

COLONISATION WITHOUT EXPLOITATION: THE QING POLICIES IN TAIWAN DURING THE HIGH QING PERIOD (1684–1795)

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ABSTRACT

The Taiwan aborigines lived on Taiwan for thousands of years until the arrival of the Dutch in the early 17th century, and Taiwan was since occupied by successive rulers foreign to them. Taiwan was ruled by the Qing empire from 1684 to 1895, and this paper focuses on the so called ‘High Qing’ period, 1684-1795. This paper argues that the Qing annexed Taiwan for security considerations, and these considerations had shaped the Qing policy-making, such as in the areas of migration policies and land development policies. The paper further argues that the Qing treated the submitted aborigines as equal subjects and protected them from the exploitation of the Han settlers where possible. To the non-submitted aborigines, the Qing adopted a segregation policy that strictly left them alone. These policies were made under the overarching principle of maintaining the social stability of Taiwan. Overall, this paper argues that the Qing colonization of Taiwan did not purport to exploit the land or its peoples and the policies were not exploitative.

This paper presents the early findings of my PhD study, which will focus on the aboriginal land tenure in Taiwan during the Chinese Qing and the Japanese colonial periods.

I. INTRODUCTION

Taiwan’s aborigines have lived on Taiwan for at least thousands of years, although exactly when they arrived and where they came from is unclear.¹ Before the Dutch colonisation of Taiwan in 1624, the island and its peoples remained relatively isolated, although not unknown to Taiwan’s neighbour, the successive Chinese states and empires.² From 1624 onwards, Taiwan was colonised by different forces, all with different legal systems: the Dutch East India Company (1624–62) in the south, concurrently with the Spanish in the northern tip of the island (1626–42); the Chinese Ming loyalist Zheng Chenggong (known to the west as Koxinga) and his descendants (1662–83); the Chinese Qing Empire (1684–1895); and the Japanese Empire (1895–1945). Taiwan was handed back to the Republic of China in 1945 upon Japan’s defeat in World War II.

Although the aborigines started losing their land from the inception of the first colonisation period, the land loss accelerated under Japanese rule. When the Qing ceded Taiwan to Japan after its two-century rule, the aborigines were still in control of two-thirds of the island.³ In

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1 Chien-Chao Hung, *A History of Taiwan* (IL Cerchio Iniziative Editoriali via Gambalunga, 2000) 5.

2 Chinese records of as early as the 3rd and the 7th centuries referred to Taiwan, albeit under different names. See Hung, *ibid*, 11; and Wen-Hsiung Hsu, ‘From Aboriginal Island to Chinese Frontier: The development of Taiwan before 1683’, in Ronald G Knapp (ed) *China’s Island Frontier: Studies in the Historical Geography of Taiwan* (University Press of Hawaii, 1980) 3, 5.

3 Yosaburo Takekoshi *Japanese Rule in Formosa* (translated by George Braithwaite) (Longmans, Green and Co, 1907) 218.

contrast, fifty years of Japanese colonisation saw most aborigines displaced and confined to small areas of aboriginal reserves, measuring about one-eighth of their earlier holdings.⁴

The land laws and policies adopted by the Qing and the Japanese governments in dealing with aboriginal land, and the extent to which these laws and policies were shaped by the legal systems of the colonisers, is the subject of my PhD study. This paper focuses on the policy aspects of the Qing colonisation of Taiwan during the reigns of the Kangxi (r 1662–1722), Yongzheng (r 1723–35) and Qianlong (r 1736–95) emperors – a period known as ‘High Qing’, during which the Qing state was at its strongest and most expansive.

Part II of this paper briefly introduces Taiwan and its aborigines, and the colonisation of Taiwan before the Qing takeover. Part III examines the purpose of Qing annexation of Taiwan, and the High Qing’s Taiwan migration and land settlement policies. It argues that the only concern of the Qing Government in Taiwan was security: the strategic importance for the defence of coastal China and the stability of the island. This consideration dictated Qing policy making regarding the colonisation of Taiwan. Part IV examines the High Qing policies concerning Taiwan’s aborigines and argues that the Qing dynasty treated the submitted aborigines and the Han settlers as equal subjects. Under this non-discriminatory policy, the Qing dynasty accorded the submitted aborigines protection for land rights where necessary, while segregating the non-submitted aborigines to maintain stability at the frontier. This paper concludes that the Qing dynasty colonisation of Taiwan did not purport to exploit the land or its peoples, and its policies were non-exploitative of the aborigines and their lands.

II. TAIWAN BEFORE THE QING RULE

A. *Taiwan’s Aborigines*

The Taiwan aborigines are Austronesians, and are believed to be the ancestors of New Zealand Maori.⁵ According to the general areas of habitation, the indigenous peoples were classified in two major types: *Pingpu* (平埔 plain/lowland aborigines) and *Gaoshan* (高山 mountain/highland aborigines). Fourteen lowland groups and nine major highland groups have been identified.⁶ Each group had distinct cultures and languages, and occupied different regions of the island,⁷ but they also had some common characteristics such as tattooing, head hunting and mana worship.⁸ A major group could have a few subgroups which lived in different villages. Within the villages were clans, and within clans kin groups and families. The main political unit

4 Lin chiu-mien 林秋绵 ‘The Evolution and Influence of Aboriginal Land Policies in Different Periods in Taiwan’ 台湾各时期土地政策演变及其影响之探讨2 [2001] *Journal of Taiwan Land Research* 23, 32.

