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

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Introduction

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 rights in property 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.

I lived and conducted fieldwork among the 800 residents of Moonshadow Pond from 1995 to 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 in the village.

¹ The Hakka are a linguistic and cultural group amongst the 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 in Mandarin), and it refers to the notion that the Hakka are thought to have 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
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 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 utilize the land allocated to them in order 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, in order to earn money as factory workers, cooks, or drivers, and to 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, including 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 can simply not be paid for with the proceeds of subsistence agriculture.

Change in Moonshadow Pond, however, is not only seen through transformations in the ways 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 discovered that there were a number of ongoing disputes in the village over land as well as 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 use rights in land to individuals while ownership rights remained with the collective (Pei 2002, 287). The collectives in which ownership rights reside may

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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).
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 in 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 arenas for 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 in property, 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 any notion that rights in property are easily ascertainable in any society by a quick visit to legal statutes or laws. Rather, many analysts prefer Harold Demetz’s notion that property is rather 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, would be figuring 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 fifty 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 in it are part of many 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. Patricia Ewick and Susan Silbey (1998) use the term “schemas” to discuss the various expectations and understandings that people can hold about how the law works in the United States. “Examples of schemas,” they state, “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….’” (40). When their interviewees talked about the law, they utilized “multiple interpretive schemas” (57). 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.

Such diversity of models has been noted in other Chinese contexts as well. For instance, Barbara Ward (1966), 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 consisted of the conscious model of the observers
Another she called the “ideological model,” since it came from the cultural ideal, and was characterized by her informants as the ideas of the elite.

But what is the content of these models in contemporary China? In his study of moral discourse in a southeastern Chinese village during the Cultural Revolution (late 1960s), Richard Madsen (1984) found that even at the height of collectivism, villagers drew from several different ideological models in their own thinking about morality. They used pre-revolutionary ideas that he called “Confucian” as well as different ideological approaches generated by the revolution itself. Further, whatever elite “paradigms” villagers drew from, it was also clear that they integrated these ideologies into what Ward would call the “home-made model,” moral understandings that they applied themselves 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. Our portal to understanding this, at least insofar as applied to concepts about property, 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 on the page following:

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2 The two primary approaches identified by Madsen (1984) are a Maoist emphasis on complete collectivism and selflessness versus a Liuist approach that he calls “utilitarian individualist.”
Table 1: Characters and Relationships

<table>
<thead>
<tr>
<th>Character</th>
<th>Relationship</th>
</tr>
</thead>
<tbody>
<tr>
<td>Songling and Baoli</td>
<td>landlady and landlord of the author</td>
</tr>
<tr>
<td>Ruolan</td>
<td>Songling and Baoli’s Hong Kong relative (introduced author to Moonshadow Pond, and to Songling and Baoli)</td>
</tr>
<tr>
<td>“Slippery Gao”</td>
<td>village resident who “sells” the collective’s land</td>
</tr>
<tr>
<td>Aojia</td>
<td>former head of the #2 Production Team</td>
</tr>
<tr>
<td>Uncle Wei</td>
<td>Aihua’s husband, former General Secretary of the Production Brigade</td>
</tr>
<tr>
<td>A Hong</td>
<td>village resident, has five sons, married to Baoli’s cousin, center of a number of disputes</td>
</tr>
<tr>
<td>Jian Xi Gong</td>
<td>founding ancestor of Moonshadow Pond (arrived in mid-17th century)</td>
</tr>
</tbody>
</table>

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 onlookers would be free to walk in and out of the house and enjoy the spectacle.

However, this house wasn’t “theirs” in any limited sense of the word. 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 houses also gives them a lot of mianzi [‘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 in order to 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 also 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 homes 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 about these homes similar to those of Songling. “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.”

