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Reconstructing and analyzing the everyday struggles of the common people within the context of the large-scale changes in the structure of the eighteenth-century Chinese economy and society is the central task of this book. More specifically, I seek to explain how the demand for changes in economic institutions and property rights, which was induced by demographic and commercial expansion, violently impinged on the lives of rural Chinese. By any measure, the economic expansion of the Chinese economy during the eighteenth century was astounding. One need look no further than China’s population, which surpassed 300 million by the end of the Qianlong reign (1736–95), to understand the magnitude of the economic expansion of the eighteenth century. Intensification of cultivation, deepening commercialization of the rural economy and specialization in cash crops, introduction of new-world crops, government support for land reclamation, large-scale internal migration, and refinements and innovations in property rights and economic institutions all contributed to the economic development of the eighteenth century. Without any major improvements in technology, the eighteenth-century economy demonstrated a remarkable capacity to absorb a more than twofold increase in population. At the macroeconomic level, China’s economy was more prosperous and productive by the close of the eighteenth century and evidence suggests that many peasant households adjusted to the demands of expanding markets and population growth and improved their standard of living.1

Despite the impressive achievements of the Chinese economy during the eighteenth century, many historians, applying the yardstick of the Industrial Revolution in the West and mindful of the subsequent decline

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of the Qing dynasty after the eighteenth century, have debated the historical significance of this remarkable period of intensive economic growth. As a result, efforts to characterize late imperial economic growth have given us some colorful rhetoric from the poetic “sprouts of capitalism” to the more scientific-sounding “high level equilibrium trap.” Most recently, R. Bin Wong has employed the term Smithian dynamics, likening “the increase in cash-cropping, handicrafts and trade that marked Chinese economic growth between the sixteenth and nineteenth centuries” to the preindustrial economic growth of Europe described in Adam Smith’s Wealth of Nations. The term Smithian dynamics has the advantage of acknowledging the vibrancy of the late imperial economy without implying how it should have or could have developed further. In a similar vein, this study will draw on a theory of structure and change in economic history based on experiences in the West to explain social conflict and economic change in China, but also to elaborate and enrich our broader understanding of economic behavior in preindustrial societies.

While the debate over the nature of China’s preindustrial growth will continue, for the purposes of this study it is sufficient to note that the unprecedented demographic and economic expansion of the eighteenth century was more than adequate to induce demand for changes in economic institutions and property rights that were essential to the operation of China’s increasingly complex commercial economy. Since the Chinese economy remained primarily agrarian, the focus of this book is property rights in land. As Yang Guozhen’s research on Chinese land contracts has demonstrated, the struggle to refine and enforce property rights in land was a protracted process that began during the late Ming dynasty (1368–1644) and continued into the early Qing dynasty (1644–1911). It was marked by the increasing privatization of land, the rise of “commoner” landlords, the erosion of extra-economic controls over tenant farmers, the appearance of permanent tenancy rights, the division of topsoil and subsoil (the development of “one field, two lords” [yitian liangshu] property rights in land), and the increasing reliance on written contractual agreements. Yang’s painstaking research provides empirical evidence of the gradual and diverse transformation of property rights in land and economic institutions that attended and furthered economic development during the late Ming and early Qing. As Yang’s work illustrates, regardless of how we characterize economic

3 See Yang Guozhen, Chapter 1, Ming Qing tudi qiyue wenshu yanjiu (Research on Ming-Qing period land contracts), (Beijing: Renmin Chubanshe, 1988).
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change in late imperial China, it is impossible to ignore its multiform impact on rural society in the eighteenth century.