5 See Kent Atkinson ‘Maori ‘Made in Taiwan’, According to New DNA Analysis’ (10 August 1998) Royal Society of New Zealand <<http://www.royalsociety.org.nz/1998/08/10/maori-made-in-taiwan-according-to-new-dna-analysis/>>; ‘Language Links Maori to Taiwan’, 24 January 2009 <www.stuff.co.nz/national/807540/Language-study-links-Maori-to-Taiwan>. See also ‘Mitochondrial DNA Provides a Link between Polynesians and Indigenous Taiwanese’ (2005) 3(8) *PLoS Biol*; ‘Pacific People Spread From Taiwan, Language Evolution, Study Shows’ (27 January 2009) *Science Daily* <<http://www.sciencedaily.com/releases/2009/01/090122141146.htm>>; Patrick Gower, ‘DNA questions Pacific Origins’ (19 July 2000) *New Zealand Herald* <http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=144542>. I thank the anonymous referee for drawing the three latter articles to my attention. (27 January 2009) *Science Daily* <<http://www.sciencedaily.com/releases/2009/01/090122141146.htm>>; Patrick Gower, ‘DNA questions Pacific Origins’ (19 July 2000) *New Zealand Herald* <http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=144542>. I thank the anonymous referee for drawing the three latter articles to my attention.

6 See I-shou Wang ‘Cultural Contact and the Migration of Taiwan’s Aborigines: A historical perspective’ in Knapp, above n 2, 31, 32–4. At present the Taiwan Government recognises 14 aboriginal groups, most of them being highland aborigines. See *Republic of China Yearbook* (Executive Yuan, Republic of China, 2012) 27–33.

7 See Wang, *ibid*, 32–4.

8 Hung, above n 1, 6–7. Hung does not provide a definition for mana. For Maori, mana refers to ascribed and achieved prestige, influence, honour and authority which underpinned all actions within Maori society. Maori focused on maintaining, protecting and enhancing their individual and collective mana or honour. See Hirini Moko Mead *Tikanga Maori: Living by Maori Values* (Huia, Wellington, 2003). Thanks are due to the anonymous referee for providing this definition and the reference.

was at the village level, where the most powerful made himself the chief; some chiefs might have ruled over a few villages.⁹ The villages were constantly at war with each other.¹⁰

The indigenous people's livelihood was deer hunting, although Chinese travellers before the Dutch period also recorded primitive horticulture activities.¹¹ The land tenure practised by the indigenous people was not recorded. Scholarly attempts to reconstruct the aboriginal land tenure system before colonisation show that the plains aborigines had land ownership patterns similar to one another, although detailed arrangements varied from group to group.¹² The villages arranged their settlements in concentric rings, from inner to outer: the enclosed village, the farmland, hunting and fishing grounds, and distant hunting grounds. Within the village were house sites which belonged to kin groups semi-permanently, and central areas, shrines and other facilities which were common property. Farmlands belonged to kin groups who had exclusive rights of usufruct during each cropping rotation, but the fallow fields belonged to the clan or the village. Hunting and fishing grounds usually belonged to clans or the whole village collectively. Villages also claimed exclusive rights to the outer ring of distant hunting grounds, but the rights might have been difficult to enforce, and this could be what was later regarded as 'wasteland'.

B. *Taiwan Colonisations before the Qing Annexation*

In a brief span of 60 years, Taiwan was colonised by three different forces: the Dutch, Spanish, and the Zheng family. The Dutch and Spanish colonisations were both relatively brief, and their impacts were limited in space and time – especially the Spanish. The Zheng rule was also brief, but it had set the foundation for Taiwan to be a Chinese territory and had important impacts on the development of Taiwan.

The Dutch colonisation (1624–62) was achieved through the operation of the Dutch East India Company and incidental to its establishment of a trading base in Taiwan. The Dutch East India Company, after setting up a base in south-west Taiwan, eventually subjugated the nearby aborigines, recruited Chinese farmers from mainland China, and was able to extract substantial profits from Taiwan.¹³

In 1626 the Spanish established a small base in the north. There seemed, however, to be no intention of colonial expansion. The primary purpose of the Spanish appeared to be protection of their trading ships; the secondary purpose was to convert the natives to Christianity.¹⁴ The Dutch ousted the Spanish in 1642, and expanded their influence to the west coast and the former Spanish forts in the north.¹⁵ However, Dutch effective control was confined to the areas in the immediate vicinity of their base.¹⁶

In the meantime, China went through dynastic changes. The Chinese Ming dynasty collapsed in 1644. The Qing dynasty, whose rulers were the Manchus, established its rule over China. In 1662, Zheng Chenggong, a loyalist to the Ming house, defeated the Dutch. Zheng Chenggong continued fighting against the Qing dynasty in southern China after the collapse of the Ming dynasty, and established the first formal government in Taiwan with one prefecture and two districts. The Zheng regime used Taiwan as a military base for recovery of mainland China from the Qing dynasty to restore Ming rule. Apart from encouraging migration from mainland China

9 See Tonio Andrade, *How Taiwan Became Chinese: Dutch, Spanish and Han Colonization in the Seventeenth Century* (Columbia University Press, 2008) 29.

10 Ibid, 64.

11 See Chen Di, 'An Account of the Eastern Barbarians' (1603), as translated in Laurence G Thompson 'The Earliest Chinese Eyewitness Accounts of the Formosan Aborigines' (1964) 23 *Monumenta Serica* 163, 173.

