

## Book Reviews

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Tamar Herzog, *Frontiers of Possession: Spain and Portugal in Europe and the Americas*, Cambridge, MA: Harvard University Press, 2015. Pp. 400. \$35.00 Hardcover (ISBN: 978-0-674-73538-5).  
doi:10.1017/S0738248017000116

Tamar Herzog's *Frontiers of Possession* advances a novel approach to understanding territorial formation in early modern Portugal, Spain, and colonial Latin America. The monograph marshals an impressive array of archival sources to make the case that diplomacy and war only periodically served as bellwethers of emergent political frontiers in Iberia and South America. More salient to the ways territories took shape, Herzog argues, was how a multitude of actors fanned out across different spaces, or doubled down where they already lived, and staked a variety of claims to parcels of land and assemblages of people. Messy and often contradictory legal forces undergirded the emergence of discrete territorial units in Latin America and Europe, pulling diverse segments of Iberian society into what Herzog dubs an ongoing "multi-logue" (not just a dialogue) about land tenure and property, the extent of officialdom's reach, and categories of civic belonging. Deftly weaving together doctrinal and vernacular law, Herzog offers the most in-depth exploration to date of Iberian territorial formation in an Atlantic framework.

The book draws from early modern Portuguese and Spanish diplomatic, legal, and administrative records to show that a disparate array of activities—from grazing cattle and gathering fruits to collecting taxes and smuggling, proselytizing, litigating, and resorting to violence—formed part of a single, if complex, matrix of ways of signifying claims to land and resources. In its larger arc, *Frontiers of Possession* shows how a loose coalition of metropolitan jurists, colonial actors, and armchair theorists constructed, in diffuse yet cumulative fashion, the juridical frameworks for enacting rights to land in distinct Atlantic arenas that together comprised a "unified space that existed contemporaneously" (11).

To make its broader argument, the monograph begins by analyzing the materialization of the Spanish and Portuguese borderlands in Latin America, only consequently turning to boundary disputes in Iberia. Herzog intends placing the New World before the Old as a rejection of the center-periphery imperial paradigm that would imply that Luso-Castilian border conflicts in Latin

America necessarily ensued from Iberian legal and political precedents. Chapter 1 focuses on how abstract border treaties drawn by European jurists were alternately privileged and disregarded in colonial South America, depending upon how diverse actors saw legal significance in their own mundane actions of landholding, violence, trade, and attempted regulatory oversight. Chapter 2 turns to the relationship between people and territory. Routines of evangelization, warfare, and alliance making with indigenous actors similarly revolved around how territories were defined, by whom, and to what ends.

The book's second half shifts gears to the more modest geographic expanse of western Iberia. Case studies and local circumstances garner more sustained attention. Disputes over land in Europe, Herzog shows, drew from a similar lexicon of occupancy rights and claims to possession as in the Americas, with an important distinction. Compared with their South American counterparts, interlocutors in Iberian cases made more frequent reference to the sanctioning force of custom and longstanding voisinage in putting forward claims to landed property. Yet even from the European vantage point, Herzog argues that conflicts unspooling over a *longue durée* cannot be reduced to static enmity between Portuguese and Spaniards, but should be situated in the dynamic reconfiguration of popular and elite strategies to draw selectively from shared pasts and precedents to confront new contingencies.

The concluding chapter turns to historiographical considerations, offering that political struggles over property in Colonial Latin America shared deep parallels with those in Colonial North America and the broader Anglophone Atlantic. Countless Iberians in Europe and the Americas, Herzog shows, resorted to the language of law in provisional, subjective, self-referential, and contradictory ways that may seem more familiar to a scholarly audience versed in the Common Law tradition than might otherwise be expected. Certainly, this important intervention merits serious consideration by legal historians of Anglo-America, and reinforces Herzog's central framing device of the Atlantic as a "unified space" of coeval legalities.

In this vein, the book beckons toward further research into how non-European colonial actors—particularly Africans, Afro-descendants, and Native Americans—approached different forms of land tenure in South America, and how the content of their actions (more so than simply their presence) influenced emergent colonial property formations. Although Herzog draws from recent scholarship on how early modern Amerindians exploited imperial legal fora, questions of indigenous forms of land tenure, and how these meshed with colonial enterprises, remain largely unprobed. Also relevant is a steadily growing body of scholarship on African diasporic influences over patterns of land tenure and settler colonialism in the Americas. Hybrid methodologies espoused by ethnohistorians of Colonial Latin America and scholars of the African diaspora that reach beyond the types of manuscript and doctrinal

sources at the heart of *Frontiers of Possession* can present some ways for future legal historians to further recover the multilogues that animated the frontier struggles of the Iberian imperial systems.

**Gabriel de Avilez Rocha**  
Drexel University

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Mark McNicholas, *Forgery and Impersonation in Imperial China: Popular Deceptions and the High Qing State*, Seattle: University of Washington Press, 2016. Pp. 280. \$50.00 cloth (ISBN 978-0295995090). doi:10.1017/S0738248017000128

Mark McNicholas's study of confidence men and fraudsters constitutes a valuable addition to the burgeoning scholarship on law and society in China during the Qing dynasty (1644–1912). It is based primarily on memorials reporting major criminal cases to the imperial center, which are held at the First Historical Archive in Beijing and at the National Palace Museum in Taiwan.

Chapters 1–2 focus on cases of political impersonation during the Kangxi and Yongzheng reigns that had grave implications for the throne because they reflected actual power struggles within the imperial court. One implication is that rumors, and even accurate knowledge about such struggles, were surprisingly widespread among the people. These masquerades appear politically ambitious and they were certainly dangerous—many being punished with death by dismemberment—but the motives of the individuals involved seem opaque, unlike the more run-of-the-mill con men (they are all men) treated in other chapters. At any rate, the frequency of such cases (never very great) appears to have declined later in the eighteenth century, once politics at the imperial center had stabilized.

Chapters 3–4 concern less dramatic cases of individuals who attempted to impersonate lower-ranking officials or yamen runners. Widely circulated bulletins announced new official appointments, and a canny fraudster with access to this information could impersonate an appointee en route to his post; the boldest might even assume office in his place. Less ambitious schemes involved posing as runners, to extort money from individuals supposedly subject to arrest. These cases call to mind the typical con artists found in other societies, who are motivated by a desire for money, and for a measure of power and prestige otherwise unavailable to them, as well as the sheer thrill of getting away with it. The notorious Frank Abagnale (of *Catch Me If You Can*) comes to mind.