drew greater attention in the legislative and judicial processes of imperial government than had otherwise been recognized. It also does much to end the obsolete conception that civil disputes in imperial China were settled mostly through mediation in which a small number of civil rules played only a minor part.

The book also argues conclusively that Qing officials considered the absence of litigation to be ideal, anti-litigation to be educational, and lawsuits judicial. Liang's explanation of the consistency of the configuration of non-litigation, anti-litigation and final litigation is based upon a comprehensive account of legal thought and practice in traditional China. As such, it is a meaningful reply to

1 Dai Yanhui 戴炎輝, *Qing dai Taiwan zhi xiang zhi* 清代臺灣之鄉治 [Rural Administration in Taiwan in the Qing], Taipei: Lianjing Press 聯經出版事業公司, 1979.

Philip Huang's widely influential argument that promotes a dichotomy of "representation and practice."[2]

Even so, some of the questions raised in this book remain open. An unavoidable prerequisite in studying a jurisdiction of vast territory is the reliability of the records as being representative rather than simply pertaining to a unique, individual case. The archive sources examined in this book are limited basically to that of Baodi county, supplemented by excerpts (rather than whole volumes) of the records of Ba county. In my experience, Ba county case records tell some different stories, at least in terms of the percentage of resolved and result-unknown cases.[3] Therefore, the assumption of representativeness of Baodi county case records as the basis for exploring the themes of this book, e.g., the judicial methods of local government in deciding civil cases, might deserve more consideration.

This study also took as supplementary sources some personal collections of judicial decisions, especially the casebook of Shen Yanqing. Yet the representativeness of Shen's collection has not been fully proven. More generally, previous scholarship at times has regarded officials' collections as primary sources. Certainly they do demonstrate features different from archival records.[4] But since such collections already have been widely published and noted in past scholarly works,[5] it would be more appealing simply to describe their characteristics and justify their limited use. Last, regarding the law and legislation governing civil disputes discussed in Chapter 5, local rules such as provincial regulations[6] are known in greater amount than is examined in this book.[7]

A major issue, relating to the controversy between Shiga Shūzō and Philip Huang, still lingers in this book, namely, the roles of *qingli* and code in civil justice. The author strongly argues that magistrates adjudicated civil cases fundamentally and substantially pursuant of the law. In interpreting and translating *zhunqing zhuoli*, the author attempts to understand *qingli* in a constructive way. Holding that "*li* refers to the principle and/or the reasoning of law" (p. 11), Liang renders the phrase as "taking specific circumstances into account to apply the *law*" (p. 247; emphasis added). In arguing for the role of law in a constructive way, the book does shed a remarkable amount of light on the process of legal reasoning in civil justice. However, if we grant its conclusions, there might be some unresolved contradictions. For instance, about the reason that statutes were hardly cited in civil judgments: the author assumes that Article 415 of the Code, which demanded citation of code, applied only to "specific 'crimes' that the Code had named" (p. 241). However, if magistrates had made so strict an interpretation of the term "crime", and had so strong a tendency to abide by the code, then it is

2 Philip C. C. Huang, *Civil Justice in China: Representation and Practice in the Qing*, Stanford: Stanford University Press, 1996.

3 The statistics of the rejected cases in Baodi (p. 61, Table 3.2) vary visibly from that of the author's article in Chinese (Liang Linxia 梁临霞, "论批呈词" [On Comments of Complaint], in *Fa shi xue kan* 法史学刊 [*Chinese Journal of Legal History*], 1, pp. 160, 168 (2007).

4 Presumably hard cases are more likely to appear in officials' casebooks than in archival records. Such a generalization is supported by Liang's description found in the book under review: decisions of cases that were not exactly consistent with code and thought to be hard cases often came from officials' personal collections (e.g., pp. 154–57, 163–64), while archive cases are more often said to be "simple and decisions are clear" (e.g. pp. 176–77, 194–95).

