

The Man Who Sold the Collective's Land: Understanding New Economic Regimes in Guangdong*

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This paper examines how property disputes in a southeastern Chinese village serve to articulate competing ideas about property rights—ideas born of China's pre-Communist, collective and reform eras. By functioning as public forums where notions of collective property clash with concepts of personal property as well as ancestral property. These disputes have become powerful instruments in helping Moonshadow Pond residents learn and construct the limits and implications of the new economic regime under which they live.

Although the Chinese Constitution still maintains that agricultural land belongs to the collective, and that individual rural residents only have use rights in the land, many residents of Moonshadow Pond act as if they owned the land. Other formerly collective resources—such as agricultural equipment—have also been taken over by individuals who charge fees for their services. The paper examines several cases where individuals make claims to land or productive resources. It examines the rhetoric of those who make these claims as well as the rhetoric of those who contest them. The paper also investigates the manner in which customary notions about reciprocity and obligation get stirred into the mix of contending claims, and how these ideas get used to either justify one's right to property or decry someone else's claim.

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Introduction: Schemas and Learning

This article is part of a larger project, a study of moral and social dilemmas in a post-Mao Chinese village that I call Moonshadow Pond. In this larger project, I focus on contested terrain—moral, social, economic and political—where there is no clear agreement on how to proceed. Disputes over property rights are one element in this story of contending imperatives and understandings, and they are the focus of this essay. As I shall explain, property disputes are a template for the articulation of several different ideas about property rights— notions from collective, pre-Communist, and reform eras—that are simultaneously powerful for community members. Disputes become forums through which community members try out all these notions. In this sense, these disputes are a learning process, a vehicle through which community members come to understand the implications of the reformed economic regime instituted in the early 1980s, as well as the degree to which they can shape it.

As I illustrate below, property disputes in Moonshadow Pond are arenas in which village residents must put their pre-existing ideas about property to the test. It might seem odd to talk about the heat and emotion of property disputes as if their participants were cerebral scientific observers seeking to learn more about the structure of the universe. But in this context, these disputes do function at least in part as a test of models—models of as well as models for social and economic relationships, the immediate universe of village residents.

Anthropologists often describe such models as “schema.” According to Strauss and Quinn, “Cognitive scientists have traditionally used the term ‘schema’ to refer to generic knowledge of any sort . . . a great many schemas are cultural schemas . . . you share them with people who have had some experiences like yours, but not with everybody” (Strauss and Quinn 1997:44). Elaborating on this idea of schemas, Ewick and Silbey state, “Society furnishes images . . . how the world works, what is possible and what is not” (ibid.:39). These schemas include “cultural codes, vocabularies of motives, logics, hierarchies of value, and conventions, as well as the binary oppositions that make up . . . a society’s fundamental tools of thought” (ibid.:40).

As such, schemas can include everything from moral codes to what to expect when you go to a restaurant. Strauss and Quinn use a very ordinary example to describe schemas. As they explain, a simple schema might be “Guests should be offered a drink.” In such a case, if you determine that a person is a guest, you go ahead and offer a drink. But, of course, it is never

that simple. In actual social life, there are multiple connections and links between schemas, making even small decisions rather complex. For instance, as Strauss and Quinn point out, even a guest can be wanted or unwanted, someone you hope will leave soon or someone you hope will stay. They can show up in the morning or the evening, and the drink you offer (if you do) may be hot or cold, alcoholic or non-alcoholic, sweet or bland (ibid.:53).

And what of societies that have undergone revolutionary transformations? In such circumstances, many old schemas may no longer apply. Moral codes, social hierarchies, and legal structures may be transformed, and schemas from the past may no longer be helpful mental models for people as they wend their way through the world around them. In these cases, the ordinary trials and tribulations of life become testing grounds for previously held mental models, and some will be found wanting. The inevitable rejection, revision, or confirmation of one's ideas about "how the world works" that occurs in these circumstances can therefore be characterized as a learning process.

As we shall see, this was certainly the situation with regard to property rights in Moonshadow Pond, the context of which we introduce below.

Moonshadow Pond

I lived and conducted fieldwork among the 800 residents of Moonshadow Pond from 1995-1996, and again in the summer of 1997. Moonshadow Pond is in Mei County, a Hakka area of Guangdong Province. The Hakka are a distinct ethnic and linguistic group who are dispersed throughout a number of provinces in southeast China.¹ They are nonetheless considered to be members of the majority Han Chinese rather than to be members of an ethnic minority. The residents of Moonshadow Pond are all members of one lineage, whom I call the Songs, and they trace their residence in the village back to the seventeenth century, when the founding ancestor of the village, Jian Xi Gong, settled there.

Since the reform of China's economy in the early 1980s, and the decollectivization of agriculture, the economic life of Moonshadow Pond like that of many rural areas in China has changed dramatically. From the early 1950s

¹ The Hakka are a linguistic and cultural group of Han Chinese who are found in greatest numbers in southeast China, especially in Guangdong Province. The term "Hakka" is actually Cantonese for the word "guest" (*kejia* 客家 in Mandarin), and it refers to the belief that the Hakka migrated to Guangdong Province and other areas of southeast China from the north. While the Hakka may have been historically viewed as "guest people" by the predominantly Cantonese population of Guangdong Province, they constitute the vast majority of residents in Mei County, where I did my fieldwork. Indeed, Mei County is considered a center of Hakka culture. For more on Hakka ethnic identity see Constable (1996) and Leong (1997).

until the late 1970s, agriculture was the mainstay of the economy, and families lived primarily off the collectively worked land. Now, most families in Moonshadow Pond use the land allocated to them to provide themselves with rice and vegetables, but they also rely on the wage labor or small business activities of some family members to augment their livelihoods. Many of the young people in the village migrate to large cities, such as Shenzhen and Guangzhou, which are hundreds of miles away, to earn money as factory workers, cooks, or drivers and remit funds home. Other villagers work nearby in road and home construction, or they cultivate fruit trees or fish ponds in the village or operate small stores. A few villagers have also prospered in the ranks of the bureaucracy in the nearby county capital, or in private businesses within the village itself, these include the village doctor, a family that runs a car shuttle service, and a family that makes items for use in religious ritual. School tuitions, medical bills, and new homes simply cannot be paid for with the proceeds of subsistence agriculture.

Change in Moonshadow Pond is not only evident in transformations in the way people subsist, but also in the degree of disagreement over the economic regime itself. Listening in on village gossip and visiting people in their homes, I soon learned about a number of ongoing disputes in the village over land and other forms of productive property. The background to understanding these disputes is the rural reform program initiated in the early 1980s, better known as the Household Responsibility System. This reform guaranteed land use rights to individuals while ownership rights remained with the collective (Pei 2002:287). The collectives in which ownership rights reside may vary. They may be teams, villages, or townships (Brandt et al. 2002:73), and the duration of household land contracts with collectives also varies from place to place (Bossen 2002; Brandt et al. 2002). Nonetheless, since the rural reforms, every version of the Chinese Constitution has reiterated the principle that land belongs to the collectives, even though rural residents receive use rights for this land.