The transformation of China’s rural economy during the eighteenth century also entailed some unfortunate and tragic consequences – homicides related to violent disputes over property rights. Violent disputes over property rights were a widespread problem during the Qianlong reign. Each of the incidents recounted in the following text was obtained from a homicide report contained in a routine memorial to the Ministry of Justice (xinghe tiben). These violent vignettes of rural society are the foundation for this study of economic change and social conflict. The nature of the data provides an intimate look at social conflict while the size of the sample and its historical and geographic scope allows for a broad investigation of the connection between social conflict and economic change in eighteenth-century China. The three killings briefly recounted as follows are but a small sample of the fatal beatings, bludgeonings, and even shootings related to property-rights disputes, but they serve to illustrate the types of disputes contained in this study.

In 1785, Chen Wenyou of Dongguan county in Guangdong province lost his lease on the land that he had cultivated for thirty years when Huang Guiji offered the landlord, He Jiewan, a higher rent. Later Chen Wenyou argued and fought with Huang Guiji. After Chen struck him with a bamboo pole, Huang fled, threatening to report the assault to the county magistrate. Chen returned home and told his wife, Ms. Zhu, about the altercation. Anxious and fearing further trouble, Ms. Zhu upbraided her husband for his incompetence. Distraught over losing his land and rankled by the scolding his wife had given him, Chen decided to kill his wife and implicate Huang Guiji in the hope of blackmailing him into returning the land. Chen went into the kitchen and got a cleaver. Chasing his wife around their home, Chen hacked her twice on the left side of the skull and landed repeated blows on the top of her head. Carrying her body to Huang’s front gate, Chen began shouting that Huang had attacked his wife. Overwhelmed with anger, Huang rose to confront Chen, but his elderly mother, Ms. Yu, grabbed at his clothing to prevent him from leaving the house. Huang was moving forward with such force that his clothing tore and his mother fell to the floor and sustained a fatal injury. Chen Wenyou’s

4 Married women are usually referred to either by their husband’s surname followed by the character shì and their own family surname. Sometimes the husband’s name is omitted. For convenience sake, I have dropped the husband’s surname and use Ms. and the woman’s own family surname.
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wife died later that afternoon. Huang’s mother died in the morning of the next day.5

In another case in 1749, Wang Chen of Wenshang county in Shandong province leased 24 mu from Guo Jingyuan. Guo Jingyuan lived some distance from the field so he entrusted Cheng Zhao with the management of the land. One morning, after it had rained, Wang Chen decided it was time to plant soybeans. He went to see Cheng Zhao to request the seeds. Cheng not only refused to provide the seeds, he criticized Wang for being lazy and demanded that he return the land. Wang Chen suggested that they wait until after autumn harvest. Cheng spurned his request and accused Wang of dishonesty. Wang desperately replied: “If you demand that I return this land now is it not the same as killing my family?” At that, Wang lowered his head and attempted to butt Cheng. Cheng punched him in the left temple. Wang tried again to butt him with his head, but Cheng sidestepped him. Wang fell to the ground, injuring his left ear and the left side of his head. He died of his wounds two days later.6

In Cangxi county in Sichuan, Liu Shiwei had adopted his cousin’s son, Liu Huihai, when he was orphaned at the age of five in 1724. While still a child, Liu Huihai inherited some land from an uncle. Twenty-three years later, in 1747, Liu Shiwei wanted to sell the land to a tobacco grower from Hunan for 140 ounces (tiang) of silver, but he needed Liu Huihai’s signature on the sale contract. Despite Liu Shiwei’s repeated urgings, Liu Huihai refused to approve the sale. Eventually, Liu Huihai fled to another county to escape Liu Shiwei’s incessant pressure. In the spring of 1748, Liu Shiwei sent his sons, Liu Zichao and Liu Zifang, and two others to fetch Liu Huihai. When they found Liu Huihai, they bound him and forced him to return. Liu Shiwei again urged Liu Huihai to approve the sale. He reminded Huihai that he had raised him from infancy and cared for him until he had married. At last Liu Shiwei lost his temper and cursed him vehemently. Huihai responded that selling his adopted son’s land demonstrated that Shiwei “had no conscience.” Shiwei ordered his son to tie Huihai to a tree. Shiwei began beating Huihai with a wooden pole, but Huihai stubbornly refused to approve the sale, “even if Liu Shiwei beat him to death.” Furious, Shiwei picked up a rock and struck Huihai at the base of the throat, killing him.7