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I soon learned that in the post-reform era, different conceptions of property abounded in Moonshadow Pond. There 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 since the start of the reform era, and others were bolstered by these 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 in different kinds of property were an ongoing part of daily life. A claim to property 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. 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

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3 The laorenhui, or council of elders, is a group comprising villagers over age sixty. 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
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 #2 Production Team and could not be taken out of use by building a family residence. Then there was another 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 de-collectivization. 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. (As many are aware, this phenomenon, in which an older Chinese man from overseas, Taiwan, or Hong Kong takes on a younger mainland mistress is a social problem recently getting much attention in China). In any case, as Slippery’s story 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 #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 of any such sale anyway? The salacious underpinnings to the story—the mistress, who some said was also pregnant—added to the liveliness of the swirling gossip.

During the course of my fieldwork, all these stories circulated. Everyone had some opinion and no one hesitated to jump into the argument while they were whiling away 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 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.
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 these, we need to digress. Land and property, after all, were the central issue of the revolution itself, and are always central in the life of peasants. The lack of land had been fundamental to peasant support for the revolution. And land reform, collectivization, and the breakup of the collectives had 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 readers through the general details of this history here. But it is important to understand the way these national events were experienced locally, specifically the way they might have influenced contemporary understandings of property and land on the part of village residents—especially those I 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 as 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. Meeting in secret, so as not to give advance warnings 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.

All this took place in about one year, between 1951 and 1952. At the end of the year, every family had been categorized into a number of possible categories derived from the new national law on land. 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 fifty dan of rice from their fields (one dan is equivalent to fifty 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 capitalists, merchants, small peddlers, and workers.

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4 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), and Siu (1989).

5 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.
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 amongst 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 Gazeteer*, there were about 101,911 households in Mei County at the time of land reform in the early 1950s. 4388 of these households 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.” According to the *Mei County Gazetteer*, 1549 landlords and “counter-revolutionaries” were “struggled,” 103 were imprisoned, and six received death sentences in the county as a whole. There were others who fled the country, or who committed suicide and who 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 corporate lineage land of the Songs. 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 which 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 being able to use the land. The proceeds were used to finance yearly observances at the graves of the founders of these lineage branches, as well as to pay for banquets after these yearly ceremonies. Although such corporate lineage land was

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6 In addition, there were 1462 households categorized as rich peasants, 1024 households categorized as merchants, and 639 households categorized as workers or artisans. See *Mei Xian Zhi*, Guangdong Renmin Chuban She (1994): 239–240.
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 he was given a death sentence.\footnote{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...} Later, the mistake was acknowledged, 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 classified because of their landholdings or wealth. Rather, they were classified because of their political activities. Three men had served in the Nationalist army and fled to Taiwan, including Baoli’s brother. Indeed, even now, villagers speak about the counter-revolutionary 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 youths who supported the Communists at the outskirts of the village, and two Communist youths 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, or 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 because of his counter-revolutionary activities.

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

The disastrous results of this period have been well documented. 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 (part of a national effort that produced little in Moonshadow Pond or anywhere else). The ripening rice crop was left to rot on the ground and only the women with small children were left behind to harvest the rice. The first forty days of the canteens people ate to their hearts’ content, 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 more. Their bellies and legs swelled up and they became extremely weak as they contracted edema from lack of food (shuizhong bing).

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8 See Yang (1996) for a particularly solid account of this period.
9 See Yang (1996) for a good summary of the effects of Great Leap policy on the Chinese countryside.
By 1961 the radical egalitarian and voluntarist line underlying the policies of the Great Leap Forward had been discredited by disaster 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 working 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 in order 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 the 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 #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 #2 Production Team, as well as her own, regaling me with stories about the number of loads she could haul each day in order 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 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 would talk about this period, she would make fun of the woman who 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 as for 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

Although its achievements were worked into the leveled 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 amongst families, it was welcomed by almost everyone.

On the eve of de-collectivization, the state officially recognized three types of property—state, collective, and private. In the state’s eyes, urban property is primarily considered state property, while individual incomes and houses are private property. Rural farmland, on the other hand, is primarily considered the property of the collective.\(^{10}\) 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.\(^{11}\) Although shares of land were allocated to each individual who was alive at the time, there was also care taken that each family received land of each of the six types. If they wanted to build a house, they had to apply to the township government for permission, and in law (if not in practice), they were not supposed to build a house on rice paddy land.