Yet, some individuals do act and speak as *if* they own the land. Similarly, other forms of productive property like machines, ploughs, and farm equipment have also become a focus of contention. Many of these resources have been taken over by individuals who charge fees for their services, but other community members assert that such equipment is still a collectively owned resource. Furthermore, beyond contentions about private versus collective rights, ideas about the dispensation of property based on notions of reciprocity and obligation are also stirred into the mix of contending claims in Moonshadow Pond.

I was interested in who made what kinds of claims. When would someone

use the rhetoric of the collective and when would someone use the rhetoric of private rights? When would notions about obligation, memory, and reciprocity become part of the picture? In short, how did notions about property get sorted out in daily life, and how did these contentious proceedings also become vehicles through which the community members learned and constructed the limits and implications of the new regime?

Before continuing, we should put to rest the notion that property rights in any society are easily ascertainable by a quick visit to legal statutes or laws. Rather, many analysts prefer Harold Demetz's notion of property as a "‘bundle of rights’ . . . [that] disaggregates . . . into three kinds of rights—control, income, and transfer—and explicitly acknowledges that there are a variety of ways in which such ‘rights’ might be enforced, ranging from formal law to social custom" (Oi and Walder 1999:5). All the more confusing, then, to figure out these rights in a society that has undergone dramatic changes in property regimes over the past half century.

We should keep in mind that the use of many different conceptual models to make claims based on law, social custom, or morality is hardly unique to China. The momentous changes in property regimes over the past 50 years in China have obviously added to the diversity of ways that villagers think and talk about property. But multiple schemas for understanding social life and one's place and rights within it are part of all societies.

For instance, understandings of law articulated by ordinary people display considerable variation in societies that have undergone much less dramatic changes in property regimes and legal structures than China. In their study of commonplace understandings of law in the United States, Ewick and Silbey found that people hold a variety of models about how the law works. Using the concept of schemas to describe this, they write, "Examples of schemas include the interactive rules of a criminal trial, the concepts of guilt or innocence, and the obligation born of a promise or contract, in addition to commonplace proverbs and aphorisms asserting such truths as ‘possession is nine-tenths of the law’" (Ewick and Silbey 1998:40). When their interviewees talked about the law they used "multiple interpretive schemas" (*ibid.*: 51). Sometimes they spoke of the law as beyond individual control, while at other times they described it as something that could either be manipulated or worked around (*ibid.*:47).

The diversity of such models has been noted in Chinese contexts as well. For instance, Barbara Ward, in a study of a Hong Kong fishing community in the 1960s, noted that community members employed different models to explain what was going on in the society around them. One model she dubbed the "immediate home-made model," since it was the way her informants them-

selves viewed their immediate reality (Ward 1966:203). Another she called the “ideological model,” since it came from the cultural ideal and was characterized by her informants as the thinking of the elite (ibid.:212).

But what is the content of these variable models in contemporary China? In his study of moral discourse in a southeastern Chinese village during the Cultural Revolution (late 1960s), Madsen found that even at the height of collectivism, villagers drew from several different ideological models in their own thinking about morality (Madsen 1984). They used pre-revolutionary ideas that he called “Confucian” as well as different ideological approaches generated by the revolution itself.² Further, whatever elite “paradigms” (ibid.: 16) villagers drew from, it was also clear that they integrated these ideologies into what Ward labels the “home-made model,” moral understandings that they freely and unselfconsciously applied to people and situations around them. The “ideological model” and the “home-made model” were clearly interconnected.

Similarly, in Moonshadow Pond today, villagers draw their understandings of how social life should and does work from many sources. In particular, with regard to ideas about property, several competing schemas seem to be at work as villagers try to sort out contending claims (and ultimately try to *learn* which ones are most salient in the contemporary reform economy). These schemas can be loosely categorized as falling around two main ideas. One is the notion that “property belongs to the collective.” By contrast, many people act according to a different schema, one that can be summarized by the notion “if I work on the land, it will eventually become mine.”

Beyond these particular notions about property, however, are more general moral codes about reciprocity in social relations. These ideas influence people’s understandings of property claims as well. For instance, the idea that “the law is objective” is contrasted with another generally held notion that “good social relationships” can enable a person to circumvent the law. Added to this is another schema that we might characterize simply as “greasing the wheel can get a person what he or she wants,” or in other words, that bribery is more important than the law. All of these ideas get put to the test as property claims are made and disputed.

Our portal to understanding these issues, will be several stories of village property disputes in Moonshadow Pond. For the convenience of the reader, I introduce the main characters in these stories in the table below:

² The two primary approaches identified by Madsen are a Maoist emphasis on complete collectivism and selflessness versus a Liuist approach that he calls “utilitarian individualist” (1984).

Name	Affiliation with Moonshadow Pond
Songling and Baoli	landlady and landlord of the author
Ruolan	Songling and Baoli's Hong Kong relative (introduced the author to Moonshadow Pond, and to Songling and Baoli)
Slippery Gao	Village resident who "sells" the collective's land
Aihua	former head of the Number 2 Production Team ³
Uncle Wei	Aihua's husband, former General Secretary of the Production Brigade
A Hong	village resident, has five sons, married to Baoli's cousin, center of a number of disputes
Jian Xi Gong	founding ancestor of Moonshadow Pond (arrived in mid-seventeenth century)

Contending Conceptions of Property

When Songling thought about her son's wedding, she imagined him walking across the threshold of their home with his bride. Fireworks would explode to keep out the unsavory spirits and elderly women would gently nudge bride and groom through the subsequent ceremonies. Meanwhile, children and on-lookers would be free to walk in and out of the house and enjoy the spectacle.

But who did this house actually belong to? As Songling often reminded me, houses belonged to ancestors and descendants. This applied as much to recently constructed houses as to older dwellings. Once I asked Songling about two brothers in the village who both had secured remunerative and secure jobs in the county capital due to their good party connections. They were rarely at home and had nice apartments in town. Yet, they had built two of the biggest houses in the village.

"Why don't they sell their houses?" I naively asked. "They're hardly ever here."

"They don't see it that way at all," Songling corrected me. "Their houses belong to their families, to their sons and grandsons, and having such nice

³ During the collective era, communes were divided into smaller units. Production Teams were the smallest collective units of production, labor organization, and income generation. Moonshadow Pond had six production teams (see the section below on collectivization).

houses also gives them a lot of *mianzi* 面子 ('face,' or high status) in the village."

Even during the heyday of the collective era, family residences were not regarded as belonging to the collective, the state, or to individuals. A house belonged to an unbroken family line that stretched both backward and forward in time. The only exceptions were the homes of landlords and other "bad" classes. After liberation, poor peasants occupied these homes and the landlords were evicted.

"But it was dangerous," Songling told me. "If you lived in the house of someone else's ancestors you could have all kinds of misfortunes. People who lived in these houses would burn paper money to the ancestors of those houses every year" (so that the ancestors would not be angry). "They even did this secretly during the Cultural Revolution."