5 A basic list of those collections is available in Shiga Shūzō 滋賀秀三, *Shindai Chūgoku no hō to saiban* 清代中國の法と裁判 [Law and Justice in Qing China], Appendix: 清代判牘目錄 [A Catalogue of Judgments in Qing], Tokyo: Sōbunsha, 1984; Morita Shigemitsu 森田成滿, "Shin dai no hango" 清代の判語 [Civil Judgments in Qing] in Shiga Shūzō, ed., *Chūgoku hōseishi: kihon shiryō no kenkyū* 中国法制史–基本資料の研究 [Chinese Legal History: A Study of Primary Sources], Tokyo: Tokyo University Press, 1993, pp. 739–58.

6 See Terada Hiroaki 寺田浩明, "*Shin dai no shōrei*" 清代の省例 [Provincial Regulations in Qing Dynasty], in Shiga Shūzō, ed., *ibid.*, pp. 657–714.

7 *Yuedong shengli* 粤东省例 cannot be found in *Guanzhenshu jicheng* 官箴书集成, as referred to in the bibliography.

unreasonable to think that they would have made a ruling of a "crime" in a case (pp. 228–30) involving (according to the analysis of the book) at least four articles, without making reference to any of the rules. Nor does it seem convincing that the offender's status as female, aged, disabled, or poor (pp. 232–33) exempted them from punishment by judgment (without citing code), when the law in fact granted no more than redemption – certainly not exemption.[8]

More fundamentally, while this approach gives some insight in understanding traditional ideas from a modern legal perspective, it carries with it the risk of making a judgment based upon a dichotomous standard that has been borrowed from a Western context: *legitimate* or *illegitimate*. As has been stated elsewhere, the ultimate goal of such an approach is little more than to find a Western or Western-like image in a Chinese context.[9] Thus the question that must be put to the author is: what distinguishes the Chinese legal tradition from others?

It may not be too optimistic to expect a satisfactory answer to the above question over the next few years. However, it cannot be attained without a wide awareness and use of judicial archives, at both the central and local levels, materials that already have attracted a great deal of attention. In that sense, among recent scholarship on the civil justice in Qing China, *Delivering Justice in Qing China* is a stimulating read on a promising track. It provides us with a more vivid picture of the processes of civil judicial administration, as well as an exploration of the mechanics of the Chinese legal tradition.

How Taiwan Became Chinese: Dutch, Spanish, and Han Colonization in the Seventeenth Century.
By Tonio Andrade. New York: Columbia University Press, 2008. Pp. 294.
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Reviewed by Paul R. Katz, Academia Sinica
E-mail mhprkatz@gate.sinica.edu.tw
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Scholars of East Asian colonial history will welcome Columbia University Press's formal publication of *How Taiwan Became Chinese* (originally published electronically as part of the Gutenberg-e project).[1] Tonio Andrade's path-breaking monograph, which, following a separate peer review process, has also been published in Chinese,[2] draws on a broad range of primary sources to trace the history of Taiwan during periods of Dutch and Spanish rule that extended from 1623 to 1662. This book is noteworthy for its lucid conceptual framework, and in particular the concept of "co-colonization", which stresses the joint efforts of Dutch colonizers and Chinese elites in enticing Han Chinese people to settle in Taiwan during the seventeenth century in order to enhance the exploitation of Taiwan's natural resources. Apart from providing detailed accounts of Taiwan's early colonial development, Andrade also explores this phenomenon in the context of modern East Asian history, considering

8 Article 20, 22 of the Code and accompanying sub-statutes. The provision favoring the poor has not been found in terms of a general pardon. The only exception is persons aged over eighty years, who are only financially responsible for certain serious crimes.

9 Terada Hiroaki 寺田浩明, *Shitan chuantong Zhongguo fa zhi zong tixiang* 試探傳統中國法之總體像 [Traditional Chinese Law: A Composite Image], in *Fa zhi shi yanjiu* 法制史研究 [*Journal for Legal History Studies*] 9 (2006), pp. 223, 237–38.

1 The Gutenberg-e homepage URL is: http://www.gutenberg-e.org/. The electronic version of Andrade's book may be found at: http://www.gutenberg-e.org/andrade/intro.html.

2 Ou-yang T'ai 歐陽泰 (Tonio Andrade), *Fuermosha ruhe biancheng Taiwanfu?* 福爾摩沙如何變成臺灣府?, translated by Cheng Wei-chung 鄭維中 (Taipei: Yuan-liu, 2007).