\(^{10}\) See *Constitution* (1993) and *Law of Land* (1997).

\(^{11}\) These six types were *shuitian* (irrigated rice paddy land), *qiu di* (for other grains besides rice), *han di* (which was dry land suitable for some crops such as fruit trees), *ziliu di* (the private plots families had already cultivated for their own vegetables since the end of the Great Leap era), *kaihuang di* (wasteland that no one cultivated), and finally *zhuliao di* (areas designated for raising pigs).
Each individual then signed a contract with the township on his or her land. A yearly tax was assessed on the land, and the amount of grain due for each *mou* of land was specified 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. According to the contracts, peasants were not allowed to sell their land, or even to rent it. In regard to the paddy land which 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.”

These contracts were for an amount of land, and not for a specific place. As Laurel Bossen (2002) 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 of land…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” (97).

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 #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 begin 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 had a small store across the street from the school. Soon there were all kind of small shops peppering the village, including small restaurants, a gas station, two tailors, a haircutting shop, a place for making 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 peasants have adjudicated land claims with ad hoc measures (Brandt et al. 2002). A peasant going to work in the city might make his or her own arrangements to cultivate the land (Brandt et al. 2002, 79). Often the person taking responsibility for the land might simply pay tax on that land. In other cases, they might actually pay a cash rent to the original occupant as well.12

In Moonshadow Pond there were several attempts to take account of changing population and family composition in allocating land. There were readjustments in 1984, 1990, and finally in 1997. The addition of new team members through birth, as well as the fact that some land had been taken out of use by highway construction, meant that each team member received slightly less land in 1990 than they had in the initial redistribution in 1980 (.35 mou instead of .50 mou). But these readjustments are becoming harder to make as time goes on because of unalterable facts on the ground. “How can you readjust this land?” Uncle Wei said to me one day in 1995. “People have planted fruit orchards, built houses, and started fishponds. You just can’t readjust anymore.”

12 See Kelliher (1992, 183–84) for a discussion of the political implications of this issue.
Sure enough, in 1997, team members all signed thirty-year contracts on the land, a move that was encouraged throughout China. But this time, the designations remained the same as 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 readjusted 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 one day. “This land will definitely be hers one day.”

A Hong expressed himself succinctly on the same issue: “After thirty years, the land will be mine.”

**Contending Voices and Contending Claims to Property**

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, or residence. Many expressed the opinion that if one migrated to the city, and actually succeeded in acquiring official residency papers for urban residence, then one should also give up claims to land in one’s ancestral village. As such, this notion contradicted the idea that land had essentially turned into nothing less than family property.
For instance, Songling’s sworn sister was a woman we called Aunty 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 an impressive pomelo orchard. But because both held government jobs, they were able to officially change their residence to an urban one. Urban residency would hold future advantages for their children who might want to live in the county capital and apply for urban employment. But changing 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 impermanency of rights in land 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 “production brigade” (dadui).

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 see below, the breakup of collective management coupled with the maintenance of collective ownership inevitably created misunderstandings over who had rights to particular assets.
As electricity came to the village in the late 1970s, agricultural technologies had changed, and the six production teams in the village 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*, a large circular stone that one had to pull round and round as it squeezed the rice kernels underneath it.

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 #2 Production Team’s accountant. And finally, Baoli was the “dry son” of A Gao’s mother-in-law.  

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 got started 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, Sneaky Tao wanted a share of the profits. After all, he said, the machines were in his shed. Baoli and Small Gao used this as their chance to make their move. A Gao built a new shed for them on dry land he had been allocated during the breakup of the collective. Baoli and Small Gao then reasoned that they didn’t need to pay more rent to the production teams. “The machines have either been completely replaced or fixed,” Baoli told me. “So now we just pay electricity tax to the administrative district; we don’t think we need to rent the machines anymore.”