12 The following information is taken from the reconstruction in John Robert Shepherd, *Statecraft and Political Economy on the Taiwan Frontier, 1600–1800* (Stanford University Press, 1993) 240–2.

13 For details of the Dutch colonisation in Taiwan, see, in general, Andrade, above n 9.

14 George M Beckmann, 'Brief Episodes – Dutch and Spanish Rule' in Paul KT Sih (ed), *Taiwan in Modern Times* (St John's University Press, 1973) 31, 43. Also see W G Goddard, *Formosa: A Study in Chinese History* (MacMillan, 1966) 53.

15 See Beckmann, above n 14, 45; and Goddard, above n 14, 54.

16 Wang, above n 6, 35. Also see Laurence M Hauptman and Ronald G Knapp, 'Dutch–Aboriginal Interaction in New Netherland and Formosa: An Historical Geography of Empire' (1997) 121(2) *Proceedings of the American Philosophical Society* 166, 175; Hung, above n 1, 28.

to develop new farming lands, the Zhengs also established military colonies where the soldiers farmed when not training. The military colonies were the ‘most extensive and systematic’ land development in Taiwan at the time.¹⁷ Although the Zhengs respected aboriginal land rights on farm lands and recognised that all land in Taiwan belonged to the aborigines, no record of compensation for appropriating aboriginal land has been found.¹⁸ The development of land by settlers and the military camps inevitably caused friction – even military conflict – with the aborigines.

Under Zheng regime, the Han Chinese population in Taiwan increased by about 70,000¹⁹ and the settlements extended from south-western Taiwan to most of the western and northern low lands.²⁰ The Zhengs established Chinese style government, introduced Chinese education and civil examination systems, and they built Confucian temples and promoted Chinese religion.²¹ By 1683, when Zheng Chenggong’s grandson surrendered Taiwan to the Qing dynasty, the Chinese population was twice that of the aborigines, and Taiwan had become ‘part of China ethnically, socially, culturally and institutionally’.²²

Such was the state of affairs in Taiwan when the Qing took over the island.

III. SECURITY CONCERNS: FAR-REACHING

A. *Security Paramount*

Scholars used to hold the view that Taiwan was a territory neglected by the Qing Government.²³ It is now argued, however, that the Qing policies were shaped by two overwhelming concerns: control and revenue.²⁴ This paper takes that view further, and argues that if maintaining law and order in Taiwan and revenue were placed at two ends of a scale, considerations of security weighed considerably more than revenue concerns. This ‘security first’ principle played an important role in the policy making during the High Qing period and in the non-exploitative nature of Qing policies.

The local and national events that occurred before the annexation of Taiwan largely contributed to the security considerations of the Qing court. Taiwan was the last Ming-resistant stronghold to be conquered by the Qing dynasty after 40 years of military campaigns and failed peace negotiations. Before the conquest of Taiwan, the Qing dynasty had spent much time and large resources in pacifying the rebellions of the Three Feudatories in south and southwest China.²⁵ The Qing dynasty was anxious to prevent Taiwan from becoming a base for rebellions after annexation. The Qing dynasty did not consider the economic potential Taiwan might possess. In fact, after the surrender of Taiwan by the Zhengs, one view in the Qing court was to withdraw all Chinese subjects and to abandon the island.²⁶ The then Fujian Maritime Commander Shi Lang, who had led the successful expedition to Taiwan, argued for retention of the island. Shi Lang’s view focused mainly on defence and security. Shi Lang argued that Taiwan was the shield for the coastal provinces, and if abandoned, it could become a bandits’ lair, or be reoccupied by the ‘red-hairs’ [the Dutch], and thus threaten the Empire’s security.²⁷

17 Hsu, above n 2, 25.

18 Shepherd, above n 12, 94.

19 From 50,000 to 120,000. Ibid, 96. Hsu, above n 2, 23, estimates the Chinese population to be at least 100,000 during the Zheng rule. Goddard has a much larger number of Han Chinese population, at 400,000. See Goddard, above n 14, 89.

20 Wang, above n 6, 39.

21 See Hung, above n 1, 99–102 for details.

22 Ibid, 125. This statement should be qualified to apply to the part of Taiwan under Zheng control, rather than the whole Taiwan.

23 See the review of this view in Shepherd, above n 12, 3.

24 Shepherd, *ibid*, 5 and 408.

25 The rebellions of the Three Feudatories lasted from 1673 to 1678.

26 Lian Heng 连横(1918) 台湾通史, *Comprehensive History of Taiwan* (Taiwan Yinhang, Taiwan Wenxian Congkan 128, 1962) 59.

27 Shi Lang, ‘A Memorial Requesting for Annexation of Taiwan’, recorded in Gao Gongqian 高拱乾(1696) 台湾府志 *Gazetteer of Taiwan Prefecture* (Taiwan Yinhang, Taiwan Wenxian Congkan 65, 1960) 231–4.