In the mid-1980s, even these "bad class" houses were legally restored to their original owners and their post-revolutionary occupants compensated with funds so they could build new homes. Because these funds were barely enough to even lay a foundation, I expected that the people who had to vacate these houses would describe their evictions with distress. But to my surprise this was not the case. Perhaps this was because the restoration of homes to former landlords occurred during a surge of new home building and economic expansion in the village. Since most of the landlords' old homes, like all of the old homes in the village, were in very bad condition, one could say that the residents of these homes were simply doing what they would have done anyway—moving out of old decrepit houses and building new ones.

Nonetheless, the meaning of living in a home that did not belong to one's own ancestors was certainly not a negligible part of people's reactions. Families that moved out of landlord and other bad class houses, voiced sentiments similar to those of Songling about these homes.

"As long as we prospered in the landlord's house," A Hong's son-in-law told me, "the prosperity was not ours." He continued, "This wealth wasn't ours, so we really couldn't pass it on to the next generation."

I soon learned that in the post-reform era, different conceptions of property abounded in Moonshadow Pond. These were notions of family property, production team property, brigade property, village and township property, and national property. Some of these notions were undermined by legal changes institutionalized at the start of the reform era, and others were bolstered by the changes. Still other notions, such as the idea that houses belong to ancestors and descendants, predated the revolution and have persevered through all the twists and turns of the ensuing decades. More confusing to an outsider such as myself was the fact that Moonshadow Pond residents hardly

agreed on any of these notions. Arguments about who had rights to different kinds of property were an ongoing part of daily life. A claim that people objected to could seem even more out of line if the claimant was additionally seen as violating a personal obligation or forgetting a kindness from the past. In this post-collective era, there seemed to be no definitive answers about ownership.

Moonshadow Pond residents were locked in an ongoing series of disputes about property and ownership. For instance, Baoli and Small Gao, the daughter of Baoli's closest friend, had regular altercations with the local council of elders.⁴ The elders claimed that Baoli and Small Gao's rice threshing operation really belonged to the village and that they had taken it over illegally and hoarded its profits. A Hong and Aihua were also locked in a dispute about land on which A Hong had built a house. Aihua thought the land still belonged to the Number 2 Production Team and could not be taken out of use by building a family residence there. Then there was the dispute between Aihua and A Hong regarding his second son. This son manufactured tiles on land that Aihua claimed was not properly contracted and which still belonged to the production team. Finally there was the case of Slippery Gao.

In the spring of 1996 a story began to circulate in Moonshadow Pond that Slippery's cousin from Taiwan intended to build a house on the land that Slippery had been allocated during decollectivization. This cousin had returned to Mei County several times to visit. On each visit, so the story went, this cousin had "married" a different woman much younger than himself. (This phenomenon, in which an older Chinese man from overseas, Taiwan, or Hong Kong takes on a younger mainland mistress is a social problem that has recently gotten much attention in China.) In any case, as the story of Slippery's cousin circulated through the village it created a firestorm. Had Slippery *sold* the land to his cousin? How *could* he sell it? It wasn't really *his*. *Whose* land was it anyway? Didn't it still belong to the Number 2 Production Team? If it was sold, shouldn't the profit go to all the team's members? Didn't the township government have to approve such a sale anyway? The salacious underpinnings to the story—the present mistress, who some said was also pregnant, added to the liveliness of the swirling gossip.

All these property dispute stories circulated over the course of my fieldwork. Everyone had some opinion and no one hesitated to jump into the argu-

⁴ The *laoren hui* 老人會, or council of elders, is a group comprising villagers over age 60. They raise funds to use for trips, celebrations, or to help people in need. In Moonshadow Pond, they do not have a permanent meeting hall, although their members often meet and play mahjong in the courtyard of the main ancestral hall. In some of the other neighboring villagers, the village elders council has secured a space where elders may meet and spend time together.

ment while whiling away the time on store benches and in living rooms. No issues were definitively resolved, but at least I began to understand why these disputes were taking place in the first place. I began to see that people brought to these disputes a consciousness about property relations formed out of both pre-liberation customary notions and from the experience of living under a collective system for several decades. We will come back to each of these stories, especially Slippery's. But to understand them, we need to digress. Land and property, after all, were the central issue of the revolution itself, and they are always central in the lives of peasants. Their lack of land had been fundamental to peasant support for the revolution. And land reform, collectivization, and the break-up of the collectives all had profound impacts on Chinese farmers, including those from Moonshadow Pond.

The move from revolution to land reform, collectivization, and finally the dismantling of the collectives is a piece of Chinese history reviewed extensively in the literature. I need not move the readers through the general details of this history here. But it is important to understand the way these national events were experienced locally, and specifically the way they might have influenced contemporary understandings of property and land on the part of village residents—especially those we focus on in this essay. It is with these questions in mind that I next move to a summary of the post-liberation upheavals in China's rural property regimes experienced in Moonshadow Pond.

From Land Reform to Collectivization in Moonshadow Pond

The Agrarian Reform Law of the People's Republic of China, issued in 1950, was the impetus for land reform in Moonshadow Pond, as it was throughout China (Potter and Potter 1990:43). In Moonshadow Pond, as in many other villages, the movement began with the formation of a poor peasant meeting group.⁵ Meeting in secret, so as not to give advance warning to wealthy landlords who might plot a counter strategy or hide their wealth, the group began to identify the landlords and rich peasants in their areas. Work teams sent by the party from outside the village also helped select membership for the poor peasants association, individuals who came from the poorest families in the village.

⁵ Reading accounts of this movement, it is surprising how similar the stories appear though originating from disparate parts of the country. These accounts are numerous. A few notable ones are Potter and Potter (1990); Hinton (1966); Huang (1998); Siu (1989).

All this took place in about one year, between 1951 and 1952. At the end of that year, every family had been categorized into a number of possible categories derived from the new national law on land.⁶ Landlords and rich peasants not only possessed land of their own, but also rented to others. They were only distinguished by degree. In Moonshadow Pond, landlords were those who could produce more than 50 *dan* 石 of rice from their fields (one *dan* is equivalent to 50 kilograms). Middle peasants had land of their own and some productive assets such as water buffalo, but they did not rent to anyone else. Finally, there were poor peasants, who owned barely any land, and tenants, who did not even have land. There were other designations as well, though they were less common in the countryside—these included capitalist, merchants, small peddlers, and workers.

At the time, since redistribution and not collectivization was the goal, middle peasants were left alone, and poor peasants and tenants were to divide land that had formerly belonged to landlords, rich peasants, and the corporate holdings of lineage groups. Members of the poor peasants meeting group broke up into groups of three. They measured the land and put up a sign with the name of each household head. A land certificate was issued which listed the household head, the number of people in the family, and the amount of land that was held. Very often, the name given for household head was that of a woman rather than a man, a source of great pride for Aifang, my neighbor in Moonshadow Pond and a loyal party member. Even now, some of those old signs are still present in the village, and Aifang liked to show me the one with her name.