5 Xingke tiben (Routine Memorials to the Ministry of Justice, hereafter XKTB) 3564. QL 51.5.5. “Dates are given in reign year, month, and day, according to the lunar calendar. QL 51.5.5 = fifth day of the fifth lunar month in the fifty-first year of the reign of the emperor Qianlong (1786).
6 XKTB 0714. QL 15.4.17. 7 XKTB 0761, QL 16.5.20.
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Taken individually, the homicides recounted above might simply be considered regrettable acts of violence with little significance beyond the tragedy of the families involved. But these violent disputes, and hundreds of similar ones, take on greater significance when examined in the broader social and economic context of the extraordinary demographic expansion and the growing commercialization of the Chinese economy during the eighteenth century. Briefly stated, my argument is that the economic changes of the eighteenth century, most importantly deepening commercialization and an unprecedented level of population growth, caused a shift in the relative value of two key factors of production, land and labor, and provided incentives to define and enforce property rights in land more strictly. These conditions exacerbated disputes over long-standing property-rights issues such as boundary and water rights, and heightened tensions over issues that were closely related to changing economic conditions in the eighteenth century such as rent defaults, redemptions of conditional land sales, and evictions.

This shift in the relative value of land and labor altered the balance of economic power between tenants and landlords, whose basic relationships had already begun undergoing a profound transformation during the Ming dynasty (1368–1644). During the early Qing dynasty (1644–1911), landlords lost most of their extraeconomic controls over tenants. The extent of these changes was reflected in a concomitant series of government policies that abolished the residue of servile tenancy and revised the system of taxation, effectively abolishing the poll tax and thereby placing the primary tax burden on land. Population growth during the eighteenth century, however, once again shifted the balance of economic power in rural society in favor of landowners. The increasing value of land induced demand for changes in property rights and economic institutions and triggered violent conflicts. Disputes over property rights in land were so sufficiently serious and widespread that they prompted the central government to revise the Qing law code, predominantly in favor of landowners. For example, under certain conditions defaulting on rent became a criminal offense and restrictions were placed on the right to redeem conditional land sales. Nevertheless, despite government efforts to clarify property rights in land, at the grassroots level private efforts to protect existing property rights or to define new property rights continued, and these efforts created the potential for violent disputes.

Evidence from homicides related to property-rights disputes show that over the course of the eighteenth century, refinements of property rights benefited landowners and insulated them from violent disputes. Similarly, violence abated as innovations in property rights gained wider
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acceptance and were incorporated into written contracts. As property rights were defined more clearly and violent disputes declined, the focus of disputes shifted. For example, as the relative value of labor decreased, peasants were increasingly forced to compete amongst themselves for a limited supply of land and disputes between competing tenants were more common. As we shall see when we compare disputes within Guangdong, and among Guangdong, Sichuan, and Shandong provinces, violent disputes exhibited significant regional and temporal variation. Most, but not all, of the temporal and geographic variation in the patterns of violent disputes can be traced to the variable effects of commercialization and population growth across space and over time. Although the patterns of violence related to property rights varied widely in Guangdong, Sichuan, and Shandong, over time homicides related to disputes over property rights declined as a percentage of all homicides related to land debt disputes in all three provinces. The variations in temporal and spatial distributions of disputes were important indicators of the complicated social ramifications of the eighteenth-century demographic and commercial expansion.