Others clearly didn’t feel the same way. One day in 1995 Baoli and Small Gao came to work and found a lock on the door of the shed. The elders’ council (*laoren hui*) had put the lock there, claiming that

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13 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
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 elected village committee that might mediate conflict had not been implemented 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 the vacuum of authority, but they had no real mandate. 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 in order to deflect attention from his own conflict with the collective. A Hong, it seems, had been allocated extra land from the #2 Production Team in order to build a small shop for his son, who was disabled by polio. When he put a large house over the small shop, however, everyone seemed to have some complaint about the result. Strings of accusations followed in which the issue of land and property meals, but usually there were no other obligations. They might be seen as somewhat parallel to the western practice of godchildren.

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became enmeshed not only in the disagreements over collective versus personal assets, but also in over thirty years of personal relationships. Who had helped whom, 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 understandings and needed to compensate the team. The house A Hong had built, unlike the shop, was not a temporary structure and the land was not part of his originally allocated land. Furthermore, Aihua pointed to yet another son of A Hong, 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 own family, obligations that stemmed from events during the collective era.

The recent disputes with A Hong had rekindled thirty-year old memories in Aihua. During that time, Aihua’s husband (“Uncle Wei”) 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 and earn extra money for his many children. As such, A Hong’s refusal to recognize any jurisdiction on the part of the production team in the present was more than a legal issue for Aihua, but a personal one, a failure to remember the sacrifices Wei Ba had made on A Hong’s behalf. So, within 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, in order 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 was also a member of the #2 Production Team. She had taken over a piece of dry land that wasn’t considered prime agricultural land. Through hard work and stewardship, she had turned the land into 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 this context—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 importantly, 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 8000 yuan. This was a sizable sum in the context of Moonshadow Pond in the mid 1990s, certainly more than most factory workers could earn in a year. Further, this land was rice paddy land belonging to the #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 housed 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 house building on that 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 “wet land” that was needed for rice growing (and more thoroughly regulated because of its national importance). House building was allowed on dry land only, but Slippery had traded his share of dry land with Sneaky Tao. Now, stuck with the rice 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 8000 yuan would take care of the thirty 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 rice paddy land was traded, the original user of the land would still be culpable 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.15 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 hardly consensus.

In the midst of the controversies over Slippery’s land, the township government finally chimed in. The land, they said, could only be used for school related activities, or it could remain as rice paddy land.

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15 Says Daniel Kelliher (1992), “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...
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 discussion was irrelevant.

To complicate matters further, 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 surmounted the law. It was not the law that stopped him, they said, but his personal relations, which were usually described as sorely lacking. “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 (or pinu), she had only 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, but 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 the reality.

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

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” (178).
“If we had money,” Slippery told me, “we could ‘buy the road.’” (This expression—*mai lu*—was often used to refer to the strategic use of payoffs to cadres and administrative officials in order 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 the land. 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 document, a handwritten note signed by Slippery, stated that his cousin would be “allowed” (*rang*) to use the land. The cousin, in a second document, pledged to hand over 8000 yuan to Slippery, on behalf of their “brotherly connection and feelings” (*ganqing*). 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 8000 yuan for the same purpose). Finally, there was a fourth document. Here Slippery and his cousin pledged that the 8000 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 was “sold.” And, in fact, the final document tried to disconnect any transfer of money between Slippery and his cousin to 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 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 someone’s right to a particular piece of property.

In the end, Slippery was not able to simply dispense with “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, notions of potential individual gain from 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.

In other instances, such as that of Baoli and Small Gao, there has been no final determination. 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 relationships) that have protected them. Baoli is viewed in the community as mild mannered and dependable. Or, it could be their better connections, since Small Gao’s father was once the brigade
head. (This contrasts with Slippery’s lack of power or connections). Further, as we saw, 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, Baoli and Small Gao have avoided the universal offense to sensibilities that Slippery so unfortunately fell into. Or perhaps a “machine” still seems less significant to community members than land itself.

In her work on heteroglossia in American culture, Claudia Strauss (1997) 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. 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. 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 served to solidify certain understandings of this regime, and these understandings have continued to value at least some collective resources.
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