The poor peasants association was encouraged by the work teams sent down to the village to attack the landlords and rich peasants, and to raise consciousness among the ordinary peasants about their exploitation. In the course of this tumultuous period, much violence took place, and in many villages throughout China landlords were put to death. At the very least, landlords were publicly criticized, and in Moonshadow Pond, as in many other villages throughout the country, their homes were ransacked and belongings confiscated. Landlord and rich peasant houses, along with their lands, were distributed to the poor peasants.

According to the *Mei County Gazetteer* (*Mei Xian Zhi* 梅縣志), the county had about 101,911 households at the time of land reform in the early 1950s.

⁶ In Moonshadow Pond, as throughout China, these categories literally became inheritable identities, passed down patrilineally. After collectivization these categories no longer had any real relationship to the individual's role in production. Yet they were used as the basis of granting or denying privileges to many individuals until they were rendered illegal in 1978.

Nearly forty-four hundred of these received the designation of landlord or rich peasant, and they were said to hold 12 percent of the land. But interestingly, corporate lineages were assessed as holding 41 percent of the land, and many of those who managed this land for the lineages were also the objects of "struggle."⁷ According to the *Mei County Gazetteer*, 1,549 landlords and counter-revolutionaries were "struggled," 103 were imprisoned, and 6 received death sentences in the county as a whole. Others fled the country or committed suicide and do not show up in these official statistics.

In Moonshadow Pond, most families fell into the category of poor peasants, tenants, or middle peasants. But four families received bad class categories. Songling's father, because he owned and operated tanneries in the village and also had a leather business in town, was categorized as a capitalist. Three additional families were categorized as landlords. At first, these landlords were to be executed, but then orders came down from above that their lives were to be spared. It was too late, however, for one of them. After being categorized as a landlord, he committed suicide. His son, who had been a soldier in the Nationalist army fled to Taiwan, leaving a wife and mother behind in the village, while a second individual categorized as a landlord fled with his entire family to Hong Kong.

The third "landlord" was Baoli's uncle. He was actually the manager of the Song's corporate lineage land.

Lineage land was indeed a problematical category. The Song lineage had three branches in the village. In lineage branch number two, there were two subdivisions, the descendants of five and seven brothers respectively. Each of these subdivisions held collective land, land that could not be partitioned for inheritance purposes, but was instead held corporately. This land was managed and rented to poor or landless peasants, who gave up part of their produce in return for use of the land. The proceeds financed yearly observances at the graves of the founders of these lineage branches, and paid for banquets held after these yearly ceremonies. Although such corporate lineage land was supposed to be divided and redistributed amongst poor peasants and tenants, the managers of these estates were not technically landlords. But in the case of Baoli's uncle, he was accused of appropriating some of this corporate property for himself, and so he was given a death sentence.⁸ Later, this

⁷ In addition, there were 1,462 households categorized as rich peasants, 1,024 households as merchants, and 639 households as workers or artisans. See *Mei Xian Zhi*, (1994:239-240).

⁸ Siu (1989) describes a similar attack on estate managers in rural Guangdong. She says, "To avoid implicating and alienating a vast number of people, the cadres were instructed to single out the estate managers, who were often the most influential figures on the local scene. Branded as 'ancestral hall termites' . . . they were accused of embezzling lineage funds and using them for usurious purposes" (1989:128).

was acknowledged to be a mistake, but it was enough to scare Baoli's uncle, who fled to Burma where a number of his nephews lived.

There were other individuals in Moonshadow Pond who received bad class categories, but these others were not so classified because of their landholdings or wealth. Rather, their political activities led to the bad label. Three men had served in the Nationalist army and fled to Taiwan, including Baoli's brother. Indeed, even now, villagers speak about the counterrevolutionary plots to assassinate Communist officials that took place at that time. In Moonshadow Pond, according to one of the stories, a band of youths plotted to kill the township head who had just come to power. A battle ensued between them and other youths who supported the Communists at the outskirts of the village, in which two of the Communist supporters were killed. According to the story that has been passed down, the plotters then drank wine infused with their own blood and swore to stick together, much like the members of blood brotherhoods in the old society, and gangs to this day. But most of these plotters were eventually captured, including one of Baoli's cousins (whose father was the one categorized as a landlord because he managed lineage land). This cousin was executed for his counterrevolutionary activities.

As occurred throughout China, no sooner had the land been redistributed than a process of collectivization soon began. The land reform and the struggle against landlords in Moonshadow Pond had all taken place in little over a year's time, from the end of 1951 to early 1953. But by 1954, the party was urging peasants to form mutual-aid teams, and in 1958 Moonshadow Pond was swept along in the tide of collectivization known as the Great Leap Forward. It became part of a commune comprised of twenty other villages. Within Moonshadow Pond, five or six work groups were each served by a canteen that distributed free food. There was no longer any attempt to record working hours or types of work, because sheer revolutionary will and the fervor to take China forward in a "great leap" was supposed to motivate people. As in other parts of China, Moonshadow Pond peasants were encouraged to contribute to the country's industrialization by smelting their own iron and steel.

The disastrous results of this period have been well documented.⁹ In Moonshadow Pond, many of the younger and most able-bodied workers spent all their time in the hills surrounding the village trying to smelt iron from pots and pans. The ripening rice crop was left to rot on the ground, since only the women with small children were left behind to harvest it. For the first forty

⁹ See Yang (1996) for a particularly solid account of this period.

days, people ate to their hearts' content at the canteens, and then the food started to run out.

While death from starvation occurred in many parts of China, hunger was alleviated to some extent in Moonshadow Pond by care packages of cured meats sent by overseas relatives. Those without such relatives suffered the more.¹⁰ Their bellies and legs swelled up and they became extremely weak as edema caused by the lack of food (*shuizhong bing* 水腫病) advanced.

By 1961 the radical egalitarian and voluntarist line underlying the policies of the Great Leap Forward had been discredited by disasters on the ground. Peasants in Moonshadow Pond were each allocated a plot of land on which they could grow their own vegetables. The rest of the land still remained with the collective, but the management of labor was decentralized to production teams. Moonshadow Pond was divided into six production teams and became part of a production brigade of fourteen teams. Team leaders like Aihua were responsible for organizing daily work, and team accountants such as Baoli recorded the number of work hours and type of work each person had done. They were also free to decide on a team basis how they wanted to reward work. So, if a particular job was onerous or hard, they might reward it with more work points to motivate people. Yields from work were forwarded to the brigade, and payments in kind and cash were passed back down to the team and team members based on their relative work contributions.

Aihua and Baoli often spoke of the difficulties they experienced administering this system, since it required them to be aware of what each team member was doing every day. But the system did establish some relationship between work and reward. If a production team produced more, then they earned more, especially if their production exceeded the amount required by the state. Individuals who worked longer hours or at more strenuous and difficult jobs received more work points and therefore extra pay. According to Aihua, the Number 2 Production Team produced more than many other teams. As such, each work point was worth more as well, since they were dividing shares of a bigger pot.

Aihua often spoke proudly about the accomplishments of the Number 2 Production Team, as well as her own, regaling me with stories about the number of loads she could haul each day to earn extra work points. Though a strong defender of the collective system, she was also a strong defender of the idea that reward be related to work, and she made fun of the periods when a

¹⁰ See Yang (1996) for a good summary of the effects of Great Leap policy on the Chinese countryside.

politically correct attitude could bolster one's pay more than what one had produced.

