

"As Usual Each Manage Your Own Property": The State, Property,
and Social Conflict in Eighteenth Century China

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During the eighteenth century the population of China tripled, reaching 300 million by 1800, while the level of technology of China's overwhelmingly agrarian economy remained unchanged. Economically, this unprecedented level of population growth increased the relative value of land and created incentives for more stringent enforcement of property rights in land. Psychologically, historic notions of property and land were profoundly challenged as the concept of land as alienable commodity supplanted the long-standing concepts of land as inviolable patrimony. Socially, the pressure to alter property rights triggered a spurt of violent conflict over property rights which ultimately subsided with the development of new institutional arrangements. This paper analyzes 301 violent disputes which occurred in Guangdong, Sichuan, and Shandong provinces for two time series 1750-53 and 1774-75, enables us to see regional variation between three distinctly different provinces. The three provinces varied greatly in their levels of economic development and type of agriculture, and these differences were reflected in the regional and temporal patterns of violent disputes.

The following cases are representative of hundreds of violent disputes that occurred throughout China during the eighteenth century.

Eviction, Shandong Qianlong 15 Wenshang county.

According to the victim's father, Wang Chen: Wang Zhi leased 24 mou from Guo Jingyuan. Cheng Zhao (jiaguanzhuang, gongren) supervised Guo's estate. Ordinarily he had no grudge with victim.

On 4.29 morning because it had rained, and Wang Zhi wanted to plant beans. He asked Cheng for the beans. Chang Zhao said that he was lazy had not planted the land well and wanted him to return it. He would not give him the seeds. Wang said okay but wanted to wait until after autumn harvest to return the land. Cheng refused and they argued. According to a witness, Zhao Congye, Wang said: "At this time taking away my land isn't it the same as killing my family." Wang butted Cheng with his head. Cheng punched him in the left temple. Wang again butted him with his head. Cheng side-stepped him. Zhao Congye urged them to stop. (According to landlord, Guo Gengyuan, the land was too far away from his home so he entrusted it to Cheng Zhao to manage.)

Dispute over rent, Guangdong Qianlong 15 Qinzhou county

Mo Guoqing of Qinzhou and others killed Liu Chaojin of Hepu. Mo did not know Liu. There was no animosity between them. Wusheng Xu Chongxin had 6.23 mou downstream from Mo Guoqing's village. Previously he leased it to Mo and his younger brother Mo Guoqi, Mo Guozhang to till. Each year early rent paid 5 shi and late rent paid 5.1 shi. QL 13 at the early harvest only 7 fen. Mo according to custom only paid 70% of his rent, 3.5 shi, due to the poor harvest. Xu Chongxin's son Xu Cunxiang demanded the full rent. Mo Guoqing refused. In the 8th month the late harvest was

ripe. Xu Cunxiang feared that Mo Guoqing would again underpay the rent. On the 28th Xu and a worker Huang Fulong went to divide the harvest. They met a friend Liu Chaojin on the way and Xu invited him to join them. Together they went to the field. Mo Guoqing saw them and called his son Mo Fuhan and younger brother Mo Guoqi, Mo Guozhang each carried a spear and went to stop them. The two groups confronted each other. Liu Chaojin took up a pole and struck Mo Fuhan's on the left side. Mo Fuhan was in pain and fled. Liu Chaojin chased him. Mo Guoqing took a pole to stop him, striking him in the right knee. Mo Guoqi came forward and used a bamboo staff to stab him in the ribs. Liu Chaojin raise his pole to strike Mo Guoqi. Mo Guoqi again used his spear to stab Liu Chaojin wounding his right brow. Mo Guozhang also uses his spear to repeatedly stab Liu Chaojin on the right knee and left thigh. Mo Guozhang and others fled. Liu Chaojin again went to strike Mo Guoqing. Mo Guoqing used his pole to strike Liu Chaojin in the heart knocking him to the ground. Xu Cunxiang and Huang Fulong were too late to save him. They carried him home and had his injuries looked at to no effect. After a day he died. Mo Guoqing was convicted of striking the fatal blow in a group beating and was sentenced to death. The magistrate agreed that the 70% payment at the early harvest was correct. He also held the full rent should be paid for the fall harvest and that Xu Chongxin could repossess the land and lease to another tenant.

Redemption of conditional sale, Sichuan QL 44, Huilizhou county

Huang Junxiang and Deng Yaojun made a living leasing land. They had no grudge with Yi people¹, Yue Zi and Bao Shou. Huang Junxiang and Deng Yaojun and his elder brother Deng Yaolian leased and tilled land from Fan Tianren ("kemin" guest person). They had migrated from Guangdong. Originally the land was property that Pisha Tuqianhu, Lu Yingyao had sold. In Qianlong 42 winter Lu Yingyao redeemed the land. Because the land was already planted they decided that the land would be returned in Qianlong 44.

Yue Zi and his father Xia Ge went to Lu Yingyao in Qianlong 44.1 to ask to lease the land because it was near their home. Lu Yingyao said he would lease it to them the next year after it was returned to his control. Unexpectedly, Yue Zi could not wait. In 3.22 they privately asked Yimin, Bao Shou, A Bei, Nai Zu Jie Bie, five people, went to the field together to dig a ditch.. Deng Yaolian saw this and called out to them. Bao Shou threw a rock and struck him in the face. Huang Junxiang quickly picked up a spear and went to stop them.

At that moment Yue Zi had a knife and was chasing Deng Yaolian. Huang Junxiang then used spear to stab Yue Zi in the right side of his back. Yue Zi turned and hacked at Huang Junxiang with his knife. Huang used the spear to deflect the knife and struck Yue Zi on the upper arm. Huang Junxiang dropped his spear and bent over Yue Zi to raise him to his feet. Yue Xi grabbed Huang's queue.

1. Yi are an ethnic minority who inhabit mountainous regions of south-western China including Sichuan.

Huang became anxious and took out his knife to scare Yue. He wounded Yue Zi's left brow and left temple. Yue Zi still would not let go. Huang again tried to scare him and stabbed him in his arm and repeatedly in the ribs.

At that time Bao Shou picked up a stone and struck Deng Yaolian in the back. He fell to the ground and called out for help. His younger brother Deng Yaojun was in back of the house and heard him. He rushed to load his gun. From the rear window he saw Deng Yaolian on the ground. A Bei and Nai Zu, and Jie Bie gathered around him and were about to attack him. At that time Deng was alarmed and he fired the gun to scare them. He hit Bao Shou in the left side of his back knocking him to the ground.. He also wounded A Bei. A neighbor Zhu Junren heard it and rushed to their aid. Zhu blocked Nai Zu and Jie Bie. He used a branch to strike Nai Zu's right foot and also Jie Bie's ribs. Yue Zi and Bao Zhou died after a while. Huang Junxiang convicted and sentenced to strangulation for killing Yue Zi. Deng Yaojun was sentenced to beheading for shooting Bao Shou. Magistrate found that A Bei, Nai Zu, Jie Bie were guilty of creating situation by digging ditch. Magistrate also ordered an investigation into Han people leasing Yi land and ordered all such property returned to its Yi owners.

Social Conflict and Economic Change

Charles Tilly described the "central activity" of European social history as "reconstructing ordinary people's experience of large structural changes."² This concise statement masks a rather

2. Charles Tilly, p. 15, "Retrieving European Lives," In Reliving the Past, ed. Olivier Zunz, pp. 11-52. (Chapel Hill: The University of North Carolina Press, 1985).

daunting task. Pursuing such an undertaking for eighteenth-century China requires a knowledge of both long term large scale economic change as well as a window on the lives of the common people. Fortunately, homicide reports related to disputes over land and debts provide such a window. These records of violent disputes over property rights provide the means to study the importance of political and economic institutions as well as competing visions of social justice and economic self-interest in rural society. Examining reports of homicides related to violent disputes over land, allows me to recreate the social tensions engendered by the transformation of property rights in land. The three cases briefly cited above provide a glimpse into inter-ethnic violence in Sichuan, the persistence of moral economy in the face of increasing commercialization of Guangdong's rural economy, and the desperation of Shandong peasant threatened with eviction. These were the social consequences of economic change in eighteenth-century China. While historians have produced some excellent economic histories of the late imperial China, very few have systematically analyzed the impact of broader economic changes on the lives of ordinary people. Representing an initial step in that direction this paper examines homicides related to disputes over property rights in three Chinese provinces for two time period during the Qianlong Reign (1736-1795). The nature of the data provides an intimate look at social conflict while the size of the sample and its historical scope elucidates the transformation of economic institutions and the

somewhat ambivalent role of the state in the rural economy which I will address further below.