Recognising then that Taiwan was strategically important, the Kangxi Emperor adopted Shi Lang's view and annexed Taiwan in 1684.²⁸ Ironically, only a few months before, the Kangxi Emperor had rejected his officers' recommendation to award another honorary title to the Emperor to celebrate the conquest of Taiwan. The Emperor opined that 'Taiwan lies over the seas and does not matter much.' The Emperor concluded that 'Taiwan is no bigger than a pebble. Nothing is gained by obtaining it and nothing is lost by not obtaining it'.²⁹

These seemingly contradictory views to some degree highlight the Emperor's gradual realisation of Taiwan's importance. More importantly, they revealed the Emperor's view that Taiwan was important in a defence and security sense, but otherwise of little significance. Similarly, the Qianlong Emperor repeatedly emphasised to his officials that Taiwan was the 'important coastal frontier territory' (*haijiang zhongdi* 海疆重地) and 'the important fence line of the five coastal provinces'.³⁰

The fact that no consideration was given to Taiwan apart from security was illustrated clearly in the administrative system in Taiwan. Military forces of 8,000 soldiers were placed to guard important ports.³¹ In contrast, civil administration was maintained at a minimum level, with few changes from the Zheng period, and by a handful of civil officials. After annexation, the administration was 'business as usual' (*zhaojiu* 照旧), with minor changes.³² The Qing dynasty established the Taiwan Prefecture, which had been the *Chengtian* 承天 Prefecture under the Zhengs. Three districts were established under the prefecture: *Zhuluo* 诸罗 district being the Zheng's *Tianxing* 天兴 district, and *Fengshan* 凤山 district being the Zheng's *Wannian* 万年 district. As was the common practice of the Qing dynasty, another district, Taiwan District, was established at the government seat of the Prefecture.

The civil administration changed very little during the century of rule of the High Qing period. The only expansion was in 1723, the first year of the Yongzheng reign, when *Zhuluo* district was subdivided, resulting in the creation of *Zhanghua* district. Although the Yongzheng reign was seen as the active colonisation period, the subdivision had been recommended by the *Zhuluo* magistrate Zhou Zhongxuan in 1717, who had reasoned that the district was too vast to be effectively controlled, and would allow the disorderly to hide from the law.³³ This recommendation was repeated by the Imperial Inspector to Taiwan in 1723 and was accepted by the court.³⁴

Thus the national and local situation resulted in the Qing court's placing the security of the coastal provinces and the overall stability of Taiwan as the main priority over other considerations regarding the colonisation of Taiwan. The Qing court therefore annexed Taiwan solely for security reasons, and the administrative system in Taiwan operated under the 'security is paramount' principle.

B. Effects on Policy Making

The effects of the 'security first' principle were manifested in a number of areas of policy-making, notably in the migration and the land development policies.

1. Migration Policies

Throughout the High Qing period, the Government restricted migration from mainland China to Taiwan, with the occasional relaxing of the policy. These fluctuating policies are often seen

28 See 清圣祖实录选辑 *Selected Veritable Records of the Kangxi Emperor*, (Taiwan Yinhang, Taiwan Wenxian Congkan 165, 1963) 131 ('*Veritable Records of Kangxi*').

29 Ibid, 129.

30 For example, see 清高宗实录选辑 *Selected Veritable Records of the Qianlong Emperor* (Taiwan Yinhang, Taiwan Wenxian Congkan 186, 1964) 36 ('*Veritable Records of Qianlong*').

31 See *Veritable Records of Kangxi*, above n 28, 165.

32 This fact is well recognised by scholars, for example, see Hung, above n 1, 128–9.

33 Zhou Zhongxuan 周钟瑄 (1717) 诸罗县志 *Gazetteer of Zhuluo* (Taiwan Yinhang, Taiwan Wenxian Congkan 141, 1962) 50.

34 清世宗实录选辑 *Selected Veritable Records of the Yongzheng Emperor* (Taiwan Yinhang, Taiwan Wenxian Congkan 167, 1963) 3–4 ('*Veritable Records of Yongzheng*').

as reflecting the Qing court's changing attitude towards the colonisation of Taiwan, but in reality, they were heavily influenced by the ultimate goal of maintaining stability.

After annexation, migration to Taiwan was restricted. Regulations passed in 1684 required those men who wished to cross the strait to Taiwan to obtain approval from the local authority of their origin, and they were not allowed to take their wives or families, 'for fear that pirates, [Zheng] remnants, and rebels might make Taiwan an anti-government base'.³⁵ Over the century, although the restriction on family reunion migration was relaxed at times,³⁶ the recurring theme in the regulations was an attempt to contain unapproved travel and to punish illegal crossings from the mainland to Taiwan.³⁷ Such regulations were categorised as 'maritime defence', again highlighting that the primary purpose of the regulations was for defence and security.

The Yongzheng Government promoted land development across the empire. In 1727 the Fujian Governor reported that '[Taiwan's] population does not grow, and the land has much wasteland', and he recommended adopting family reunion migration policies. Despite being regarded as pro-colonisation of Taiwan,³⁸ the Emperor was still reluctant to lift the ban, and leaned towards the Ministry of Revenue's reasoning that such relaxation might cause 'disturbance' (*zirao* 滋扰) among the people.³⁹ Sixty years later, when the Qianlong Emperor was alarmed by the Lin Shuangwen uprising,⁴⁰ the Emperor revisited this particular decision of the Yongzheng Government, and reasserted that 'Taiwan is an important maritime territory, and that was why the settlers were not allowed to bring families with them'.⁴¹

Therefore, although some officials recognised the economic benefits Taiwan might offer, the Qing Court discouraged, rather than facilitated, the Han migration and colonisation of Taiwan, favouring social stability considerations.