As such, Aihua was critical of the changes implemented during the "Four Cleanups" campaign of 1965 and the ensuing Cultural Revolution. For her, the Cultural Revolution represented a period when political ideology and motivation counted more than the work one actually accomplished. When Aihua talked about this period, she made fun of the woman who had temporarily replaced her as team leader.

"She was so short and weak, how could you compare her ability to work with mine?" Aihua would dismissively chuckle, "She was getting more work points than me because she was considered to be more progressive politically!"

Needless to say, in Aihua's view, this system was a big mistake. But on the collective system in general, Aihua had very different views. She spoke with pride about the accomplishments of the era as a whole: "Look at these fields, they're all level now. Our production team did that, an individual family couldn't have done that," she told me one day as we walked through the village. When Aihua took me to see a small reservoir built in the mountainous outskirts of the village, she beamed with pride as she talked about the effort and achievements of building this reservoir in the late 1950s. And, she would frequently point to the stone irrigation ditches that controlled the water flow through the village fields, noting that in the past they had nothing more to direct the water than gullies of mud.

Even A Hong, who had little praise for the Communist system or era, viewed the collectives as a necessary phase. One day, Ruolan's cousin visited Songling and Baoli's house. She had returned from a visit to India, where her sisters lived in an overseas Chinese community. The cousin described the poverty she had witnessed in India in a very vivid fashion. A Hong was standing outside Baoli's house chatting with some others at the time and half listening to the cousin's accounts.

"Without the production teams," A Hong inserted, "we would have been in the same position."

A New Property Regime

Though its achievements included leveled field land, irrigation canals, and reservoirs, even the most dedicated Communists began to find the collective system difficult to administer on a daily basis. Both Baoli and Aihua talked about the endless hours they spent as accountant and team leader—deciding what had to be done each day, how many work points each task should be

awarded, and keeping track of each team member's hours of work. In Moonshadow Pond, when the orders came down to divide the land among the village families, it was welcomed by almost everyone.

On the eve of decollectivization, the state officially recognized three types of property—state, collective, and private. In the state's eyes, urban property is primarily state property, while individual incomes and houses are private property. Rural farmland, on the other hand, is primarily considered the property of the collective.¹¹ So, when peasants “divided” the land in the early 1980s, they were essentially dividing use rights to property that was still considered collective property.

Each production team in the brigade divided its land into types based on their use in agricultural production.¹² Although shares of land were allocated to each individual alive at the time, there was also care taken that each family receive land of each of six types. If they wanted to build a house, they had to apply to the township government for permission, and by law (if not in practice), they were not supposed to build a house on paddy land.

Each individual then signed a contract with the township that specified his or her land. A yearly tax was assessed on the land, and the amount of grain due for each *mu* 畝 was laid out in the contract. (A certain amount is given in tax, and a certain amount sold to the government at a set price.) In the contracts that the residents of Moonshadow Pond signed with their townships, the regulations were quite strict. Peasants were not allowed to sell their land, or to even rent it. With regard to the paddy land Songling received rights to in her 1984 contract, for instance, the contract states that she cannot “neglect it, build houses, excavate for bricks or merely, according to one's wish, change what is cultivated there” (*Mei Xian Shi* 1984).

These contracts stipulated an amount of land, not a specific place. As Laurel Bossen observed in Guangxi Province, where she conducted fieldwork, the claims of residents to land there were “essentially claims to shares, not to any specific plots . . . there is no official system of recording household land claims and transactions. To a large extent, a family's and individual's rights rests on the attitudes of the community and personal authority of the team leaders . . . family farmers have little written proof of their claims to particular plots of land” (Bossen 2002:97).

¹¹ See *Constitution* (1993); *Law of the Land* (1998).

¹² These six types were *shuitian* 水田 (irrigated paddy land), *qiu di* 秋地 (for other grains besides rice), *han di* 旱地 (so-called dry land suitable for some crops such as fruit trees), *ziliu di* 自留地 (the private plots families had already cultivated for their own vegetables since the end of the Great Leap era), *kaihuang di* 開荒地 (wasteland that no one cultivated), and finally *zhuliao di* 豬料地 (areas designated for raising pigs).

Despite the lack of individual legal claims to specific plots of land, the shape of the land and its use changed rapidly in Moonshadow Pond. In the Number 2 Production Team, some of the lesser grade land was divided into lots. Each family drew a lot, and this determined the location where they could build a new house, although there was some subsequent trading. Small stores began to spring up in these new houses as well. Baoli's nephew had a small shop right across the street from us, and A Hong ran a little store across the street from the school. Soon there were all kind of small shops peppering the village, including restaurants, a gas station, two tailors, a haircutting shop, a shop that produced ritual objects for funerals and other ceremonies, and the doctor's office and dispensary.

Forest and mountain lands were also divided. In Moonshadow Pond, this land became village land. Anyone cultivating fishponds or using the land in other ways would contract it from Moonshadow Pond itself. But in the upper village this land was also subdivided amongst each family.

In theory, allocations were to be readjusted every few years to take account of changes in the membership of the production team. So, if someone married out, they would lose their share. Or, if a family added to their numbers through the birth of a new member, they would gain a share. But in Moonshadow Pond, as throughout China, this practice of readjustment became very difficult to implement. While in some areas of China the collective structures have remained strong enough to implement a periodic readjustment, in other areas responsibility for cultivating the land might also be ad hoc (Brandt et al. 2002). For instance, a peasant going to work in the city would have to make his or her own arrangements to make sure the land was cultivated (ibid.:79). Often, the person taking responsibility for the land might simply pay tax on that parcel. In other cases, they might actually pay a cash rent to the original occupant.¹³

In Moonshadow Pond, administrators made several attempts to take account of changing population and family composition in allocating land. Readjustments occurred in 1984, 1990, and finally in 1997. The addition of new team members through birth, and the fact that some land had been taken out of use for highway construction, meant that each team member received less land in 1990 than they had in the initial redistribution in 1980 (0.35 instead of 0.50 *mu*). But these readjustments are becoming harder to make as time goes on because of unalterable facts on the ground.

"How can you reallocate this land?" Uncle Wei said to me one day in 1995.

¹³ See Kelliher (1992:183-184) for a discussion of the political implications of this issue.

"People have planted fruit orchards, built houses, and started fishponds. You just can't readjust anymore."

Sure enough, in 1997 team members all signed 30-year contracts on the land, a move that was encouraged throughout China. But this time, the land allocations were not altered from those at the last readjustment, despite changes in land use patterns and residence. Thirty years is a long time, and Moonshadow Pond residents reacted in different ways to this state of affairs.

Baoli still insisted that the land belonged to the government and not to the ancestors.

"It can still be adjusted or even taken away," he said.

But Aihua expressed a more typical view when she said, "The land is just going to stay the way it is now, and get passed between family members."