Theoretical Framework: Economic Change and Property Rights

While Tilly provides the inspiration for the social history aspect of this study, the economic model which serves as a springboard for the discussion of property right disputes is the theory of structure and change in economic history that Douglass North has elaborated over the past twenty years. Over the past two decades Douglass North has elaborated a theory of structure and change in economic history which emphasizes the central place of political and economic institutions, and ideology.³ According to North, to understand historical economic change we must examine a wide range of economic and political institutions. "Institutions are a set of rules; compliance procedures; and moral and ethical behavioral norms; designed to constrain the behavior of individuals."⁴ Constitutional rules comprise the fundamental laws that "specify the basic structure of property rights and control of the state."⁵ Operating rules, which include the property rights and institutional arrangements, "specify terms of exchange within the

3. See, The Rise of the Western World, (London: Cambridge University Press, 1973), co-authored with Paul Thomas; Structure and Change in Economic History, (New York: W. W. Norton Company, 1981); and Institutions, Institutional Change and Economic Performance, (New York: Cambridge University Press, 1990).

4. North (1981), p. 201-202.

5. Ibid. p. 203.

framework of constitutional rules."⁶ The normative behavioral rules, which include ideology broadly defined, are "codes of behavior aimed at legitimating the constitutional and operating rules."

While conceding that neoclassical economic theory has been a powerful tool to explain economic performance as well as a wide range of human behavior, North identified two problems of the neoclassical world: there are no organizations or institutions except the market; and economic change occurs in an impersonal market via a shift in relative prices without regard to transaction costs.⁷ North points out that effective price-making markets require readily enforceable and well-defined property rights for the goods and services being exchanged, a condition that has never obtained historically.⁸ Structure and change in economic history cannot be explained without reference to political and economic institutions, and the historical forces which shaped them. Restating the traditional production relationship, North maintains that the total cost of production consists of the resource inputs of land, labor, and capital involved in transacting--"defining, protecting and

6. North (1981), p. 203.

7. See North (1981), Introduction, for the full rebuttal to the application of neoclassical theory to historical studies.

8. See Ronald Coase's classic explanation of the firm for a brilliant illustration of how higher transaction costs increase the likelihood of non-market allocation systems. See Ronald Coase, chapter 2, The Firm the Market and the Law, (Chicago: University of Chicago Press, 1988).

enforcing the property rights to goods⁹--" as well as the inputs involved in transforming the physical attributes of a good.

North has also criticized substantivist interpretations of economic history, such as those of Karl Polanyi¹⁰ and Moses Finley.¹¹ In an article addressing the work of Karl Polanyi, North supports Polanyi's contention that the dominance of the price-making market as a "transactional mode" was primarily a nineteenth century phenomenon, but he disagreed with Polanyi's claim that resource allocation has not been based on economizing behavior.¹² Polanyi maintained that historically the dominant transactional modes prior to the nineteenth century were "reciprocity," obligatory gift giving between kin and friends and "redistribution," obligatory payments to central political or religious authority. While market systems were oriented toward wealth-maximizing, reciprocity and redistribution were grounded in kinship and status, and political or religious affiliation, respectively.¹³ North rebuts this argument using transaction cost analysis to illustrate how the various modes

9. Douglass North, p. 28, Institutions, Institutional Change and Economic Performance, (New York: Cambridge University Press, 1990).

10. Karl Polanyi, The Great Transformation, (Boston: Beacon Press, 1957).

11. Moses I. Finley, The Ancient Economy, (Berkeley: University of California Press, 1985).

12. Douglass North, "Markets and Other Allocation Systems in History: The Challenge of Karl Polanyi," Journal of European Economic History, 2 (1977): 709. Polanyi coined the term transactional mode to describe different forms of exchange. For example, reciprocity, house holding, price-making markets, etc. are all transactional modes.

13. Ibid. p. 707.

of economic exchange described by Polanyi were designed to reduce transaction costs and thus were actually examples of economizing behavior.

From the point of view of someone who is interested in the link between economic change and social conflict, neoclassical economics provides a sound basis for predicting and understanding the general direction of economic change. As Douglass North has pointed out, neoclassical analysis demonstrates that wealth maximizing occurs despite the existence of uncertainty because "competition in the face of ubiquitous scarcity dictates that the most efficient institution, policy, or individual action will survive."¹⁴ Here North was echoing the seminal work of Armen Alchain who offered a "evolutionary" model of economic change.¹⁵ Alchain proposed an approach to economic behavior that embodied "the principles of biological evolution and natural selection by interpreting the economic system as an adoptive mechanism which chooses among exploratory actions generated by the adaptive pursuit of 'success' or 'profits.'" According to Alchain, "like the biologist, the economist predicts the effects of environmental changes on the surviving class of living organisms."¹⁶ Presumably, the dominant form of organization existing after a change in the economic environment will be the relatively more efficient one.

14. As applied to a form of economic organization, an efficient economic organization as one in which maximizing behavior on the part of participants will produce increases in output.

15. See Armen A. Alchain, "Uncertainty, Evolution and Economic Theory," Journal of Political Economy, (1950) 58: 211-221.

16. Ibid. p. 221.

From the standpoint of modern Chinese history, there have been two distinct but related approaches to the study of economic change and social conflict in peasant society. On the one hand, economic historians, such as Kang Chao and Evelyn Rawski have applied straightforward, neoclassical approaches to explaining economic change in Chinese history. On the other hand, the moral economy model, which James Scott first applied to Asia, has inspired social historians, such as Robert Marks and Ralph Thaxton, who have juxtaposed the moral economy of traditional peasant society with the breakdown of social order and economic distress of nineteenth and twentieth century peasant society to explain rural revolution in modern China. Based on my own research, I believe that there is sufficient evidence to question some assumptions of both these characterizations of peasant society.

In the case of China we find Kang Chao employing these neoclassical principles to explain secular change in land tenure. Chao's study is valuable because it outlines the institutional changes that occurred in China's system of land tenure over the course of two thousand years. Various forms of land tenure survived over the centuries, but the more economically efficient forms of land tenure eventually predominated and supplanted less efficient forms. To his credit, Chao has attempted to incorporate cultural values into his explanation of economic change and demographic trends. Furthermore, his emphasis on population growth, though not his explanation for its cause, as the important variable determining the ultimate dominance of tenurial landlordism remains convincing. Nevertheless, without taking anything away from Chao's

contributions to our understanding of Chinese economic history, his argument ignores the social costs of the transformation of the agricultural economy during the eighteenth and nineteenth centuries. Similarly, when Evelyn Rawski refers to the spread of contractual arrangements between tenant and landlords as a sign of a long-term trend toward the "triumph of market forces" she is probably correct, but the social conflict that attended this "victory" becomes obscured. Herein lies the greatest shortcoming of neoclassical analysis; it offers no means for understanding the behavior of those who, in their own rational self-interest, resist economic change. For example, replacing the concept of land as patrimony with the concept of land as commodity was essential to the triumph of market forces, but curtailing the right to redeem limited the ownership rights for all landowners and was particularly harmful to peasants with smaller holdings.¹⁷ Eliminating the right to redeem land sales was further complicated because it had deep cultural and psychological roots. Consequently, struggles over the right to redeem land were long, emotional, and sometimes bloody affairs.