2. Land Development Policies

With migration being officially restricted, the development of new farming lands was also discouraged. Despite this policy, illegal migrants continued to arrive and sought to open new farming land, although the growth of newly opened land was slow. The Zheng record of cultivated land (*shigeng tianyuan* 实耕田园) at the time of surrender was 30,054.16 *jia* of government-owned and private-owned land,⁴² and an uncertain amount of military land.⁴³ The Qing record of total cultivated land in 1683 was 18,494 *jia* 甲.⁴⁴ It took 26 years (1684-1710) for the settlers to bring the cultivated land up to 30,109 *jia*, which was about the high point level at the end of the Zheng period, including 11,655 *jia* newly opened land registered for taxation.⁴⁵

The early land policy during this period was unclear. One view is that after annexation, the Qing Government recognised the property rights of the aborigines, and forbade Han settlers to open the lands without government approval.⁴⁶ It was possible that in the first few years, there was no positive protective policy in place, because the land was vast and the problems caused

35 Shepherd, above n 12, 142-3.

36 Ibid, 143, Table 6.2 'Family Migration to Taiwan: Policy Fluctuations, 1684-1788'.

37 See the collection of regulations in 清会典台湾事例 *Collection of Qing Institutes and Precedents on Taiwan* (Taiwan Yinhang, Taiwan Wenxian Congkan 226) 30-2 ('*Qing Institutes Taiwan Precedents*').

38 See Shepherd, above n 12, 261.

39 *Veritable Records of Yongzheng*, above n 34, 19-20.

40 The Lin Shuangwen uprising was one of the three largest Han settler uprisings which occurred in Qing Taiwan.

41 *Veritable Records of Qianlong*, above n 30, 474.

42 福建通志台湾府 *Comprehensive Gazetteer of Fujian, Taiwan Prefecture* (Taiwan Yinhang, Taiwan Wenxian Congkan 84, 1960) 164 ('*Fujian Taiwan Gazetteer*'). One *jia* is about 0.97 hectares.

43 There was no record of the area of the Zheng military land. See Shepherd, above n 12, 99.

44 *Fujian Taiwan Gazetteer*, above n 42, 164; and *Gazetteer of Taiwan Prefecture*, above n 27, 115. The reduction of cultivated land could have been the result of the abandonment of land by the farmers as well as the expulsion of the Han migrants.

45 See Zhou Yuanwen 周元文(1718) 重修台湾府志 *Revised Gazetteer of Taiwan Prefecture* (Taiwan Yinhang, Taiwan Wenxian Congkan 66, 1962) 160.

46 Hong-chein Yang and Ai-Ching Yen 杨鸿谦, 颜爱静, 'The Study on Institutional Change of Siraya's Land Rights for Taiwan's Plains Aborigines in the Ching Era' 清代台湾西拉雅族番社地权制度之变迁 (2003) 6:1 *Journal of Taiwan Land Research* 17, 31-2.

by the Han settlement had not caused alarm to the Government.⁴⁷ However, with increasing Han development of aboriginal land, in about 1704, the Taiwan-Xiamen Intendant Wang Minzheng decreed that settlers must obtain government permission before opening aboriginal land, and the local officials were required to investigate the costs and benefits for the Han settlers and the aborigines before deciding whether to issue any permit.⁴⁸ The decree saw newly registered land decreased from a few hundred *jia* per year to a few dozen *jia* per year during the years from 1703 to 1723 (except in 1716 and 1717).⁴⁹

It appeared that the development of aboriginal land was forbidden at a later stage, because in 1724, the leading pro-colonisationist Lan Dingyuan mentioned in an essay that ‘the development of aboriginal land was not allowed’.⁵⁰ A decree the same year which lifted the ban for settlers to lease aboriginal land implied a similar message.⁵¹ The Yongzheng Emperor promoted empire-wide land developments,⁵² and Taiwan was inevitably affected. However, the promotion of colonisation was less determined than in China proper, and was comparatively short-lived. In 1724, the Yongzheng Emperor decreed that ‘if the aboriginal deer hunting grounds of Taiwan, Fujian province, are idle and can be cultivated, order the local officials to make it known (*xiaoyu* 晓谕) that the aborigines are free to lease it (*tingren gefan zuyu* 听任各番租与) to the Han for cultivation’.⁵³ The decree itself did not purport to coerce the aborigines to change the uses of their land or to lease their hunting grounds to the settlers. But the effects of this policy were manifested in the amount of land developed in the years following 1728. In the three years from 1728 to 1730, land development activities increased manifold. In 1728 alone, 16,337 *jia* of newly opened land was registered for taxation. In 1729 and 1730, the area of newly opened land decreased to 3,351 *jia* and 1,736 *jia* respectively – a notable decrease, but still significantly higher than that of previous years. The development of aboriginal land returned to a minimum level in 1730, which must have been the result of a reverse in policy.⁵⁴ The reason for the policy reverse may have been the ensuing disputes and conflict between the settlers and the aborigines.⁵⁵

The Qianlong Emperor took a more firm stance than his two predecessors. Although he promoted land development across the whole of the Empire, as soon as the Emperor ascended the throne, the decision was made to prevent land development in Taiwan in order to not ‘cause trouble and disturbance’.⁵⁶ Consequently, in 1737 (the second year of the Qianlong reign), an edict was issued which forbade settlers from purchasing aboriginal land. Furthermore, those who had encroached on aboriginal land were ordered to return the land to the aborigines, in order to ‘eradicate disturbance’.⁵⁷ The same policy was reiterated in 1758.⁵⁸

Furthermore, in 1744, a decree was issued to investigate the land development by military officials and to forbid such development because it had caused ‘disputes between the settlers and the aborigines’ and was ‘not the way to maintain peace with the aborigines and the settlers’.⁵⁹ In 1746, a decree was issued to penalise settlers who purchased (*simai* 私买) aboriginal land.⁶⁰

47 Lain, above n 26, 418. See also Shepherd, above n 12, 244.

48 Lian, *ibid*, 419. See also Shepherd, *ibid*, 244, citing Inō Yoshinori *Taiwan Bansei Shi (History of Aborigine Policy in Taiwan)* Taipei: Taiwan Sōtufu, 76. Shepherd believes that the decree mentioned by Inō no longer exists.