Others expressed the view that the land could never be taken away after individuals had invested so many of their own assets in it. For instance, Songling's friend had contracted some "dry land" from the administrative district. She had put a great deal of effort into it, and now grew a variety of fruits including pomelo and tangerines.

"She's put so much work into it," Songling told me, "this land will definitely be hers one day."

A Hong also expressed himself succinctly with regard to the land he had been allocated.

"After 30 years, the land will be mine."

Contending Voices and Contending Claims

While individuals had thus begun to stake private conceptual claims on the land, they also held on to other perceptions that seemed to contradict the notion that land was now essentially family property. Not forgotten in the new scheme of things was the issue of *hukou* 戶口, or residence. Many expressed the opinion that if one migrated to the city, and actually succeeded in acquiring official residency papers there, then one should give up claims to land in one's ancestral village. This contradicted the idea that land had essentially become heritable family property.

For instance, Songling's sworn sister was a woman we called Auntie Xuelan. Xuelan had been a peasant with a rural residence for most of her life. As such, she was able to contract land from her township after the reforms. She and her husband invested in and cultivated an impressive pomelo orchard. But because both held government jobs, they were able to officially change their residence to an urban one. Urban residency held future advantages for their children who might want to live in the county capital and apply for

urban employment. But changing their official residence also meant they would have to give up their orchard. They could keep their house, but were no longer allowed to be included in the allocation of fields in their village.

So, while Songling could say on one day that contracted land would become impossible to lose, on another day she could point to the impermanence of land rights under the new system. Interestingly, the conceptual contradiction between seeing land as still somehow under the collective rubric, and also acting as if it would remain in one's family forever, was mirrored by other contradictions in the discourse about the collective. For instance, the reforms had actually replaced the production brigade with the administrative district, and the commune with the township. But when people talked about the administrative district they lived in, they still used the term *dadui* 大隊 (production brigade).

Indeed, these contradictory ideas about the nature of what remained of the collective were at the root of many of the ongoing conflicts between people. As we will see below, the breakup of collective management coupled with the maintenance of collective ownership inevitably created misunderstandings over who had rights to particular assets.

When electricity came to the village in the late 1970s, agricultural technologies had changed, and the six production teams there had jointly invested in a number of new machines. Chief among these were machines which husked rice, a process that used to take much more time when done by the *long gu* 礱谷, a large circular stone that one had to pull round and round as it squeezed the rice kernels from their husks.

Baoli and A Gao were close friends and related in a myriad of ways. A Gao's son was married to Baoli's daughter. A Gao had also been the head of the production brigade for many years and had worked closely with Baoli, who was the Number 2 Production Team's accountant. And finally, Baoli was the "dry son" of A Gao's mother-in-law.¹⁴

So, when the responsibility system was instituted, Baoli and A Gao's daughter Small Gao decided to rent the rice threshing machines from the six production teams to which they had belonged. Things started out smoothly. They paid a yearly rent to the six production teams, and they also paid rent to Sneaky Tao, in whose shed the machines were kept. But after seven years,

¹⁴ These ritual adoptions created "dry sons" and "dry daughters," individuals who often donned the same mourning garb for their adoptive parents as for their actual parents. They might visit their adoptive parents for special holiday meals, but usually there were no other obligations. They might be seen as somewhat parallel to the Western practice of godchildren.

Sneaky Tao wanted a share of the profits. After all, he said, the machines were in his shed. Baoli and Small Gao used this opportunity to make their move. A Gao built a new shed for them on land he had been allocated during the breakup of the collective. Baoli and Small Gao then reasoned that they shouldn't have to pay rent to the production teams.

"The machines have either been completely replaced or fixed," Baoli told me. "So now we just pay the electricity tax to the administrative district, we don't think we have to pay rent on the machines anymore."

Others clearly disagreed. One day in 1995 Baoli and Small Gao came to work and found a lock on the door of their shed. The elders' council (*laoren hui*) had put the lock there, claiming that the machines belonged to everyone in the six production teams, and that they should all realize some profit from Baoli's operation.

"We don't have to listen to them," Small Gao told me. "They don't have any authority."

And indeed she was right. An village committee that might mediate such conflicts had not been elected in Moonshadow Pond, though village elections had already taken place in other parts of China. Further, the existing (non-elected) administrative district officials for Moonshadow Pond and the adjoining village were reluctant to get involved, as were township officials. The elders' council jumped into this authority vacuum, but they had no real mandate.¹⁵ Baoli and Small Gao managed to have the lock removed. People grumbled on both sides, and Baoli and Small Gao continued with their business.

Putting blame on a third party and accusing them of surreptitiously manipulating people to disrupt their cooperation was a common feature of the discourse about disputes in Moonshadow Pond. In this case, Baoli and Small Gao deflected criticism by just such an accusation. They protested that A Hong had stirred up the elders' council to act against them for reasons of his own.

A Hong, they said, didn't like their business because their shed was opposite his store and the threshing operation made noise. Further, he was using the elders' council to target them to deflect attention from his own conflict with the collective. A Hong, it seems, had been allocated extra land from the Number 2 Production Team to build a small shop for his son, who was disabled by polio. When he builds a large house with a small shop merely occupying a portion of the first floor, however, everyone seemed to have some complaint about it. Strings of accusations followed in which the issue of land and

¹⁵ See Eng and Lin (2002) for a discussion of the role of elders' councils in the fluorescence of popular religious rituals in contemporary rural Guangdong.

property became enmeshed not only in disagreements over collective versus personal assets, but also in over 30 years of personal relationships. Who had helped who, and when? How could this person forget, and without conscience go ahead with his plans anyway? This combination of notions about land as collective property, private property, and as a token of memory can be seen clearly in Aihua's response to the crisis.

Aihua claimed that A Hong had violated the team's understanding and needed to make compensation. The house A Hong had built, unlike the shop, was not a temporary structure and the land was not part of the land originally allocated to him. Furthermore, Aihua pointed to yet another of A Hong's sons, who was using production team land to manufacture tiles. This land had not been formally contracted from the production team, she said, and this was not fair.

Yet for Aihua, A Hong's violations went beyond defrauding the collective, although this was also important to her. Her feelings also centered around personal obligations she felt A Hong owed her family, obligations that stemmed from events during the collective era.

The recent disputes had rekindled 30-year old memories in Aihua. Back then, Aihua's husband Uncle Wei had had to step down from his post as party secretary of the brigade, primarily because of accusations that he had accepted gifts from A Hong. These accusations took place because, in Aihua's view, her husband had allowed A Hong to work outside the team and earn extra money for his many children. As such, A Hong's refusal to recognize the jurisdiction of the production team in the present case was more than a legal issue for Aihua, it was a personal one, a failure to remember the sacrifices Wei Ba had made on A Hong's behalf.

So, in the swirl of contemporary property conflicts, past memories and ideas about unrequited favors often shaped claims and counterclaims. A Hong, said Aihua, was like a person who sent his dog to bite you after you had saved it!

In evaluating Aihua's responses, however, we should keep in mind that Aihua had always taken pride in the accomplishments of the production team and in her role as its leader. If there were a possibility of compensation for the team, she would find it. In any dispute between an individual and the team over land or other kinds of property, she would be likely to argue for team rights.