At first glance, the "moral economy" argument, which can be traced to Karl Polanyi,¹⁸ an early and cogent critic of the

17. Arguably, for large landowners, or individuals with the wherewithal to purchase land, vitiating the right to redemption may have had more long term advantages because it would make it easier for them to obtain more land.

18. Polanyi demonstrated clearly that the predominance of the self-regulating, impersonal market historically was a nineteenth century phenomena and not a natural component of human behavior. Writing in the mid-twentieth century, Polanyi attempted to show

neoclassical economics, appears to offer a needed corrective to neoclassical analysis of economic change in peasant society. Most relevant to my study was Polanyi's comparison of the English laboring class in the early nineteenth century with "native tribes in Africa." According to Polanyi, capitalism destroyed the cultural foundations of both groups. Discussing colonial Africa, Polanyi stated that the "catastrophe of the native community is a direct result of the rapid and violent disruption of the basic institutions of the victim."¹⁹ According to Polanyi institutions were destroyed when "the market economy" was "foisted upon an entirely differently organized community." Referring to the Western exploitation of Africa, Polanyi argued that the transformation of labor and land into commodities, which also was the prerequisite for the development of capitalism in Europe, was "only a short formula for the liquidation of every and any cultural institution in an organic society."

I should quickly point out, that my research does not directly challenge the major thrust of the moral economy argument. Clearly, the destruction of existing social and economic institutions attended the development of capitalism, but whether we study the rise of capitalism or the prehistoric transition from hunting and gathering to settled agriculture, we should expect to see changes in political and economic institutions, and ideology that were equally

how fascism, socialism and the New Deal were all responses to the inevitable self-destructiveness of impersonal market forces.

19. Karl Polanyi, p. 159 The Great Transformation, (Boston: Beacon Press, 1957)

monumental, and destructive to the old order, as those encountered during the rise of industrial societies in the nineteenth and twentieth centuries. The association between the destruction of traditional peasant society and the rise of capitalism in the West has sometimes warped perceptions of non-Western societies. Perhaps because the social sciences developed contemporaneously with the rise of capitalism and the establishment of nation states, these events have come to dominate contemporary understandings of economic change and social conflict in both earlier historical periods and in non-Western societies. Consequently, and this point is particularly relevant to studies of China and other non-Western societies, if economic change does not lead to capitalism, it somehow seems less significant. Conversely, some modern social scientists, disillusioned by the problems of modern industrial society, have perhaps romanticized pre-capitalist societies, and have overlooked the social costs and trauma of earlier large scale economic and social change.

Returning to China, perhaps the most successful and stimulating examination of long term economic change and peasant revolution has been the work of Philip Huang. Tracing the economic and social developments of late imperial and Republican period Hebei and Shandong provinces, Huang adopts a more eclectic approach and offers a more sophisticated understanding of Chinese peasants and agrarian change from the Qing dynasty through the Communist Revolution. Going beyond Marxist assumptions about class behavior, he stresses the multidimensional characteristics of peasant households and the rural economy. Huang delineates

various strata of peasant society to illustrate the complexity of economic change and the different social and political consequences of these changes for each strata of peasant society. For example, Huang demonstrates that the appearance of wage laborers, which many Chinese Marxist historians have cited as evidence of burgeoning rural capitalism, was actually an indication of the depressed economic conditions of rural China. According to Huang, the "twin pressures of involution and social stratification without the relief of dynamic economic growth" created the socio-economic background of the Communist Revolution.²⁰ Although some economic historians have taken issue with Huang's use of statistical data,²¹ as an effort to establish a new paradigm for modern Chinese history, his work has deservedly earned widespread praise. Conceptually, it is this type of approach, which acknowledges the multi-stranded relationships of peasant society and the variable impact of economic change, that I would hope to emulate in my study of the eighteenth century.

Turning to specific applications of moral economy arguments to China, ascribing a leading role to the incorporation of the village into a broader world economy during the nineteenth and twentieth centuries, as Marks and Thaxton do, obscures the fact that market forces and economic competition were at work in rural society as early as the eighteenth century, and probably earlier. This

20. Philip C. C. Huang, pp. 306-309, The Peasant Economy and Social Change in North China, (Stanford, Stanford University Press, 1985).

21. See Loren Brandt's review of Philip C. C. Huang's, The Peasant Economy and Social Change in North China, in Economic Development and Cultural Change, (April 1987), 35.3: 670-681.

statement should not be misconstrued as an attempt to downplay the subsequent acceleration of economic change and social conflict in the Chinese economy that proceeded apace with the active intervention of the militant commercial powers of the West. The point is merely that any large scale economic change, not necessarily the rise of capitalism or an Industrial Revolution, can have serious social consequences and can undermine economic institutions as well as the ideological foundations of rural society. So saying, the evidence of violent disputes over property rights provides a counterbalance to the sometimes over-idealized and static picture of peasant society prior to the nineteenth century which moral economy proponents depict.

Looking at my earlier study of Guangdong. An analysis of violent disputes related to property rights based on the class and kinship of disputants highlights the complexity of rural society. For example, one might assume that kinship bonds would militate against violent disputes. Undoubtedly kinship bonds were an important source of unity, but in 25% of all disputes in this study the participants were members of the same family or lineage. Turning to class, a simple comparison of disputes along class lines reveals a mixture of both intra-class and inter-class violence.²² Using disputes sampled at five year intervals from archival sources (N=251), intra-class disputes (187) outnumbered inter-class

22. Inter-class violence is defined as violence between tenants and landlords. Intra-class violence is defined as violence between individual peasant cultivators.

conflicts (63) roughly three to one.²³ When we include documents from all archival and published sources (N=385), the discrepancy narrows to slightly less than two to one,²⁴ 249 cases of intra-class violence versus 133 cases of inter-class violence.²⁵ Interestingly, the incidence of both intra-class and inter-class disputes varied by major issues and across time. Water rights, boundary, and redemption disputes often caused intra-class violence between competing peasants. On the other hand, rent defaults and evictions were more likely to spark inter-class violence between peasants and landlords, but over time the class composition of these types of disputes changed. In the later decades of the Qianlong reign, however, rent defaults and evictions were as likely to have caused intra-class disputes as inter-class disputes. Apparently, the increasing scarcity of land which tilted the balance of economic power in favor of landlords also insulated them from direct involvement in disputes. Simultaneously, heightened competition among peasants for access to land made internecine violence more common.

Evidence contained in homicide reports also suggests that the ethical norms of Chinese peasant society were under pressure in the eighteenth century. Not surprisingly, county magistrates were the most consistent supporters of ethical norms. County magistrates

23. One dispute did not fit either category.

24. I suspect that The increase in inter-class violence in the larger sample reflects the particular interests of the compilers of the published sources.

25. Three cases were too difficult to categorize.

frequently voiced support for principles of cooperation and reciprocity, the ideological props of the traditional peasant society, when addressing the proximate causes of violent disputes. For example in the case cited above, Li Huang the magistrate of Qinzhou county, Lianzhoufu, rebuked and punished Xu Songxin, a landlord and wusheng degree holder, when Xu pressed his tenants, the Mo brothers, to pay their full rent, despite the fact that the harvest was only 70% of normal. Although Mo Guoqing, one of Xu's tenants, was sentenced to death for killing a hired labor that Xu sent to dun him, Xu was also punished for creating a dangerous situation by demanding his full rent during a poor harvest.²⁶ Another example was Zhao Youyan, the magistrate of Xingning county, Jiaying. When Sheng Zheng, a landlord and Buddhist monk, accepted a competing tenant's offer to pay more rent than Sheng's long-standing tenant, a violent confrontation between the competing tenants ensued. Although Sheng was not present at the time of the homicide, the magistrate Zhao Youyan held Sheng responsible and had him defrocked and flogged. Zhao felt that Sheng was at fault because he had leased his land to a new tenant solely to obtain more rent.²⁷

26. Xingke tiben (Board of Punishments routine memorials, hereafter XKTB) 0714, Qianlong 2.28.15. Also published in Qingdai tudi zhanyou guanxi yu diannong kangzu douzheng (Qing dynasty landownership relations and tenant rent resistance struggles), p. 673-676, eds. Number One Historical Archives of China and Institute of Historical Research of the Chinese Academy of Social Sciences, (Beijing: Zhonghua Shuju, 1988), (hereafter, ZYG).