49 See the statistics in Liu Liangbi 刘良璧(1742) 重修台湾府志, *Revised Gazetteer of Taiwan Prefecture* (Taiwan Yinhang, Taiwan Wenxian Congkan 74, 1961) 129–55.

50 Lan Dingyuan 蓝鼎元 平台记略, *Brief Accounts of the Pacification of Taiwan*, (Taiwan Yinhang, Taiwan Wenxian Congkan 14, 1958) 54.

51 Shepherd also holds the view that the land development policy was tightened in the late Kangxi era. See Shepherd, above n 12, 257.

52 As was evidenced in an edict issued in 1729, recorded in Liu, above n 49, 27–8. Also see Madeline Zelin, ‘The Yung-cheng Reign’, in Willard J Peterson (ed), *The Cambridge History of China Vol 9 Part One: The Ch’ing Empire to 1800* (Cambridge University Press, 2002) 183, 215–18.

53 *Qing Institutes Taiwan Precedents*, above n 37, 43.

54 Lian mentions that later the policy was reversed. See Lian, above n 26, 66.

55 See Lian, above n 26, 42. Lian described the disputes that transpired.

56 See *Veritable Records of Qianlong*, above n 30, 1.

57 *Ibid*, 9.

58 *Ibid*, 118.

59 *Qing Institutes Taiwan Precedents*, above n 37, 43–4.

60 *Ibid*, 44.

The anti-colonisation policy that the Qianlong Emperor adopted was due to his concern about and focus on security and stability, which was illustrated in one of his discussions with his officers in 1744. When the Imperial Inspector to Taiwan recommended policies be adopted to encourage land development, the Emperor dismissed such an approach as being of ‘small benefit and big detriment’, the detriment being the trouble that might be caused by disorderly migrants.⁶¹ This was despite the fact the Taiwan had become the granary of Fujian Province and regularly exported rice to relieve the food shortages there.⁶²

In summary, although the Qing Court eventually recognised the economic potential of Taiwan, it did not encourage, and most of the time restricted, the Han development of the land and exploitation of the resources. This was primarily because land development caused disputes between the aborigines and the settlers, and thus risked social stability.

IV. SUBMITTED AND NON-SUBMITTED ABORIGINES: DIFFERENTIATION OF ETHNIC GROUPS

The Qing dynasty treated all who submitted to its rule as ‘children’ of the Emperor and subjects of the heavenly dynasty (*tianchao* 天朝), and did not seem to discriminate against the aborigines. The Fujian Maritime Commander, Shi Lang, when arguing against withdrawing the Han settlers to the mainland and abandoning the island and its aborigines, claimed that ‘the aborigines (*tufan* 土番) and the subjects (*renmin* 人民, referring to the settlers) were both [the empire’s] children’.⁶³ Similarly, the Qianlong Emperor stated that ‘the settlers and the aborigines are both [the empire’s] children, and there should not be [any] discrimination’.⁶⁴

Under the general principle of non-discrimination, the Qing Court did, however, differentiate between different ethnic groups. First, there was the distinction between ‘*min*’ 民 and ‘*fan*’ 番. *Min* is often translated as ‘commoners’ and has a meaning of ‘subjects’, but given that the Qing recognised the aborigines who paid tax as subjects, *min* here specifically referred to the Han settlers, a category different from the *fan*, which is the term the Qing used for aborigines.

The Qing also divided the aborigines into two broad categories: *shufan* 熟番 (‘cooked’ aborigines) and *shengfan* 生番 (‘raw’ aborigines). The ‘cooked’ aborigines were those who adopted and were acculturated to Han culture, submitted to the Qing Government, and paid taxes. At the time of annexation, *Fengshan* district had eight ‘cooked’ aboriginal villages, and *Zhuluo* district had 34 ‘cooked’ aboriginal villages.⁶⁵ In contrast, the so-called ‘raw’ aborigines retained their traditional way of life and did not submit to the Qing Government. Later, some ‘raw’ aborigines submitted to the Qing Government, and were called *guihua shengfan* 归化生番 (submitted ‘raw’ aborigines).

The settlers and the submitted aborigines however, were subjected to different tax obligations. The Han paid land tax for land that they owned or cultivated,⁶⁶ as well as a head tax on adult males. The aborigines were exempted from land tax, but were subject to the head tax. For some time, the aboriginal head tax rate was higher than that of the Han, and aboriginal females also paid head tax. Local officials argued that since the aborigines submitted, they were equal subjects and should pay the same rate of head tax as the Han. Laws were subsequently passed during the Yongzheng reign (1725) to exempt aboriginal females from head tax,⁶⁷ and during the Qianlong reign (1737) to reduce the tax rate to the level of Han rate.⁶⁸

61 *Veritable Records of Qianlong*, above n 30, 38.

62 In 1729, the Yongzheng Government decided to transfer 49,000 *shi* of grains (one *shi* is about 103.6 litres) from Taiwan to Fujian, and this was made a precedent to be followed in later years. See *Veritable Records of Yongzheng*, above n 34, 28.

63 Shi, above n 27, 232.

64 *Selected Veritable Records of Qianlong*, above n 30, 6.