Slippery's Story

Until the matter of Slippery's land arose, team property in Moonshadow Pond

that was “sold” fell into only one category—land that the government had taken back to build the highway that runs through Moonshadow Pond. In this case, every member of the production team to which that land belonged had been compensated. The notion of team membership and entitlement was strong enough that several team members who now worked and lived in the county capital (but who still had rural residency papers), made sure to demand their share of the payment. These people included Songling’s eldest daughter Meiying, who had been left off the original list.

Ironically, people’s interest in a piece of land and their notion of it as a piece of collective property increased dramatically when there was a possible individual gain associated with their relationship to it. For instance, Lanfang, also a member of the Number 2 Production Team, had taken over a piece of land that was not considered prime agricultural land. Through hard work and stewardship, she had turned the land to a productive piece of property, growing several fruits, including pomelo, tangerines and persimmons. No one contested her use of the land when she first began to cultivate it, because it had been agricultural wasteland.

“But if they suddenly decide to build a highway through her land,” Baoli told me, “then everyone will be demanding a share of the compensation, and saying that the land belongs to the team, and not just to Lanfang.”

So, when Slippery’s case came up in conversation the first time, it was in the context of team property and the idea that somehow team members should be compensated *if* his share of land was sold. On the day I first heard his story, Aihua was sitting in Baoli and Songling’s living room, and all were discussing what they thought was the sale of Slippery’s land. Aihua was outraged. How could his land just be sold? First, he needed permission. More important, team members and not Slippery were the rightful recipients of any payments for this land.

As mentioned earlier, the impetus for the gossip surrounding Slippery’s case was the visit of his elderly cousin from Taiwan. Whisperings and then open discussion circulated around the village that Slippery had sold his share of team land to this cousin for 8,000 yuan. This was a sizable sum in the context of Moonshadow Pond in the mid 1990s, certainly more than most factory worker could earn in a year. Further, this land was paddy land belonging to the Number 2 Production Team. As with all matters in Moonshadow Pond, several stories circulated simultaneously about the sale. Some said that the old Taiwanese had bought the land so he could donate it to the elders’ council for a clubhouse. Others said this was wrong, the old man wanted to build a house for his wife, actually a mistress who some said was even expecting a baby (more scandal still, since the old man was well into his seventies).

"It doesn't matter what he is doing with the land," said Aihua, "he can't sell it without permission from the township government, and he can't keep the money himself, it belongs to all of us!"

Others chimed in with their opinions as well. If the land were used for a clubhouse for the seniors, wouldn't there be gambling there? Seniors would spend their days playing mahjong and this would be inappropriate for the land, because it was right next to the school.

It soon came out that the root of the problem was Slippery's inability to get a permit for building on the site. Every time he applied to the township for permission, he was denied, because the land was too close to the school. Slippery, people said, was the source of most of his own problems. He had originally been allocated "dry land" as well as the paddy fields needed for rice growing (and more thoroughly regulated because of its national importance). Home building was allowed on the former only, but Slippery had traded his share of this with Sneaky Tao. Now, stuck with the paddy land and unable to build anything on it, Slippery, at least according to the surmise of the villagers, was looking for any angle he could to rid himself of the land and get compensation. The 8,000 yuan would cover the 30 years of tax that he would still have to pay on it.

Certainly, such informal trading of shares was not unheard of, and this trading had added a layer of complexity to land rights that had little legal foundation. When paddy land was traded, the original user of the land would still be liable for grain procurement and other forms of taxes. He or she would have to come to an informal agreement with the person they were trading with, to make sure the responsibility of paying taxes was in the hands of the new land occupant. So, Slippery's responsibility for the land tax was already the product of a previous trade.

The use of such informal agreements is springing up all over China, and it has led some academic analysts to conclude that the system of land tenure has evolved into a system that is private in all but law.¹⁶ And yet, as we have already shown, in Moonshadow Pond, the limits of "private" and "collective" are actually being tested every day, and there is rarely consensus.

¹⁶ Says Daniel Kelliher, "Contracts at first restricted rights of alienation. . . . Yet peasants learned almost instantly to commit all these forbidden acts with their contracted land. They leased it, rented it, and sold it. They built homes on it, hired labor to work on it, and used it as security for loans. . . . Within a few years peasants with no more legal title to their farms? Than a temporary usufruct contract possessed virtually permanent claims on the land. They even gained the right to bequeath the family farm to their children. By the mid-1980s, central leaders . . . condoned the quick evolution toward a nearly private system of land tenure" (Kelliher 1992:178).

In the midst of the controversies over Slippery's land, the township government finally weighed in. The land, they said, could only be used for school-related activities, or it could remain paddy land. As the controversy proceeded further confusion arose when Slippery then asserted that he had never sold the land in the first place, and all the subsequent discussion was irrelevant.

To further complicate matters, many villagers believed that neither legal limitations nor administrative decisions were the real reasons Slippery could not proceed with his plans. Many villagers believed he could easily have circumvented the law. It was not the law that stopped him, they said, but his poor personal relations with others in the village.

"When he borrows money, he never pays it back," one villager told me.

Worse still was his treatment of his elderly stepmother. His father had married her when she was already in her late thirties, at the time of Liberation. A bonded female servant (*pinu* 婢女), she had just regained her personal freedom at that time. Because she had no children of her own, she was now dependent on her stepchildren in her old age. A distant stepdaughter would send her money occasionally, but Slippery was "without conscience."

"He only feeds her rice porridge," said Aihua, "and when someone else gives her something, Slippery gets angry. He says that you think he hasn't fulfilled his responsibilities."

With money and good social relations, one should have been able to circumvent the letter (and even spirit) of the law. Villagers assumed that legislation and rules about land and property were social challenges, not necessarily legal ones. And though they often vigorously complained about the way the system enabled the rich to get their way, they also assumed that this was simply reality.

For his part, with all his plans rejected, Slippery now stepped up to defend himself. First, he claimed that there had been no land-related transaction between himself and his cousin. He had merely received an unrelated gift from his cousin. At least in one respect, he agreed with the assessment of other villagers.

"If we had money," Slippery told me, "we could 'buy the road.'" (This expression—*mai lu* 買路—was often used to refer to the strategic use of payoffs to cadres and administrative officials to circumvent laws or regulations.)

Further, Slippery told me, his cousin had never bought the land. Rather, he had planned to allow his cousin use it. In return, his cousin would reimburse Slippery for the taxes that he would still be required to pay, precisely because the land tax was still Slippery's responsibility.

Slippery was emphatic about these points. One day when I went over to his place to speak with him about it, he showed me all his documents.

"Look here," he muttered, casting the documents before me.