27. Qingdai dizu boxiao xingtai (Forms of rent exploitation in the Qing period), p. 186-187, eds. Number One Historical Archives of China and Institute of Historical Research of the Chinese Academy of Social Sciences, (Beijing: Zhonghua Shuju, 1982), (hereafter, QDB)

Other expressions of moral outrage came from those who had been harmed by the changes in economic institutions. Tenants who were forced off their land after successive defaults and peasants who were denied the opportunity to redeem sales of land sometimes angrily complained that their property or rights had been "stolen." A notable exception to the victimized peasant was Chen Jingwei, who was a scholar and tutor. Chen became outraged after witnessing Li Weizhen, the son-in-law of the landlord who employed Chen, abusing a delinquent tenant. Chen berated Li saying: "You are rich but not benevolent." Insulted and angered, Li turned on Chen who lost his life in the ensuing fracas. This case was unique because moral outrage, not economic self-interest, motivated Chen, but it also illustrated that ideological and ethical concerns were not inconsequential.

Historically, the incorporation of significant portions of China's economy into a global market economy was an important watershed that carried far-reaching social and political consequences, but these events should not be allowed to overshadow the deeper currents of Chinese history. Pre-Opium War Chinese rural society cannot be treated as an hermetic vessel awaiting rupture from the militant commercial powers of the West. The Chinese economy had already begun to outgrow the highly personalized forms of economic exchange that generally characterize "precapitalist" societies in the eighteenth century. Commercialization of agriculture, extensive foreign trade, and unprecedented population growth were well underway in China prior to the nineteenth century. Furthermore, as evidence from

violent disputes indicates, these economic developments had already begun to affect the economic organization and ideological foundations of peasant society, in ways similar to those that moral economy proponents have ascribed to Western capitalism. Once we begin to view the eighteenth century as part of a longer continuum of economic and social change rather than a pristine counterpoint to a later period of social turmoil and political strife, violent disputes over property rights appear more significant. A careful examination of the variety of disputes reveals a complicated and dynamic picture of Chinese peasant society adjusting to economic change in the eighteenth century. At the same time, the overall decline in homicides related to disputes over property rights relative to all homicides related to disputes over land and debts also indicates the resiliency and ingenuity of peasant society.

Findings from Original Study of Guangdong

My original study of violent disputes examined 385 disputes in Guangdong province. I divided the disputes into 2 broad categories and examined five major issues: contractual disputes, rent default, evictions, redemptions of conditional sales in which there was an implicit or explicit contractual relationship, and non-contractual disputes, boundary and water right disputes in which no contractual relationship existed between disputants. Briefly stated, there were distinct temporal and geographic patterns to the violence Guangdong province. Over time violent disputes declined for a variety of reasons. Violence, particularly homicide which was subject to capital punishment, was obviously not a preferred means for solving property right disputes. More importantly, the decrease

in violence was also due to the appearance of new economic institutions and modifications in property rights which eliminated potential sources of conflict, and changing concepts of property eliminated potential sources of conflict. For example, the use of rent deposits led to a decrease in rent defaults and the refinement of contracts concerning redemptions of conditional sales reduced the number of disputes related to that practice. In its wake however new economic institutions arose and mitigated its effects. Violent disputes over property rights were almost entirely absent from the economic core and peripheries of the province. I argue that disputes would be absent from the core where land was most valuable and therefore the incentive to redefine property rights was strongest. Similarly, the in the periphery land values and incentives to redefine property rights was undoubtedly weaker. The economic impact of the population increase of the eighteenth century then appears like a wave that rippled outwards from the economic core of the province. As its impact washed over the province violence related to property rights flared up.

Counties with the Greatest Number²⁸ of Homicides Related to Disputes over Land and Debt

County	Property Rights	Debt and Others	Total
Jieyang	20	31	51
Dongyuan	9	35	44

28. This table includes only those documents that I directly sampled at roughly five year intervals and only from the category of land and debt cases in Routine Memorial Collection. The total number of cases in this sample was 958, 251 disputes related to property rights and 707 homicides related to other disputes over land and debts.

Yingde	9	24	33
Nanhai	1	32	33
Chaoyang	16	14	30
Guishan	4	24	28
Panyu	4	20	24
Xinhui	2	21	23
Buolo	9	14	23
Qujiang	1	21	22
Raoping	12	10	22
Haiyang	4	17	21
Maoming	2	18	20

**Homicides Related to Land and Debts for Selected Years in
the Qianlong Reign by Year**

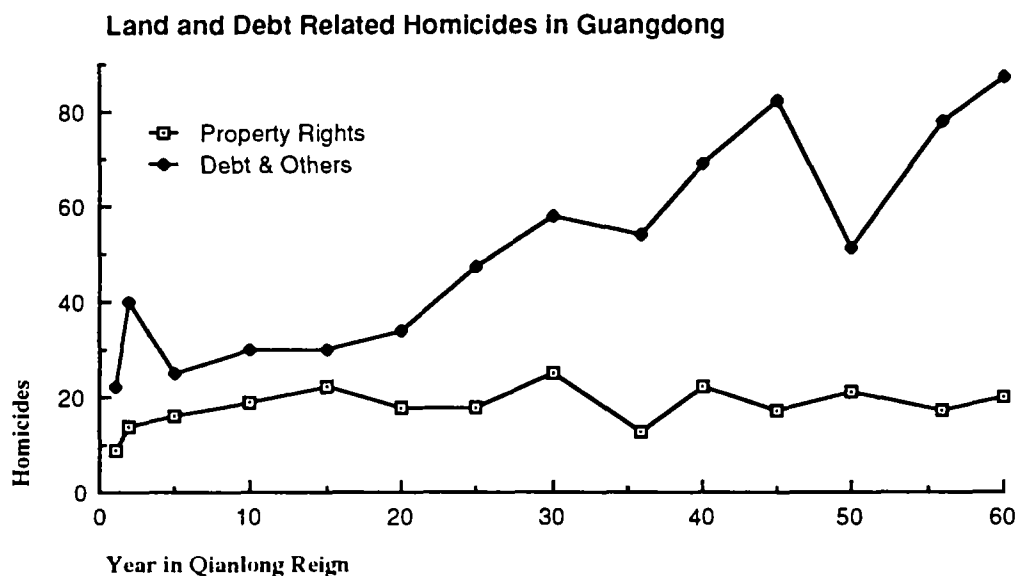
Year in Qianlong Reign	Property Rights	Debts and Others
QL 1	9	22
QL 2	14	40
QL 5	16	25
QL 10	19	30
QL 15	22	30
QL 20	18	34
QL 25	18	47
QL 30	25	58
QL 36	13	54
QL 40	22	69
QL 45	17	82
QL 50 ²⁹	21	51
QL 56	17	78
QL 60	20	87

Given the limitations that the sources have imposed, the comparison of homicides related to property right disputes versus other types of homicides allows us to see the relative importance of homicides related to property rights and was the most reasonable method available to gauge historical change. All these documents

29. Due to extensive losses in the routine memorial collection for the late QL 40s and early QL 50s, I have combined cases from QL 50 and QL 51 to obtain these numbers.

were obtained from the same archival collection, which was subject to the same selection biases and maintained in the same physical environment from the eighteenth to the twentieth century. If the eighteenth century reporting, the subsequent storage of the documents, or the modern day cataloging had introduced any biases into the collection, these biases would be consistent for the entire collection. The graph below reveals an unambiguous temporal pattern. The absolute number of homicides related to property rights was fairly stable, while homicides related to debts and other land disputes began to rise steadily after QL 20.³⁰ Over time homicides related to disputes over property rights declined as a proportion of all homicides related to land and debts. Furthermore, considering that population roughly doubled during the Qianlong reign, the apparent stability over time in the absolute number of homicides related to property right disputes actually represented a much steeper decline in the rate per capita.