65 Chen Wenda 陈文达 (1719) *凤山县志 Gazetteer of Fengshan District* (Taiwan Yinhang, Taiwan Wenxian Congkan 124, 1961) 65. The *Gazetteer of Taiwan Prefecture*, above n 27, 6, has it that *Fengshan* had 12 ‘cooked’ Aboriginal villages. Also see Lian, above n 26, 64.

66 Policies on Taiwan land tax were very complicated during the Qing rule and are beyond the scope of this paper. See references to land tax changes over time in Shepherd, above n 12, ch 9.

67 *Qing Institutes Taiwan Precedents*, above n 53, 69.

68 *Veritable Records of Qianlong*, above n 30, 6.

Although the Qianlong Emperor claimed that there was no discrimination, because of the disadvantaged position the aborigines were often in, the Qing Court adopted policies that attempted to protect the weaker party (the aborigines) from the exploitation by the stronger Han settlers. For example, the *Zhuluo* District Magistrate, Zhou Zhongxuan (1714-1719), lamented the cheating, bullying and exploitation the aborigines suffered at the hands of the Han settlers and *yamen* clerks, and urged the adoption of policies to ‘relieve the suffering of the aboriginal subjects’.⁶⁹ Similarly, the Taiwan Circuit Intendant, Chen Bin (1710–15), observed the loss of livelihood by the aborigines and asked, ‘are [the aborigines] alone not the children of the heavenly dynasty?’ Chen Bin argued for the protection of aboriginal land rights and that the Han development of aboriginal lands be forbidden, whether such lands were deer hunting grounds or ‘wasteland’.⁷⁰ The Qianlong Emperor himself was often concerned how the Han ‘villains’ exploited the aborigines, how the *yamen* staff ill-treated them, and how the local officials neglected them. The Emperor subsequently ordered the Provincial Governor of Fujian and the Governor-General of Fujian-Zhejiang Provinces to produce solutions to prevent the settlers from harassing the aborigines and to relieve the suffering and grievances of the aborigines.⁷¹ Policies were subsequently adopted to protect aboriginal land rights.⁷² Furthermore, given the aborigines often lost their land rights to the Han moneylenders, the Government also issued regulations to cap interest rates.⁷³

In summary, the Qing Court regarded all submitted peoples in Taiwan as its subjects. If there was any discrimination, it was often (but not always) positive discrimination favouring the aborigines to protect them from exploitation by the Han settlers.

V. THE EXPANSIONIST NON-EXPANSION POLICY

The Qing Court did not appear to want to subjugate the ‘raw’ aborigines or to invade their territory. There is no record that the Qing dynasty actively induced the ‘raw’ aborigines’ submission. Instead, official records show that some ‘raw’ aboriginal villages submitted voluntarily, and that the Qing Court accepted the submissions without much fuss. For example, in 1693, the Fujian Governor reported to the Kangxi Emperor that six aboriginal villages were willing to submit and pay taxes. This fact was simply conveyed to the relevant Ministry ‘for noting’.⁷⁴ The Qianlong Emperor was somewhat sceptical of ‘raw’ aboriginal submission, however. One reason for the scepticism was that some submitted aborigines maintained their killing and looting practices, and thus were not really ‘civilised’. The other reason was the Emperor’s concern that the Han and *fan* might amalgamate and cause trouble.⁷⁵ The Emperor then decreed that local officials should not encourage ‘raw’ aboriginal submission.⁷⁶

After the Zhu Yigui uprising in the late Kangxi reign,⁷⁷ boundaries markers were erected to separate the ‘raw’ aboriginal territory from the Qing-controlled territory. The boundaries were reinforced during the Yongzheng and Qianlong reigns. In 1729, the Yongzheng Government ordered the erection of stones to demarcate the borders between the ‘raw’ aboriginal territory

69 Quoted in Huang Shujing 黄叔瓚(1726) 台海使槎录 *A Record on a Tour of Duty to Taiwan* (Taiwan Yinhang, Taiwan Wenxian Congkan 4, 1957)165.

70 Chen Bin 陈斌 陈清端公文选 *Selected Works of Chen Bin* (Taiwan Yinhang, Taiwan Wenxian Congkan 116, 1961) 15–16.

71 See *Veritable Records of Qianlong*, above n 30, 59–60.

72 See the discussion in Part IIB of this paper. For wider perspectives and more extensive discussions, see Shepherd, above n 12, chapter 9; Ch’en Ch’iu-K’un (translated by Bian Li-nan) ‘From Aborigines to Landed Proprietors: Taiwan aboriginal land rights, 1690–1850’ in Gail Hershatter et al (eds), *Remapping China: Fissures in Historical Terrain* (Stanford University Press, 1996) 130; Ch’en Ch’iu-k’un 陈秋坤, *Taiwan’s Aboriginal Proprietary Rights in the Ch’ing Period: Bureaucracy, Han Tenants and the Transformation of Property Rights of the Anli Tribe, 1700–1895* 清代台湾土著地权：官僚，汉佃与岸里社人的土地变迁 (Academia Sinica, 2ed, 1997).

73 See Ch’en, *Taiwan’s Aboriginal Proprietary Rights*, above n 72, 200–1. Also see Yang and Yen, above n 46, 45–6.

74 See *Veritable Records of Kangxi*, above n 28, 9 and 144. Similar examples could be seen *Veritable Records of Yongzheng*, above n 34, 7.

75 See, for example, *Veritable Records of Qianlong*, above n 30, 8.

76 *Ibid*, 8 and 46.