At the outset, it should also be noted that resorting to violence to settle property-rights disputes was not the norm in rural China during the eighteenth century, nor was it an effective method for resolving competing claims over property rights. Private mediation or official adjudication were the socially acceptable venues for the resolution of disputes. However, as an examination of violent disputes preceded by efforts at official adjudication will reveal, the effectiveness of these peaceful remedies was dependent on the disputants’ shared ethical norms and the mutual acceptance of the legitimacy of evolving property rights and economic institutions. For example, a recurring source of tension was the persistence and resiliency of the concept of land as inviolable patrimony that was often at odds with the newly emerging concept of land as an alienable commodity. Until the concept of land as an alienable commodity was more widely incorporated into private contracts and more clearly specified in the Qing legal code, conflict was inevitable and mediation was difficult. Thus, understanding competing beliefs and expectations about how the economy and society should work is important because it affected individual reactions to economic change. In fact, in response to demands for change in the existing structure of property rights and economic institutions, peasants, landlords, and government officials frequently voiced ideological and moral concerns, often in defense of the status quo. But, as the analysis of violent disputes shows, these appeals could not staunch the demand for changes in property rights and economic institutions that economic self-interest had
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induced. Competing visions of the legitimacy of economic institutions and property rights, and frustration on the part of those who perceived “injustice” in the newly emerging structure of property rights and economic institutions in the eighteenth century were often at the heart of violent disputes.

The title of this book, *Manslaughter, Markets, and Moral Economy*, points to three major components of the study. *Manslaughter* simply refers to the primary source materials and indicates the gravity of these disputes. Information on violent disputes has been obtained from routine memorials to the Ministry of Justice that were part of a collection of homicide reports related to disputes over land and debt (*tiān zhaiwú*). Most of these homicides were the outgrowth of unpremeditated, small-scale altercations between individuals who did not have a long-standing grudge or a prior intent to kill, and every dispute involved the loss of at least one life. Given that the focus of this study is social conflict and economic change, homicide reports are singularly valuable source materials that dramatically illustrate the property-rights issues that often incited lethal violence. The provenance of these documents and their value as sources for the study of social conflict and economic change are discussed in detail in the Appendix. Here it is worth noting briefly that because the overwhelming majority of capital crimes were reviewed at every level of administration, homicide reports provide a large body of documents systematically compiled according to strict administrative requirements, which were consistent throughout the period under consideration.

Scholars have noted the value of homicide reports to historical studies. As one historian has stated, it is “the one crime for which evidence is most reliable.” Another advantage of homicide reports, as one expert on violent crime has noted, is that “when dealing with data on homicide . . . we can be more confident that trends reflect real changes in social behavior.” Victimization studies have found that homicide is the “most accurately recorded violent crime.” In this way the “slippage” between the crime and court records is “probably less for homicide than other crimes against persons.” Unfortunately for this study, the docu-

8 Approximately 5% of the cases used in this study were classified as premeditated or intentional homicide. There were also a few cases in which individuals were driven to suicide.


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ments limit the focus to only the most extreme examples of violent disputes. Thus, although homicides related to disputes over property rights declined over time, we cannot automatically assume that disputes in general, not to mention violent disputes that did not result in homicide, also declined. However, given that most of these homicides were unpunmeditated crimes of passion and that “homicides usually are the result of particularly successful (or unlucky) assaults,” it is unlikely that the rate of homicide would increase or decrease without a parallel shift in the rate of serious assaults. Given the fact that the overwhelming majority of homicides were the outgrowth of unpunmeditated assaults, it does not seem unreasonable to assume that a decline in homicides related to disputes over property rights reflected an overall decline in serious assaults and violence related to disputes over property rights.

Reconstructing violent disputes related to property rights provides an opportunity to evaluate theories of economic behavior in preindustrial rural society. Markets and moral economy refer to two different aspects of economic behavior, both of which are important to understanding the connection between economic change and social conflict. Here I do not mean to conjure up a tired debate about the economic behavior of peasants. Instead, I use the terms as shorthand for two larger sets of concerns that go beyond the historical study of agrarian economies. Markets represent neoclassical economics that have been useful to historical research, particularly the assumption of scarcity and competition, and the importance of market forces. Neoclassical economics has proven to be a powerful tool for explaining market economies in developed countries, but its assumptions of zero transaction costs and that change occurs in frictionless markets via changes in relative prices has limited its usefulness for historians studying preindustrial economies. This is not to say that neoclassical principles have not been helpful in understanding the direction of macroeconomic change in late imperial China and elsewhere. For example, in the eighteenth century many individuals acting in their economic self-interest responded to the increase in the relative value of land, population growth, and increasing commercialization exactly in ways that neoclassical economic principles would