30. I believe that the sharp drop in debt and other land disputes in QL 50 was probably due to the severe losses of documents for that year.



Although the temporal pattern of homicides related to disputes over property rights was less ambiguous than the geographic pattern, we are once again forced to rely on some broad assumptions in order to deduce an explanation for this pattern. Based on the facts that in homicides related to property right disputes over two thirds of the individuals who initiated violence were the eventual victims and that the overwhelming majority of killers were sentenced to execution, I assume that the use of lethal violence was neither a preferred nor effective method of settling property right disputes. Economically, I also assume that the economy would reach a new equilibrium after adjustments to population growth took place and the demand for new property rights was gradually satisfied. All things being equal, we would logically expect to see a declining number of homicides related to property rights over time as individuals acted to alleviate or eliminate sources of conflict and to develop more peaceful methods of dispute resolution.

Shandong and Sichuan

Shandong and Sichuan Provinces differed from Guangdong in several important ways. The western portion of Shandong comprises part of the north China plain, the oldest settled area of China. Located in the North Shandong was under Qing control much earlier than Sichuan or Guangdong. With regard to economic institutions Shandong was known for its managerial landlordism. Large estates managed by salaried overseers and employing hired laborers were common in Shandong, though small peasant households still dominated the agrarian economy of Shandong. Sichuan on the other hand was severely devastated during the Ming (1368-1643) - Qing (1644-1912) interregnum. Well into the eighteenth century the Qing government continued to encourage migration into Sichuan with financial incentives and tax breaks. Another peculiarity of Sichuan was the presence of non-Han minorities such as the Yi. Clashes between Han Chinese settlers and non-han minorities, especially Miao and Yi were not uncommon.

Looking at the geographic and temporal patterns for Shandong and Sichuan, as the tables below indicate Shandong had far fewer homicides related to property right disputes. While the number of cases are too small to draw any solid inferences, it is significant to note that the geographic pattern of disputes over property rights by prefecture, did not simply mirror the overall pattern of homicides related to debt and other disputes. The case of Sichuan which was far more violent, indicates a pattern somewhat similar to Guangdong.

Homicides Related to Land and Debt Disputes

by Prefecture for Shandong Province

Prefecture	Property Rights	Debt and Others	Total
Qingzhou	1	29	30
Laizhou	5	24	29
Yizhou	5	21	26
Jinan	4	13	17
Caozhou	4	17	21
Yanzhou	2	14	16
Dengzhou	1	13	14
Wuding	3	9	12
Taian	1	7	8
Dongchang	0	7	7
Linqing	0	5	5
Total	26	159	185

Sichuan also displayed geographic patterns similar to those of Guangdong. Disputes over property rights clearly did not match overall patterns of violence as the table above illustrates. In certain prefectures disputes over property rights comprised a higher percentage of all homicides related to land and debt.

**Sichuan Counties with Greatest Number of Homicides
Related to Land and Debt Disputes**

County	Property Rights	Debt and Others	Total
Baxian	4	14	18
Guanxian	1	17	18
Fuzhou	5	11	16
Chongqingzhou	3	12	15
Fengxi	3	11	14
Luzhou	3	11	14
Yibian	5	9	14
Wenjiang	0	13	13
Jianwei	3	8	11

Changshou	3	7	10
Dazhu	3	7	10
Qiongzhou	3	7	10
Total	36	127	163

**Homicides Related to Disputes over Property Rights as
Percentage of Total Homicides for Sichuan Province**

Prefecture	Property Rights	Debt and Others	Total	Percentage Property Rights
Shunqing	14	17	31	45%
Chongqing	23	60	83	28%
Yuzhou	9	28	37	24%
Tongchuan	9	30	39	23%
Suiding	5	17	22	23%
Jiading	5	18	23	22%
Baoding	5	33	38	13%
Chengdu	9	94	103	9%

The data for Guangdong province listed below matches the sample for data on Sichuan and Shandong. In most respects this data reveals geographic and temporal pattern similar to those in the earlier sample of 385 cases discussed above. Once again the economic core of the province, Guangzhou prefecture, exhibited less disputes over property right issues while eastern Guangdong, Huizhou and Chaozhou prefectures again witnessed higher rates. Not surprisingly, Qing officials frequently commented on overpopulation in these regions and proposed a variety of measures designed to encourage migration out of eastern Guangdong.

**Homicides Related to Disputes over Property Rights as
Percentage of Total Homicides for Guangdong Province**

Prefecture	Property Rights	Debt and Others	Total	Percentage Property Rights
Huizhou	34	34	68	50%
Chaozhou	23	36	59	39%
Gaozhou	13	22	35	37%
Luodingzhou	8	15	23	35%
Shaoyzhou	10	24	34	29%
Zhaoqing	11	42	53	21%
Guangzhou	22	96	118	19%
Qiongzhou	3	21	24	13%

Interestingly, there are clear distinctions between Sichuan and Guangdong in the types of disputes and their distribution over time (see tables above and below). Some of these differences were undoubtedly due to the different physical environments and type of farming. (Water rights were much obviously much more important in Guangdong.) Other factors and also involve and remained to be analyzed in future.

Major Issue	Major Issue by Province		
	Guangdong	Sichuan	Shandong
Rent Defaults	32	9	3
Evictions	19	12	2
Redemption/Sales	32	46	8
Boundary	31	48	11
Water	37	9	2
Total	151	124	26

Property Right By Issue and Year in Qianlong Reign for Sichuan Province							
Year in Qianlong	15	16	17	18	44	45	Total
Rent Defaults	0	1	0	1	2	5	9
Evictions	3	3	1	1	3	1	12

Redemption/Sales	7	2	5	5	14	13	46
Boundary	4	11	7	18	4	4	48
Water	2	2	1	2	2	0	9
Total	16	19	14	27	25	23	124

**Property Right By Issue and Year in Qianlong
Reign for Guangdong Province**

Year in Qianlong	15	16	17	18	44	45	Total
Rent Defaults	3	6	2	12	3	3	29
Evictions	1	5	4	3	1	2	16
Redemption/Sales	4	10	9	3	4	2	32
Boundary	10	10	3	2	3	3	31
Water	4	10	8	4	6	5	37
Total	16	19	14	27	25	23	124

Turning to the pattern of violent disputes in Shandong and Sichuan, we find two very distinct patterns. Shandong witnessed very little violence related to property right disputes. With only 26 disputes Shandong was relatively quiescent. Sichuan on the other hand had significant levels of violence much of which occurred in the economic core areas of the province. These pattern although different is not inconsistent with the pattern in Guangdong if as I have argued for Guangdong that population growth was the key factor which created the circumstance conducive to violent disputes over property rights and given the economic and geographic differences between Shandong and Sichuan. It is important to remember that the eighteenth century population boom did not affect all regions of China simultaneously. Sichuan as a recently resettled region had not experienced the same degree of population pressure on land as Guangdong had. Shandong, on the other hand,

was under control of the new Qing dynasty at an earlier date and likely recovered from the devastation of the dynastic transition much earlier. This might explain the lack of violence related to property right disputes.

The Role of the Qing State

Role of the Qing state in the eighteenth century rural economy was quite extensive. Land reclamation policy provides a useful example. During early years of the Qianlong reign, concern about the recovery of taxes and frequent references to hidden lands (yinni dimu) dominated Ministry of Revenue memorials.³¹ Land was frequently discussed in terms of whether or not it was within the original tax quota (yuan'e), which was based on a Ming dynasty land survey conducted in 1600.³² Although provincial officials made other desultory comments on a variety of issues, such as competing claims to land and local corruption, the overriding concern expressed in reports of this period was taxation and fiscal accounting. The emphasis was clearly on improving administration. The warning signs of a burgeoning population such as the upward spiral of rice prices that was just beginning in the early 1740s, were not serious enough to turn official attention away from taxation.