77 The Zhu Yigui uprising was the first of the three major Han uprisings in Qing Taiwan.

and the Qing-controlled territory.⁷⁸ The pro-colonisationist Lan Dingyuan, after his proposals to open up the ‘raw’ aboriginal territory fell on deaf ears, had to accept that one way of dealing with the ‘raw’ aborigines was to guard the boundary lines.⁷⁹ Subsequently, laws were passed in 1730, 1737, 1750 and 1760 to forbid crossing of the ‘raw’ aboriginal boundaries, to implement the policy, and to reinforce the boundaries.⁸⁰

The reason for this segregation was mainly because of concerns about stability and protection of the safety of the settlers. The Qing court believed that the ‘raw’ aborigines would not have caused trouble if they had been left alone, and the reason why settlers were often killed by the ‘raw’ aborigines was because they crossed the boundary in order to cultivate the land.⁸¹ The solution the Qing court adopted was to forbid Han encroachment on the boundary or on the ‘raw’ aboriginal territory.

The High Qing was a highly prosperous period, and the three High Qing emperors were very able and ambitious leaders. The Kangxi Emperor was ‘one of the rare individuals who ... change[d] the course of human history.’⁸² The Yongzheng Emperor initiated many important policy changes and during the Qianlong reign, the Qing controlled the most extended territory in Chinese history, covering over 11 million square kilometres.⁸³ However, during these reigns, the Qing Court deliberately adopted a non-expansionist stance towards the Taiwan ‘raw’ aboriginal territory, having no desire to exploit its resources.

V. CONCLUSION

The Qing Empire was ‘one of the largest and longest-lived multinational empires of the early modern world’.⁸⁴ However, its rule in Taiwan was security-orientated and deliberately non-expansive. Viewing Taiwan as primarily a maritime defence base and to ensure stability on the island, the Qing Government restricted migration to, and settlements in, Taiwan. The Qing Court also discouraged aggressive colonisation and land developments in Taiwan. The principle that all subjects were equal was adhered to, which meant that at times the policies favoured the weaker of the subjects, the aborigines.

Such an approach does not mean, however, that the Taiwan aborigines did not suffer from the colonisation processes. Persecution stemmed mainly from the pressure of the Han settlers and corrupt local officials rather than from government policies. The Qing Government did not purport to exploit Taiwan, and its policies were not exploitative per se; but the reality of colonisation was that land-hungry Han settlers imposed much pressure on the aborigines. Although the Qing Court attempted to ease the pressure, the course of colonisation could not be stayed or reversed, and the aborigines gradually lost their lands and culture and became impoverished. However, it was a much slower process than what happened elsewhere and in Taiwan during Japanese rule.

It is very likely that the different legal systems of Japan and the Qing dynasty have influenced the different approaches taken to treatment of the Taiwan aborigines and dealing with their land rights. The Manchu rulers of the Qing dynasty were highly sinicised and adopted Confucian legal culture. The written law of the Qing dynasty followed the traditional Chinese legal system and focused on administrative law and criminal law, and left other aspects of social life, including property rights, to customary practice.⁸⁵ In contrast, Japan adopted Western legal institutions after the Meiji restoration in 1868, and eliminated Chinese-style legal traditions

⁷⁸ *Qing Institutes Taiwan Precedents*, above n 37, 148.

⁷⁹ Lan Dingyuan 蓝鼎元(1732) 东征集, *Records of an Eastern Expedition* (Taiwan Yinhang, Taiwan Wenxian Congkan 12, 1958) 60.

⁸⁰ See the laws in *Qing Institutes Taiwan Precedents*, above n 37, 24, 168 and 169; *Veritable Records of Qianlong*, above n 30, 79 and 126.

⁸¹ See *Veritable Records of Qianlong*, *ibid*, 39 and 147–9.

⁸² Jonathan D Spence, ‘The K’ang-hsi Reign’ in Peterson (ed), above n 52, 120, 120.

⁸³ Peter C Perdue, *China Marches West: The Qing Conquest of Central Eurasia* (Belknap Press, 2005) 524.

⁸⁴ R Kent Guy ‘Who were the Manchus? A Review Essay’ (2002) 61:1 *The Journal of Asian Studies* 151, 151.

⁸⁵ For an overview of the Qing legal system see Zhang Jinfan 张晋藩, ‘An Introduction to the Law History of the Qing Dynasty’ 清朝法制史概论 [2002] 3 *Studies in Qing History* 清史研究17. For an overview of the Confucian legal tradition, see H Patrick Glenn, *Legal Traditions of the World* (4th ed, Oxford University Press, 2010), ch 9.

which Japan had followed for many centuries.⁸⁶ It is the object of my PhD study to find out exactly how the different legal systems shaped the different approaches of the two empires and their different results on the aborigines and their lands.

⁸⁶ For the Meiji restoration, see Marius B Jansen, 'The Meiji Restoration' in Marius B Jansen *The Cambridge History of Japan Vol 5: The Nineteenth Century* (Cambridge University Press, 1989) 308. For Japan's Westernisation, see Hirakawa Sukehiro, 'Japan's Turn to the West' (translated by Bob Tadashi Wakabayashi) in Jansen *The Cambridge History of Japan* 432. For the legal reforms which Japan carried out in Taiwan, see Tay-sheng Wang, *Legal Reform in Taiwan under Japanese Colonial Rule, 1895–1945: The Reception of Western Law* (University of Washington Press, 2000).