11 Ibid., p. 300.
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predict. Among other things, they intensified cultivation, reclaimed wasteland, and enforced property rights in land more strictly. At the same time, others resisted the prevailing economic trends. They objected to the curtailment or abridgment of customary rights and invoked ethical arguments in the face of the advance of market forces in ways consistent with the assumptions of the moral economy argument.

Moral economy is shorthand for what has also been called substantive economics, which stresses informal institutions, conventions, customs, and moral beliefs that are other important components of economic behavior. The moral economy argument, which can be traced to the work of Karl Polanyi, an early and persuasive critic of neoclassical economics, offers a cogent challenge to neoclassical analysis of economic change in preindustrial societies. Proponents of the moral economy have argued that the assumptions of neoclassical economics did not apply until the advent of capitalism transformed the economies of the West and subsequently the world. According to Polanyi, capitalism destroyed the cultural foundations of both the English laboring class in the early nineteenth century and “native tribes in Africa.” 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.” Referring to the Western exploitation of Africa, Polanyi argued that the transformation of labor and land into commodities, which had been 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.” Another classic statement of the moral economy argument can be found in E. P. Thompson’s influential article on food riots in eighteenth-century England. Thompson described the violent consequences resulting from the undermining of “paternalist market regulations” that were the institutional expressions of the moral economy in eighteenth-century England. Shifting the focus eastward, James Scott made a similar argument when he identified incorporation into the world market economy as the force that undermined the

13 Karl Polanyi, The Great Transformation (Boston: Beacon Press, 1957). Polanyi argued persuasively that the predominance of the self-regulating, impersonal market historically was a nineteenth-century phenomenon and not a natural component of human behavior. Writing in the mid-twentieth century, Polanyi attempted to show how fascism, socialism, and the New Deal were all responses to the inevitable self-destructiveness of impersonal market forces.
14 Ibid., p. 159.
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moral economy in Southeast Asia. According to Scott, reciprocity, forced generosity, communal land, and work sharing were hallmarks of the moral economy of Southeast Asia until colonialism transformed the region. 16

As I will demonstrate in my analysis of violent disputes, the values and institutions that substantivist economics emphasize were also an integral part of the economic calculus of peasant farmers, tenants, and landlords in China. The economic changes that rippled through China’s agrarian economy during the eighteenth century placed severe pressure on long-held values and conventions that had legitimized and supported property rights. The response of rural inhabitants to the shift in the balance of economic power between land and labor was complicated, but many individuals resisted economic change on ethical grounds in ways that were consistent with moral economy arguments. Violent disputes over property rights can partly be explained in terms of the erosion of these shared beliefs that were incompatible with the newly emerging structure of property rights and economic institutions in the eighteenth century. My objection to the moral economy argument is on historical grounds. As noted, these individuals were locked in struggles with others who did respond to market forces in a manner consistent with assumptions of neoclassical economics, and these struggles occurred in the highly commercialized, preindustrial society of eighteenth-century China, before the nineteenth-century advent of the militant commercial powers of the West.

To understand violent disputes over property in their broader economic context requires a more comprehensive understanding of structure and change in economic history. For this I have relied on the work of Douglass North. Over the past two decades North has elaborated a theory of structure and change in economic history that emphasizes the central place of economic institutions. 17 According to North, the key determinants of historical economic growth include demography, technology, the ideology of a society, and political and economic institutions. The emphasis on institutions and property rights permits North to reconcile the apparent contradictions between neoclassical economic and