The agrarian economy of Guangdong had reached an important turning point early in the Qianlong reign. In the Qianlong 7 (1742), the governor of Guangdong, Wang Anguo, memorialized

31. Huke tiben, (Board of Revenue Routine Memorials hereafter HKTB), 69, Qianlong 2.13.2.

32. Yeh-chien Wang, p. 22, Land Taxation in Imperial China, 1750-1911, (Cambridge: Harvard University Press 1973).

to request a tax exemption for all miscellaneous (lingxing) small plots of land on hillsides and in sandy soil.³³ Governor Wang reported that population was "increasing daily" (sheng chi ri fan) and that there was a need to assist poor people. The proposed exemption was only to apply to poor quality land which was difficult to till. Governor Wang pointed out that the type of land that he discussed was not suitable for growing grain, but could be used for potatoes, tobacco, sugar cane, and other crops. The output would not amount to much, but it would mean a little more for the common people (baixing). According to the report, the quality of the land was so poor that taxation would be a unfair burden and a disincentive to reclamation. The rationale for the request was to provide relief to poor people (pin min) and the exemption was only to apply to poor quality land. Governor Wang's arguments proved to be persuasive, and the emperor approved the tax exemption.³⁴

Tax exemptions were not the only incentives used to encourage land reclamation. In 1758 the Governor General of Guangdong Yang Yingju reported on the situation in Qinzhou county in Lianzhoufu. In 1756 there was 3151.5 mu of land available in Qinzhou. However, local residents did not have the means to reclaim it. According to Yang, a local official personally raised funds and the local peasants (nongmin) supplied the necessary strength to reclaim the land. The local government collected rent at a rate of .7 shi per mu of land, for a total return of 2206 shi

33. HKTB, 56, Qianlong 6.7.17.

34. HKTB, 56, Qianlong 6.7.17.

annually. Yang proposed using the income to finance local troops. Similar arrangements were in place in Shicheng and Huazhou counties in Gaozhou prefecture.³⁵

Shatan was the most important source of new land in Guangdong throughout the Qianlong period. Shatan were silt deposits which formed in coastal areas at the mouths of rivers or along riverbanks. According to contemporary accounts, shatan was difficult to reclaim and competing claims to newly formed shatan frequently led to lawsuits. Policy toward shatan also serves to illustrate the government's social concerns. As early as 1739 officials complained that wealthy families' (haojia) and great clans (dazu) were monopolizing control of shatan. The Secretary of the Ministry of Revenue recommended limiting wealthy families and great clans to 1000 mu of shatan. "Little people" (shaomin) would be allowed to take up to 500 mu of "child" fields adjacent to the fields of wealthy families.³⁶ (Child fields were silt deposits which accumulated along the embankments of enclosed shatan.)

Despite the earlier enthusiasm for reclamation of shatan, by 1774 government officials were expressing new concerns. In Guangdong and other provinces, the construction of embankments necessary to reclaim shatan began to interfere with the natural drainage of rivers.³⁷ The problem became so severe that Li Shiyao,

35. Zhupi zuozhe (Vermilion endorsed memorials hereafter, ZPZZ), 24, Qianlong 22.7.17.

36. Ibid.

37. Peter Perdue, pp. 219-232, Exhausting the Earth: State and Peasant in Hunan, 1500-1850, (Cambridge, Ma: Council on East Asian Studies Harvard University, 1987). According to Perdue

Governor General of Guangdong, prohibited the construction of shatan which blocked waterways. This prohibition remained in effect for twelve years. Judging from the comments in subsequent memorials, overzealous bureaucrats took this prohibition to heart and refused to issue permits for any shatan, regardless of its location.

In 1786 the Governor of Guangdong, Sun Shiyi, requested that the ban on reclaiming shatan be lifted. Sun began his argument by noting Guangdong's dependence on Guangxi for grain and the lack of arable land, which comprised only 30% of the total area of the province. Surveys that Sun ordered revealed that shatan in the six counties of Nanhai, Panyu, Xiangshan, Dongyuan, Shunde, and Xinhui, did not block waterways or obstruct drainage. The evils traceable to the ban on reclaiming shatan, however, were quite serious. According to Sun, good people naturally feared the law and refrained from constructing shatan, but the powerful (haoqiang) monopolized the land and resorted to violence to make their claims. Officials had failed to explain the ban adequately and this caused confusion. Some merchants conspired with salt workers to open shatan using the pretext that they were building salt flats. Lower level officials were corrupt and received bribes. If the ban were not lifted people would abandon the land, creating a haven for bandits. Some good people might even resort to banditry themselves. If, however, the poor were allowed to obtain the benefits of opening the land, it would destroy the breeding grounds for bandits and

excessive dike building in Hunan during the mid-eighteenth century led to official action to destroy illegal dikes.

deter pirates.³⁸ By raising the issue of banditry, Sun heightened the sense of urgency and added a new twist to the old argument in support of protecting the "little people."

As the analysis of the long term trends in development of economic institutions has shown, innovation in the structure and enforcement of property rights was protracted and primarily the product of the everyday struggles of common people. When an issue, such as redemption or rent default, chronically disrupted the social order, high level of government officials frequently acted. For example, the government implemented legislation in the area of conditional sales, but it still lagged behind grass roots innovations and usually only served to ratify practices established at the village level. Such legislation assisted local magistrates in adjudicating disputes, but customary law remained the foundation of economic transactions. Another example of private innovation was the growing use of intermediaries or guarantors to facilitate sales and transfers of ownership in the expanding land market.³⁹ As research by Chen and Myers has demonstrated, the practice of using

38. ZPZZ, 101, Qianlong 50.8.18.

39. See Qingdai tudi zhanyou guanxi yu diannong kangzu douzheng (Qing dynasty landownership relations and tenant rent resistance struggles), p. 5, eds. Number One Historical Archives of China and Institute of Historical Research of the Chinese Academy of Social Sciences, (Beijing: Zhonghua Shuju, 1988). (hereafter, ZYG). According to the editors of ZYG, the widespread use of middlemen in land sale was a phenomenon of the Qing dynasty. For documentary evidence see Yang Guozhen, "Qingdai Zhejiang tian qi dian yi pie" (A glimpse at tenancy contracts in Zhejiang in the Qing period), Jingji shi, (1984), 1: 101-118.

guarantors or intermediaries was not limited to land sales and was a common feature in many other types of contractual agreements.⁴⁰ In this case private institutional arrangements based on custom compensated for the lack of official efforts to meet the demand for new economic institutions during a period of economic change. Because homicide was a serious crime and a threat to social order, we would also expect that the state would take an active interest in mitigating the causes of violent disputes, but when it came to direct intervention at the local level, it appears that official intervention was either ineffective or, as Perdue has noted, limited to invoking "ideals of cooperation for mutual benefit."⁴¹

As economic competition sharpened in the seventeenth century, the Qing state assumed a more active role as a mediator between peasants and landlords, balancing the various economic interests of the two groups. The mediating role of the state was readily discernible in edicts and policies of the time. For example, famine relief illustrated the critical shift that had occurred in the seventeenth century as market relations replaced the conventional paternalism of tenant-landlord relations.⁴² As landlords displayed

40. See Chen, Fu-mei and Ramon Myers, "Customary Law and the Economic Growth of China during the Ch'ing Period." Ch'ing Shih wen-ti, (1976), 3.5: pp. 1-32.

41. Ibid. p. 163.

42. ZYG, p.8. Also, see Chen Qihan, p. 364, "Guangdong di "tan ding ru di" (The commutation of the poll tax to land tax in Guangdong) In Guangdong History Institute ed. Ming Qing Guangdong shehui jingji xingtai yanjiu (Research on the economic formation of society in Guangdong during the Ming and Qing), pp. 363-372, (Guangdong: People's Publishing House, 1985).

an increasing reluctance to provide relief when food shortages occurred in the eighteenth century, the Qing government instituted a systematic relief program which included tax exemptions for landowners and material assistance for peasants. The approach to famine was indicative of the delicate balancing role the Qing state played, but the state was hardly impartial in its economic interventions.