I started to peruse them. The first, a handwritten note signed by Slippery, stated that his cousin would be allowed (*rang* 讓) to use the land. The cousin, in a second document, pledged to hand over 8,000 yuan to Slippery, on behalf of their brotherly connection and feelings (*ganqing* 感情). Another document followed with a slightly different twist, although I was not sure Slippery was aware of the contradictions he arrayed before me. In this document, Slippery wrote that he would allow the elders' council to use his land, providing that they assumed the responsibility for the land tax (this would presumably have nullified the necessity of the second document, where Slippery's cousin pledged 8,000 yuan for the same purpose). Finally, there was a fourth document. Here Slippery and his cousin pledged that the 8,000 yuan was entirely their own affair, unconnected to any transfer or use of land!

These documents, in chronological order, were obviously Slippery's attempt to work around the perception that the land had been sold. And, in fact, the final document tried to disconnect any transfer of money between Slippery and his cousin from the land, land tax, or any use of the land. Their obvious internal inconsistencies were either not apparent to Slippery or else, he felt no need to hide from me the very real process of fitting his actions *ex post facto* to the existing laws and regulations. Slippery was not insensitive to the gossip that swirled around him, nor unaware that there was still support in the community for the notion that land was still, in some way, the property of the collective.

Conclusion

It is clear that disputes over property in Moonshadow Pond have functioned as public forums in which contending claims are articulated, if not resolved. Support for the idea of collective property has contended with support for the idea of personal property, or property that will become family property and be passed on to descendants. The idea of the law as objective has contended with the notion that good social relationships plus money can always find a way to circumvent it. Notions of obligations from the past are also added to the mix in assessing one's right to a particular piece of property.

In the end, Slippery was not able to simply dispose of "his" land in any way he chose. Neither law nor local power was on his side. But, as we have seen, people's responses to Slippery went beyond their understandings of the limits of law alone. Ideas about Slippery's poor social relationships, desires

for a share in any sale of team land, and in some cases a still surviving ideological investment in the idea of the collective reinforced rejection of the idea that Slippery could sell this land.

If we compare this case to some of the others in this collection, we find interesting parallels. Stafford's paper argues that learning about economic practices is not merely a technical pursuit, but that "techniques of enchantment," or learning how to get people to do what you want, is also a part of the blend. If that is so, then Slippery not only failed because he violated the law, or because the idea of the collective was still held strongly by community members, but because he had not mastered important "enchantment" skills. These included meeting customary expectations about moral social behavior and fulfillment of obligations. The importance of meeting these social and moral expectations, even in one's economic actions, is also an important feature of economic behavior in Yan's account of the bookkeeper Wang and in Brandtstädter's analysis of the transmission of "know-how" in a Fujianese village. Indeed, as we have seen, notions of moral obligation still influence the way residents of Moonshadow Pond evaluate the validity of a number of property claims.

Take the case, for instance, of Baoli and Small Gao. Is their threshing machine their personal property from which they can profit, or does it belong to the collective? Interestingly, while Baoli and Small Gao have contended with some community members who claim they are taking over a collective asset, they have managed in the meantime to continue using it for their private business. Perhaps it is their better personal relationships in general (as opposed to Slippery's mishandled ones) that has protected them. Or, it could be a matter of better connections, since Small Gao's father was once the brigade head, which contrasts strikingly with Slippery's lack of power and connections. Further, as we have seen, some of those who object to Baoli and Small Gao's use of the threshing machine (such as A Hong) have their own conflicts with the collective. So, at least for now, while Baoli and Small Gao certainly face opposition on the grounds that they are privatizing a collective asset, they seem to have avoided the universal offense to sensibilities that Slippery so unfortunately fell into, and they have been able to hold on to their claim.

Of course, Baoli and Small Gao may also have benefited because a machine still seems less significant to community members than land itself. Despite changes in the rural economy land is still the primary guarantor of survival in China's rural communities.

In her work on heteroglossia in American culture, Claudia Strauss points out that although people may hold a number of different schemas about how the world does and should work, certain schemas are stronger than others

(Strauss 1997). These are the ones that have strong emotional resonance for people. As we have seen, Moonshadow Pond residents hold a number of ideas about property rights, both descriptive and proscriptive. Certainly ideas about reciprocity and past obligation remain strongly resonant and influence people's attitudes toward property claims, as is the idea that putting work into land or another asset should solidify one's claim to it. Nonetheless, as I learned during the course of my stay in Moonshadow Pond, the descendants of Jian Xi Gong are certainly not ready to completely forego their interest in land or other property as a collective asset. As they work their way through the post-Mao economic regime, their disputes, discourse, and gossip have solidified certain understandings of this regime, and these interpretations maintain that there is still a role for at least some collective resources.

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賣掉集體土地的男人： 對廣東新經濟體制的理解

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本文檢視一個在中國東南鄉村的財產糾紛，如何將有關財產權的各種競爭性觀念連結起來——那些源出自於前共產黨、集體以及改革之年代的觀念。藉著公開議論的作用，我們發現集體財產的觀念和個人財產以及祖先財產的觀念彼此衝突著。這些糾紛已經成為有力的工具，幫助月影塘（Moonshadow Pond）村民學習和建構充斥在他們生活中的新經濟體制之限制與意涵。

雖然中國憲法仍舊主張農地屬於集體，以及個別的鄉村村民只有土地的使用權，然許多月影塘村民已經表現出他們好像就擁有土地一般。其他原本屬於集體的資源——例如農業用具——也為個人所佔用，這些個人還對他們使用農具所提供的服務收取費用。本文檢視幾個宣稱擁有土地或生產資源的個案，探討這些人的主張和奪取手段。文中也調查了傳統互惠和義務的觀念是如何被摻雜在各種意見裡，以及這些觀念如何被使用來合法化一個人對財產的權利，或是被利用來反駁他人的主張。

村民從許多來源理解到社會生活在實際上應該是如何運作的。當我們談論有關財產的觀念時，可以看到當村民試圖理解不同的財產主張時，就似乎有幾個彼此競爭的「基模」（schemas）在背後運作著。這些基模可以籠統地被歸類在二個主要概念之中，一個是「財產屬於集體」。相對地，許多人是根據另一個不同的基模在行動，它可以用這樣的觀念來概括：「如果我在一塊土地上工作，這塊土地終究會屬於我的」。其他的觀念也影響著人們對財產主張的理解。例如，「法律是客觀」的觀念就和另一個人們普遍擁有的觀念形成對比：「好的社會關係」可以使一個人不必遵守法律。最後，另一個也很普遍的基模可以簡單地描述成「行賄可以使人得到他或她想要的」；或是換句話說，賄賂比法律來的重要。當各種有關財產的主張浮上檯面並爭論不休時，所有的這些觀念都會受到考驗。

在回顧月影塘土地所有制歷史之後——從革命一直到改革年代——本文分析了幾個故事。筆者利用這些故事來顯示在財產爭議裡，各種互相競爭的觀念是如何的作用。主要的焦點擺在「狡猾」高的故事。村民指責狡猾高出售他的土地給來自臺灣有錢的叔叔。但是許多村民宣稱這塊土地仍然屬於集體，而且不能出售。我們可以將村民對於狡猾高行為的眾多意見當作一個模式，來檢視鄉土中國自從改革年代以來，各種關於財產及其分配的論點。

關鍵詞：財產權，文化架構，鄉土中國，改革經濟，法律與文化