Protecting the property rights of landowners, while urging compassion and voluntary assistance to poor peasants, was a consistent policy of the Qing state in the eighteenth century. Improvements in the status of tenants were acknowledged in 1725 when a new law prohibited landlords with noble rank or official status (shenjin) from imprisoning tenants.⁴³ Two other edicts, issued in 1727 and 1728, liberated former bondservants from servile status and officially designated them as commoners.⁴⁴ Fifty years later the Qianlong emperor issued an edict that recognized the equal status of commoner landlords and hired laborers and tenants.⁴⁵ In 1727 in a show of support for landlords, who were

43. Cited in Feng Erkang, p. 61, "Qingdai di yazuzhi yu zutian guanxi dijubu bianhua," (Rent deposits in the Qing period and changing tenancy relations). Nankai Xuebao, (1980) 1: pp. 61-67.

44. Also cited in Wiens, p. 29. Despite this imperial edict there was a case from Xinhui county in Guangzhou prefecture in QL 8 in which Huang Shouguan killed Liu Shequan who tilled an adjacent field. Because he had been a hereditary servant, (shipu) Huang was punished more severely. (QDB, PP. 751-752.)

45. Cited in Li Wenzhi, pp. 14-15, "Lun Zhongguo dizhu jingjizhi yu nongye zibenzhuyi mengya" (Discussion of China's landlord economy and the sprouts of agrarian capitalism). Unpublished conference paper presented to Sino-American Symposium on Chinese Social and Economic History from the Song to 1900, Beijing, 1980.

experiencing difficulties collecting rents, refusing to pay rent was made a crime punishable by 80 strokes with the heavy bamboo.⁴⁶ In large part the new laws were reactive and simply recognized and codified the changes in property rights that had occurred over the course of many decades.

While the pronouncements of the Qing government did not have the same effect as legislation enacted by Western parliamentary bodies in Western countries, the influence of imperial edicts should not be underestimated. These formal pronouncements lent legitimacy to change and strengthened the customary law that embodied property rights. Such pronouncements not only served as guidelines for government officials, who adjudicated disputes but they also reached the peasants and agricultural laborers. For example, a 1738 edict of the Qianlong emperor urging the wealthy to aid the poor and not to hoard grain was incorporated into village lectures (xiangxue).⁴⁷ In this way the Qing state sought to lend its imprimatur to behavioral norms which placed a moral check on the economic propensities of the wealthy.

46. The edict is cited in Wiens, p. 32-33. Also see Liu Yongcheng, p. 66, "Qingdai qianqi di nongye zudian guanxi" (Agricultural tenancy relations in the early Qing period). In Chinese Academy of Social Sciences History Research Institute ed. Qingshi luncong (Symposium on Qing history) (1980) 2: pp. 56-88, (Beijing: Zhonghua shuju).

47. Memorials and edicts were cited in Hsiao Kung-chuan, pp. 392-394, Rural China: Imperial China in the Nineteenth Century, (Seattle: University of Washington Press, 1967).

Turning to the early eighteenth century, a memorial dated 1735 from the governor general of Guangdong, concerning land sales and "evil" peasants seizing fields, reveals a somewhat confused situation with regard to property rights.⁴⁸ Land had been bought and sold in China for centuries, but as the economy became more commercialized in the eighteenth century, land itself became a frequently traded commodity. According to custom, sales of land were only irrevocable when specified in a deed.⁴⁹ When the value of the land increased, it was an accepted practice that the former owner had a claim on a share of the increased value. In fact, claims to redeem land outright, and demands for additional payments to compensate for the increase in value of land that had accrued after the sale, were major causes of violent disputes. This issue could be extremely complicated since in some cases the land in question had been sold several generations earlier. Apparently, when persuasion failed, some former land owners used a number of "evil" tactics to regain control of their land, including commending land to "local bullies," who were adept at intimidation. The Governor General of Guangdong, E Mida, also condemned another pernicious practice: "evil" tenants who refused to pay their complete rent. According to

48. The memorial was reprinted in Kang, Yong, Qian shiqi cheng xiang renmin fankang douzheng ziliao (Materials on urban and rural peoples struggles in the Kangxi, Yongzheng and Qianlong periods) hereafter KYQ, p. 125-126.

49. It was not until roughly seventy years later, an imperial edict in 1801 stated that if land was sold irrevocably (juemai) it could never be redeemed. Cited in Yang Guozhen, pp. 103-104. "Qingdai Zhejiang tian qi dian yi pie" (A glimpse at tenancy contracts in Zhejiang in the Qing period) Jingji shi, (1984) 1: 101-118.

his report, some tenants used the excuse that they had invested in improvements to the land as an excuse to retain control of land even when in arrears. Another type of "evil" tenant was adept at cheating absentee landlords who were unfamiliar with their property. These tenants altered the shape of fields and sold off portions of the land before returning it to the landlord. The governor general complained of endless lawsuits and violence which sometimes resulted in homicide.⁵⁰

In an excellent study of the economic role of the state in China, Peter Perdue examined government contributions to the promotion and maintenance of the agricultural economy of Hunan Province from 1500-1850.⁵¹ Distinguishing three stages of state involvement in the economy, Perdue noted that government intervention in the economy, while variable and limited, was not negligible. During the early Qing the government carried out an aggressive policy designed to restore the foundations of agriculture after the devastation of the Ming-Qing interregnum. In the eighteenth century when economic recovery was well underway the local officials were drawn into land disputes, which arose as commercialization undermined property rights grounded in customary law. According to Perdue, officials in Hunan sometimes issued regulations to clarify "ambiguities" in customary practices related to land sales, but local officials often resorted to invoking

50. KYQ, pp. 124-125

51. Peter Perdue, Exhausting the Earth: State and Peasant in Hunan, 1500-1850, (Cambridge: Council on East Asian Studies Harvard University, 1987).

"ideals of cooperation for mutual benefit," when regulations did not settle the question.⁵² In the nineteenth century population pressure and commercialization increased unabated and created additional tensions between the state and local interests. Perdue presented convincing evidence of the state's ability to take a economic leadership role. For example, local efforts at land reclamation projects in the Dongting Lake region sometimes caused wider ecological problems in adjacent areas and required broader state intervention to mediate regional conflicts. Although the economic role of the state in China was more extensive than most historians have previously thought, Perdue maintained that it was still far short of what he terms "the thoroughgoing rationalization of property rights that occurred in Europe."⁵³

The Qing state performed a traditional role and vigorously promoted land reclamation with tax breaks, loans, and earnest exhortations. The Qing court however, also acted to remove the vestiges of property rights in human beings, sanctioned new property rights in land, and condemned both tenants and landlords when they attempted to exploit their shifting economic advantages. Although outspoken, however, government officials did not undertake any institutional innovations that might have alleviated the economic competition of the eighteenth century. When

52. Ibid. p. 163.

53. Ibid. p. 150.

institutional innovations were officially endorsed it was usually only after practices were widely accepted in customary law.

Perhaps because changes in economic institutions rose from the grass-roots level, the struggle over property rights in Guangdong was protracted and small scale. As prices of agricultural goods rose and land became more valuable relative to labor, the balance of economic power tilted in favor of landlords, and tenant economic power gradually declined. The demographic expansion that caused this shift continued steadily throughout the eighteenth century and engendered battles over property rights that continued throughout the Qianlong reign. Eventually, a new equilibrium was reached and institutional innovations favorable to landlords became more firmly entrenched in customary law. For example, although the state was quick to deal with violent conflict, Chinese officials reacted more slowly to the underlying economic causes of the violence. Where the law was already clearly specified and there was no obvious solution to the source of dispute such as boundary and water rights, the state simply urged disputants to follow established practices: as usual each manage your own property." In the case of contractual issues that were exacerbated by the population boom of the eighteenth century solutions were gradually incorporated into the Qing legal code. Laws regarding redemptions of conditional sales are most illuminating in this regard.

By the Qianlong reign, the centuries-old practice of conditional sales had also become a source of social unrest. A report from the Governor General of Guangdong, Eertai, in 1735 described the various abuses of the right of redemption. Among the

evil customs he mentioned were: demands for supplemental payments; grandsons making claims on land sold by their grandfathers; threats to commit suicide to implicate individuals who refused to accept redemptions, and the commendation of land to powerful families who would better be able to press claims. "Evil tenants" (peasants who sold land conditionally and continued to till the land as tenants) often refused to pay rent. They curse their landlords and threaten violence."⁵⁴ The Governor General concluded his memorial with a call to clarify the terms of land sales.

Prior to the eighteenth century, the right to redeem conditional land sales was customarily presumed unless otherwise stated in contract. In response to disputes arising from conditional sales, the Qing law code was revised twice during the Qianlong reign to distinguish between "live" sales (huomai), which could be redeemed, and "outright" sales (juemai), which were final.⁵⁵ In Qianlong 5 (1740) a new statute provided that if the contract governing the sale of land clearly stated an outright sale (juemai), and there was no clear statement regarding supplemental payments (zhaotie) then redemption should not be allowed. The new statute further stated that, when a contract does not specify an outright sale or clearly fix a time limit for redemption, allow a middleman to estimate a one time supplemental payment and then have the parties

54. Reprinted in Kang, Yong, Qian shiqi cheng xiang renmin fankang douzheng ziliao (Materials on urban and rural peoples struggles in the Kangxi, Yongzheng and Qianlong periods), ed. by Qing History Research Center of People's University, p. 126, (Beijing: Zhonghua Shuju, 1979). Hereafter KYQ.

55. See Yang Guozhen, "Qingdai Zhejiang tian qi dian yi pie" (A glimpse at tenancy contracts in Zhejiang in the Qing period) Jingji shi, (1984), 1: 101-118.

sign a contract as an outright sale. If the buyer of the land is unwilling to pay the supplement, the original owner may buy his land back at the original price. If the outright sale is clearly stated in the contract and kin or neighbors of the original owner try to force a sale at a lower price they should be punished.⁵⁶ In Qianlong 21 (1756) another new statute held that contracts for conditional sales must include the phrase (huishu). In the case of outright sales contracts must also clearly state that there was no future possibility of redemption (juemai yong bu huishu). Sales made prior to this regulation that did not specify a time limit could be redeemed within thirty years. If there is no mention of outright sale the redemption should be decided according to the contract. When the time period for redemption is unclear and there is no mention of outright sale, the sale will be considered outright if there is no redemption after thirty years. Those who cause disorder and struggle should be punished. In both cases punishment would be administered according to the "doing what should not be done" (buyingzhong) law.

Whether it was entrepreneurial peasants attempting to take advantage of commercial opportunities, or sons or grandsons of individuals who had sold land before the eighteenth century, more individuals were utilizing the right to redeem land sales during the Qianlong reign. As a result the potential for disputes increased. The central government was forced to take action simply to maintain

56. Ma Jianshi and Yang Yutang, eds., pp. 436, Daqing luli tongkao jiaozhu, (Compendium of revisions to the Qing law code), (Beijing: Zhongguo Zhengfa Daxue Chubanshe, 1992).

public order. Whatever the reasons for engaging in a conditional land sale, problems related to the practice were apparently widespread enough to compel the central government compelled to add two new statutes to the law code.⁵⁷ The fact that both laws were added to the code during the first two decades of the Qianlong reign (1736-56), when rice prices and presumably land prices were rising most sharply, also indicates that disputes over conditional sale was related to economic changes. Interestingly, in addition to clarifying the practice of conditional sale, both laws also made it a crime to abuse the right to redeem conditional sales. As the cases described below illustrate, such legislation was not entirely effective in limiting violence or disputes.

The reaction of the Qing state to violence related to property right disputes while somewhat sluggish is not surprising. From the perspective of North's model of economic change the absence of internal or external competitors meant that there was little political or economic incentive for Chinese rulers to intervene more actively in the economy, therefore the elaboration of the property rights structure remained in the realm of customary law. As the example of eighteenth-century Guangdong shows, although the Chinese state reacted to economic change when social order was threatened, compared to Western Europe China's rulers did little to promote

57. Based on evidence from Baxian county located in Sichuan province, Madeline Zelin maintains that there was "a serious decline in the rights of original owners. See Madeline Zelin, p.515, "The Rights of Tenants in Mid-Qing Sichuan: A Study of Land-Related Lawsuits in The Baxian Archives," Journal of Asian Studies, (1986), 49.3: pp. 499-526.

economic development systematically. The development of economic institutions, including the definition and enforcement of property rights, was largely left in the hands of individuals or voluntary organizations.⁵⁸ Without the overarching support of the state, with its comparative advantage in violence and power to tax constituents, the struggle over the creation of new economic institutions was more protracted in China, which in part explains the many small scale property right disputes, such as those described above.

I do not mean to imply that when the rulers of a state support and promote economic change from above that such change will necessarily be less disruptive to the social order. I am simply pointing out the differences between grass roots change and change initiated from above. Constructing new economic institutions is inherently disruptive because it invariably alters the existing allocation of resources. The extent to which the existing economic order is changed and the relative political and economic power of the groups that are affected, will largely determine the social consequences of economic change. One thing is certain however, when a shift in the relative value of the factors of production does occur there will be an incentive to alter the existing economic

58. For a variety of examples that also include property rights in land, see Fu-mei Chen and Ramon Myers, "Customary Law and the Economic Growth of China during the Ch'ing Period." Ch'ing Shih wen-ti, (1976) 3.5: pp.1-32. Chen and Myers do not cover a very important large scale example of the importance of voluntary organizations in China's economic organization, merchant associations (huiguan). These associations, which were usually organized according to the native places of their members, formed the basis of important regional and national commercial networks.

organization, and efforts to change carry the potential for violent conflict.

**Shandong Counties with Greatest Number of Homicides
Related to Land and Debt Disputes**

County	Property Rights	Debt and Others	Total
Juzhou	2	7	9
Pingduzhou	2	7	9
Caoxian	4	4	8
Anqiu	0	6	6
Yishui	1	5	6
Changyi	1	4	5
Jimo	1	4	5
Lanshan	1	4	5
Totals	12	41	53

**Homicides Related to Land and Debt Disputes
by Prefecture for Sichuan Province**

Prefecture	Property Rights	Debt and Others	Total
Chengdu	9	94	103
Chongqing	23	60	83
Tongchuan	9	30	39
Baoding	5	34	39
Yuzhou	9	28	37
Shunqing	14	17	31
Jiading	5	18	23
Suiding	5	17	22
Kuizhou	3	16	19
Qiongzhou	5	13	18
Zizhou	6	11	17
Zhongzhou	7	8	15
Longan	2	13	15
Mianzhou	3	11	14
Yuyongting	4	10	14
Xiyang	5	8	13
Luzhou	4	9	13
Ningyuan	2	7	9
Yazhou	0	8	8
Maozhou	2	2	4

Meizhou	2	2	4
Tapingting	0	1	1
Total	124	417	541

**Guangdong Counties with Greatest Number of Homicides
Related to Land and Debt Disputes**

County	Property Rights	Debt and Others	Total
Dongyuan	6	14	20
Nanhai	1	18	19
Guishan	11	5	16
Jieyang	4	10	14
Qujiang	3	11	14
Luoding	4	9	13
Chaoyang	6	6	12
Lufeng	4	8	12
Panyu	1	11	12
Boluo	3	8	11
Haiyang	1	10	11
Xinning	2	9	11
Yingde	3	7	10